



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MAY 9 AND 10, 2013**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – May 9, 2013

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

The following Board Members were present: President Tom Van Hassel, Vice President Jim Foy, Kyra Locnikar, Reuben Minkus, John Musil, and Nona Rosas. The following Board Members were not present: William Francis and Dennis McAllister. The following staff members were present: Compliance Officers Rich Cieslinski, Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dennis Waggoner, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 9, Schedule O, Consent Agreements for Douglas Massey and David Harris.

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 5, Schedule K, Application for Resident Pharmacy Permit for CVS Pharmacy #10150.

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 10, Schedule P, Conference for Complaint #4213.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 11, Schedule Q, Complaint #4192, #4193, and #4194.

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 Ms. Rosas** the minutes of the Regular Meeting held on March 20, 2013 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Consent Agenda

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

4. (1) Resident Pharmacy Permits – Schedule A RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
QoL Meds, LLC	3862 N. 27 th Ave., Phoenix, AZ 85017	QoL Meds
Estrella Pharmacy	9305 W. Thomas, Ste.185, Phoenix, AZ 85037 (O)	Mohammed Hassanein-Elmembabi
Wal-Mart Pharmacy #10-3884	3435 E. Broadway Blvd., Tucson, AZ 85716	Wal-Mart Stores, Inc.
Ranch Pharmacy	3415 W. Glendale Ave., Suite 27A, Glendale, AZ 85051	HSP Inc.
Wal-Mart Pharmacy #10-2657	6085 W. Chandler Blvd., Chandler, AZ 85226	Wal-Mart Stores, Inc
Banner Apache Junction Medical Center	2050 W. Southern Ave., Apache Junction, AZ 85120 (O)	Banner Health
Banner Family Pharmacy – Thunderbird	5555 W. Thunderbird Rd., Glendale, AZ 85306	Banner Health

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
Brown's Compounding Center	10259 S. Parker Rd., #105, Parker, CO 80134	Darby and Kristen Brown
US Bioservices	345 International Blvd., Suite 200, Brooks, NY 40109	HIS XXX Acquisition, Inc.
Northern Rx., LLC	2012 E. Northwest Hwy. , Arlington Heights, IL 60004	Jupiter Health Holding LLC
Select Rx, LLC	165 Veterans Way, Warminster, PA 18974 (O)	McKesson Corporation

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
Biomed Health Solutions LLC	23815 Northwestern Hwy., Suite 100, Southfield, MI 48075	Biomed Health Solutions LLC
Advanced Infusion Solutions	132 Fairmont St., Ste. B , Hinds, MS 39056	Bond Pharmacy Inc.
Medi Home Infusion	171 B Monroe Lake, Suite A Lexington, SC 29072	Sunrise Med Inc.
University Compounding Pharmacy	1765 Fourth Ave. , San Diego, CA 92101	4 th Street Pharmacy, Inc.
Pharmaceutical Specialties Express	150 Cleveland Rd., Suite B Bogart, GA 30622	Pharmaceutical Specialties, Inc.
Custom Rx, LLC	3510 N. Ridge Rd., Ste. 900 Wichita, KS 67205	Custom Rx, LLC
Legacy Pharmacy	2050 Springdale Rd., Cherry Hill, NJ 08003	Jonathan Morton
BriovaRx	1100 Lee Branch Lane Birmingham, AL 35242	Briovax, LLC
Diabetes Specialty Center LLC	3744 S. Secord St. Salt Lake City, UT 84115	Diabetes Specialty Center LLC
Florida Pharmacy Solutions, Inc.	13933 17 th St., Suite 300 Dade City, FL 33525	Florida Pharmacy Solutions, Inc.
Kubat Custom Health Care Inc.	4924 Center St., Omaha, NE 68106	Kubat Custom Health Care, Inc.
Vicksburg Special Care Pharmacy & Compounding, LLC	4079 Pemberton Blvd., Vicksburg, MS 39180	Vicksburg Special Care Pharmacy & Compounding, LLC
Life Watch Pharmacy	1838 Elm Hill Pike #117 Nashville, TN 37210	Life Watch Pharmacy
Walgreens Store #1151	8325 S. Park Circle, Suite 201 Orlando, FL 32819	Walgreen Co.
Specialty Therapeutic Care LP	6610 W. Sam Houston Pkwy Houston, TX 77041	Specialty Therapeutic Care LP
Prosperity Specialty Pharmacy	2924 Telestar Ct., Falls Church, VA 22042	Specialty Rx, Inc.

4. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Animal Health International, Inc. (Full Service)	550 E. Frye Rd., Chandler, AZ 85225 (O)	Animal Health International, Inc.
Best Buy Dental Supply (Full Service)	16585 N. 92 nd St., #101, Scottsdale, AZ 85260	Paul Myers

(O) = Ownership Change

4. (4) Resident Manufacturer Permits – Schedule D

RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
PruGen, Inc. (Labeler)	8714 E. Vista Bonita Dr., Scottsdale, AZ 85255	PruGen, Inc.

4. (5) – New Pharmacists – Schedule E

The Board approved the 57 New Pharmacist Licenses listed on the attachments.

4. (6)– New Interns – Schedule F

The Board approved the 54 New Intern Licenses listed on the attachments.

4. (7) – New Pharmacy Technicians – Schedule G

The Board approved the 945 Technicians listed on the attachments.

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

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

Dechelle Alvidrez	Christine Arelianes	Katerina Atanasovski
Laura Ann Bear-Wheat	Jolinsia Begay	Jayrondo Benally
Julia Bird	Sonia Bivens	Jarte Bogale
Megan Brewer	Rachel Bridges	Ramon Celaya
Fabian Chacon	Jeremy Chaloux	Arturo Chavez Jr.
June Cole	Angela Cuevas	Daniel Davis
Tyrone Davis	Nicole Ebdon	Celina Echeverria
Rachel Evartt	David Farmer	Stephanie Field
Nadia Fonseca	Devren Freestone	Keith Galvan
Chelsey Gomez	Angela Gonzalez	Starla Goodman
Amy Grant	Althea Gregg	Elizabeth Gutierrez
Devon Habetler	Rosio Haro	Heather Huffman
Samantha Inman	Geraldine Jimmy	Cyril Jimoh
Rebecca Johnson	Natalie Juvera	Nicole Kariker
Mary Kinney	Erin Lincoln	Baltazar Lozano Jr.
Courtney Madden-Johnson	Laura Marquez	Carole Martin
Brenda Marucha	Jason Mcaddley	Adam Mesa
Vivian Mesi	Megan Mitchell	Eduardo Moldez
Shaina Moran	Zackary Murn	Tiffanie Neely
Gina Nelson	Michilena Newbery	Daniel Ngo
Tonya Opoka	Patricia Ortiz Cuevas	Arnold Ovalle
Solomon Padilla	May Pchakjian	Jennifer Peika
Veronica Portillo	Luke Rempei	Rachel Romero
Juan Rosario	James Sam	Patti Scott
Falguni Shah	Barbara Hernandez	Robin Stewart
Amber Strong	Theresa Svoboda	Tiffany Tautimez

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

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

Michael Theisen	Kevin Tiemeyer	Javier Torres
Carleen Tully	Karina Valenzuela	Megan Wakimoto
Jessica Westbrook – Douglas	Nichole Wilber	Cassidy Willard
Delorian Williams	Kassie Zachman	Sadiga Zainullabadin

4. (9) – Consent Agreements – Schedule I

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:

Khang Nguyen	-	13-0006-PHR
Justine Liberato	-	13-0009-PHR
Amanda Jade	-	13-0010-PHR
Brianna Williams	-	13-0011-PHR
Christa Winborn	-	13-0015-PHR

4. (10) – Complaints with No Violations – Schedule J

The Board unanimously agreed to dismiss the following complaints:

Complaint #4198	Complaint #4199	Complaint #4204
Complaint #4205	Complaint #4207	

AGENDA ITEM 5– Resident Pharmacy Permits – Schedule K

1. CVS Pharmacy #10150

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

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

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
CVS Pharmacy #10150	28535 N. North Valley Pkwy., Phoenix, AZ 85085	German Dobson CVS, LLC

2. Broadway Pharmacy

President Van Hassel stated that a representative from Broadway Pharmacy was present to answer questions from Board Members

Obinna Akubukwe, Pharmacist in Charge and Owner, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicant why he was appearing in front of the Board. Mr. Akubukwe stated that he is planning on opening a new retail pharmacy.

Mr. Van Hassel asked Mr. Akubukwe about his retail experience. Mr. Akubukwe stated that he has worked at retail pharmacies in Texas, Michigan, and Arizona.

Mr. Van Hassel asked Mr. Akubukwe if this is the first retail pharmacy that he has owned. Mr. Akubukwe replied yes.

Mr. Van Hassel asked Mr. Akubukwe if he anticipates compounding any medications. Mr. Akubukwe stated that he would only be doing general compounding and would not be doing any sterile compounding.

3. Mohave Pharmacy LLC

President Van Hassel stated that a representative from Mohave Pharmacy was present to answer questions from Board Members

Ernst Kruger, Pharmacist in Charge and Owner, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicant why he was appearing in front of the Board. Mr. Kruger stated that he is opening a retail pharmacy in Fort Mohave.

Mr. Van Hassel asked Mr. Kruger if he is the sole owner. Mr. Kruger stated that he is the Pharmacist in Charge and the owner. Mr. Kruger stated that there is also a minority partner.

Mr. Van Hassel asked Mr. Kruger if he plans to do any compounding. Mr. Kruger stated that he would do some compounding but he would not be doing any sterile compounding.

Dr. Foy asked Mr. Kruger how many employees he plans to employ. Mr. Kruger stated that there would be three employees.

Dr. Foy asked if there was adequate space and counter space for three employees. Ms. Frush stated that he has adequate space for three employees.

4. Sterling Medical

President Van Hassel stated that a representative from Sterling Medical Pharmacy was present to answer questions from Board Members

Bryan Krueger, Pharmacist in Charge and Owner, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicant why he was appearing in front of the Board. Mr. Krueger stated that is opening a new pharmacy specializing in diabetic needs.

Mr. Van Hassel asked Mr. Krueger if he has owned other pharmacies. Mr. Krueger stated that he had owned two other pharmacies and closed the pharmacies and sold the files for the two stores to Walgreens.

Mr. Van Hassel asked if this was to be a limited service pharmacy. Mr. Krueger stated that he had submitted the application for a limited service pharmacy but would like to change that to an Independent Pharmacy.

Mr. Van Hassel asked Mr. Krueger about his business model. Mr. Krueger stated that the pharmacy would specialize in diabetic needs and supplies.

Mr. Van Hassel asked Mr. Krueger how he would obtain his prescriptions. Mr. Krueger stated that the prescriptions would come from doctor offices and patients.

Mr. Van Hassel asked if there would be walk-in patients. Mr. Krueger stated that there would be very few walk-in patients because they plan to mail most prescriptions to the patients.

Dr. Musil asked Mr. Krueger where walk-in patients would enter the pharmacy. Mr. Krueger stated that he planned to add a door where patients would enter the pharmacy into a waiting area.

Mr. Van Hassel asked Mr. Krueger if he was the sole owner. Mr. Krueger replied that there is another partner and his name is James Ro.

Mr. Van Hassel asked Mr. Krueger if he plans on compounding any medications. Mr. Krueger replied no.

Dr. Foy asked Mr. Krueger if he was ever denied a permit. Mr. Krueger replied no.

5. VPEX Management

President Van Hassel stated that representatives from VPEX Management were present to answer questions from Board Members

Bill Barre, Vice President of Business Development, Medimpact and Roger Morris, Legal Counsel for VPEX were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicants to explain their business model.

Mr. Barre stated that they are applying for a limited service pharmacy application. Mr. Barre stated that they have removed the waiver requests that they had previously requested at the

last Board Meeting.

Mr. Barre stated that they would be a non-dispensing Limited Service pharmacy. Mr. Barre stated that they would intake the prescriptions and route to a fulfillment pharmacy.

Mr. Barre stated that they would maintain all transactions and patient information.

Mr. Barre stated that they would have shared service contracts with the fulfillment facilities.

Dr. Musil asked if VPEX would be managing Medimpact patients. Mr. Barre replied yes.

Dr. Musil asked if an allergy is detected what would happen. Mr. Barre stated that they would have technicians enter the prescriptions and if an allergy is detected a pharmacist at their limited service pharmacy would manage the allergy with the patient and the prescriber.

Mr. Morris stated that this would be a fully functional front end pharmacy with shared service agreements for fulfillment.

6. SmartPractice Allergen Bank, LLC

President Van Hassel stated that representatives from SmartPractice Allergen were present to answer questions from Board Members

The following individuals were present to answer questions: Dr. Curt Hamman, MD, President of SmartHealth, Kim Sullivan, Vice President of Regulatory and Research, and Roger Morris, Legal Counsel for SmartPractice Allergen.

President Van Hassel asked the applicants to explain their business model. Dr. Hamman stated that they are applying for a limited service permit to compound and dispense prescriptions for employees.

Dr. Hamman stated that they would be doing non-sterile compounding for doctors to use in patch testing.

Dr. Hamman stated that the test patches that they currently manufacture are sold as biologics and are distributed by wholesalers.

Dr. Hamman stated that they plan to compound products to place in chambers for patch testing. Dr. Hamman stated that these products would be compounded for an individual patient pursuant to a prescription and then sent to the patient's doctor and the doctor would apply the patch.

Mr. Van Hassel asked if anything would be added to the patch container once it left the pharmacy. Dr. Hamman stated that some allergens are not stable if they are exposed to air. Dr. Hamman stated that in this situation the allergen would be put into a capsule and the doctor would apply the allergen to the container.

Dr. Musil asked who would be ordering these capsules. Dr. Hamman stated that the patch tests would be ordered by allergists and dermatologists.

Mr. Van Hassel asked Dr. Hamman if he is a practicing physician. Dr. Hamman stated that he is a licensed physician.

Mr. Morris stated that Dr. Hamman is aware that he cannot write prescriptions that would be filled by the pharmacy.

Dr. Foy asked Dr. Hamman if they have hired a Pharmacist in Charge. Dr. Hamman stated that they have not hired a pharmacist because they were waiting until they received approval from the Board.

7. Medical Arts Long Term Care Pharmacy and Medical Supply

President Van Hassel stated that representatives from Medical Arts Long Term Care Pharmacy was present to answer questions from Board Members

Daniel Stevens, Pharmacist in Charge, and Yefim Iskhakov, Owner, were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicants why they was appearing in front of the Board. Mr. Stevens stated that the pharmacy has had a change of ownership.

President Van Hassel asked if the new owner was a pharmacist. Mr. Stevens replied no.

President Van Hassel asked Mr. Stevens to describe their business model. Mr. Stevens stated that they service assisted living homes and nursing facilities.

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously approved the following Resident Pharmacy Permits:

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Broadway Family Pharmacy PLLC	6006 S. Central Ave., Phoenix, AZ 85042	Broadway Family Pharmacy PLLC
Mohave Pharmacy LLC	5225 Hwy 95 #9, Fort Mohave, AZ 86426	Mohave Pharmacy LLC
Sterling Medical	3021 S. 35 th St., Suite B4, Phoenix, AZ 85034	Bryan Krueger
VPEX Management	8150 S. Kyrenne #205, Tempe, AZ 85284	VPEX Management, LLC
SmartPractice Allergan Bank, LLC	3400 E. McDowell Rd., Phoenix, AZ 85008	SmartPractice Allergan Bank, LLC
Medical Arts Long Term Care Pharmacy and Medical Supply	1580 N. Fiesta Blvd., #103, Gilbert, AZ 85233 (O)	BNR Healthcare Corp.

AGENDA ITEM 8 -Special Requests- Schedule L

#1 James Peterson

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

President Van Hassel opened the discussion by asking Mr. Peterson why he was appearing in front of the Board.

Mr. Peterson stated that he is requesting that the Board terminate his probation.

Dr. Foy asked if the reports have been submitted. Ms. Frush stated that the reports have been submitted.

Mr. Van Hassel asked Mr. Peterson if he has a job. Mr. Peterson stated that he does have a job lined up. Mr. Peterson stated that he has just started working recently.

On motion by Dr. Musil and seconded by Dr. Foy, the Board unanimously approved the request by Mr. Peterson to terminate the probation of his pharmacist license imposed by Board Order 08-0042-PHR.

#2 Rosalie Canaya

Rosalie Canaya appeared on her own behalf to request that the probation imposed on her pharmacy technician license per Board Order 08-0032-PHR be terminated. Lisa Yates from the PAPA program was also present.

President Van Hassel opened the discussion by asking Ms. Canaya why she was appearing in front of the Board. Ms. Canaya stated that she would like the Board to terminate her probation.

Mr. Van Hassel asked Ms. Canaya about her experience with PAPA. Ms. Canaya stated that PAPA has taught her how to be accountable and responsible. Ms. Canaya stated that it has been a positive experience and has impacted her life.

Mr. Van Hassel asked Ms. Yates about Ms. Canaya's participation in the program. Ms. Yates stated that Ms. Canaya has gone beyond what most participants do in the program. Ms. Yates stated that she has helped others in the program and has started new self-help groups. Ms. Yates stated that she has done an excellent job.

Mr. Van Hassel commended Ms. Canaya for being the first pharmacy technician to complete the program.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously approved the request by Ms. Canaya to terminate the probation of her pharmacy technician license imposed by Board Order 08-0032-PHR.

#3 Thomas Castaneda

Thomas Castaneda appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0049-PHR be terminated. Lisa Yates from the PAPA program was also present.

President Van Hassel opened the discussion by asking Mr. Castaneda why he was appearing in front of the Board. Mr. Castaneda stated that he is asking that the Board terminate the probation on his license.

Mr. Van Hassel asked why his license was placed on probation. Mr. Castaneda replied for substance abuse.

Mr. Van Hassel asked Ms. Yates about Mr. Castaneda's participation in the program. Ms. Yates stated that Mr. Castaneda has remained compliant with his contract throughout the program.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously approved the request by Mr. Castaneda to terminate the probation of his pharmacist license imposed by Board Order 08-0049-PHR.

AGENDA ITEM 9– License Applications Requiring Board Review – Schedule M

#1 Irving Reitzenstein

Irving Reitzenstein appeared on his own behalf to request to proceed with reciprocity.

President Van Hassel opened the discussion by asking Mr. Reitzenstein why he was appearing in front of the Board.

Mr. Reitzenstein stated that he had passed the NAPLEX exam and in between the time that he was approved to take the law exam he received a citation from the California Board.

Mr. Van Hassel asked Mr. Reitzenstein why he received a citation from the California Board. Mr. Reitzenstein stated that it was for a variation on a prescription. Mr. Reitzenstein stated that they had an order to prepare lomustine capsules. Mr. Reitzenstein stated that in retrospect they found out that the formula was incorrect. Mr. Reitzenstein stated that the technician weighed the powders and he checked the product before and after the preparation. Mr. Reitzenstein stated that he did not read the directions carefully enough and they prepared lomustine 20mg capsules instead of lomustine 2mg. Mr. Reitzenstein stated that the capsules were provided to a veterinary oncology unit and two pets died.

Mr. Van Hassel asked about his license status with the California Board. Mr. Reitzenstein stated that he has paid his fine. Mr. Reitzenstein stated that policies have changed at the pharmacy.

Mr. Van Hassel asked Mr. Reitzenstein if he plans to move to Arizona. Mr. Reitzenstein stated that he would like to move to Arizona or Florida when he retires and would like to work part-time.

On motion by Dr. Musil and seconded by Ms. Locnikar, the Board unanimously agreed to approve the request by Mr. Reitzenstein to proceed with reciprocity.

#2 Janice Erickson

Janice Erickson appeared on her own behalf to request to proceed with reciprocity.

President Van Hassel opened the discussion by asking Ms. Erickson why she was appearing in front of the Board. Ms. Erickson stated that she would like to reciprocate her license to Arizona.

Ms. Erickson stated that she had submitted an application and was requested to appear. Ms. Erickson stated that she believes that the current status of her license in Utah is under probation but her license verification says it is active. Ms. Erickson stated that she is given short term expiration dates.

Ms. Erickson stated several years ago that the pharmacy where she was the pharmacist in charge was inspected by the DEA and it was found that there were paperwork issues. Ms. Erickson stated that there was no criminal activity.

Ms. Erickson stated that they were a compounding pharmacy that was custom-making medications. Ms. Erickson stated that some of the medications were patient specific and some were for clinic use. Ms. Erickson stated that controlled substances require a different paperwork if a medication is made for clinic use. Ms. Erickson stated that they were requiring hard copies of prescriptions for clinic use for CII prescriptions instead of a DEA 222 form. Ms. Erickson stated that they were dispensing on hard copy prescriptions. Ms. Erickson stated that CIII through CV prescriptions must be on an invoice and not prescriptions. Ms. Erickson stated that the pharmacy had to surrender their DEA license for paperwork issues.

Mr. Van Hassel asked Ms. Erickson if her personal license is currently under review in Utah. Ms. Erickson stated that she believes that her license was placed under review and has been in that status for many years. Ms. Erickson stated that there have been no specifics on the case. Ms. Erickson stated that there were paperwork issues that have been corrected.

Mr. Van Hassel asked Ms. Erickson if she has any paperwork. Ms. Erickson stated that she does have paperwork and can forward the paperwork to the Board.

Mr. Van Hassel asked if Ms. Erickson plans to move to Arizona or if this is part of a multi-state licensure for the veterinary business. Ms. Erickson stated that it is for multi-state licensure for their pharmacy.

Mr. Van Hassel stated that at this time the Board would table the request from Ms. Erickson to proceed with reciprocity until the Board receives the necessary paperwork from Ms. Erickson.

#3 Jennifer Jen

Jennifer Jen appeared on her own behalf to request to proceed with pharmacy technician trainee licensure.

President Van Hassel opened the discussion by asking Ms. Jen why she was appearing in front of the Board. Ms. Jen stated that she is requesting approval from the Board to obtain a pharmacy technician trainee license.

Ms. Jen stated that she currently has a felony conviction on her record. Ms. Jen stated that the felony was for forgery of a check. Ms. Jen stated that she had been going through some rough times. Ms. Jen stated last August her mother had broken her femur. Ms. Jen stated that her father was paying a lot of medical bills. Ms. Jen stated that she knew it was wrong and in poor judgment forged a check to help her father pay the medical bills. Ms. Jen stated that she accepts responsibility for her actions. Ms. Jen stated that she regrets this and has learned from her mistake. Ms. Jen stated going forward she does not want to do anything related to finances or accounting. Ms. Jen stated that she has wanted to do something in pharmacy and did not have the opportunity. Ms. Jen stated that she likes helping others. Ms. Jen stated that she enrolled in Pima Medical Institute and plans to graduate in their nine month program which would be the end of January next year. Ms. Jen stated that in order to graduate from the program she would need a pharmacy technician trainee license to complete her internship program.

Mr. Van Hassel asked if the forgery case was her only legal issue. Ms. Jen stated that she had a misdemeanor charge in 2008.

Mr. Van Hassel asked how much money was involved in the recent forgery. Ms. Jen replied \$1,800.00. Ms. Jen replied that the case is still pending and the sentencing is this month. Ms. Jen stated that she spoke to the Probation department and her attorney and they believe that she will probably be sentenced to two years probation.

Mr. Minkus stated that he does not know Ms. Jen but does know where the incident occurred and would like the Board to know that it would not affect his decision in any way.

Dr. Foy asked Ms. Jen about her other issues with the law in previous years. Dr. Foy asked about the charge in 2001. Ms. Jen stated that was a shoplifting charge. Ms. Jen stated that was when she worked in a call center and had to do with the friends she made. Ms. Jen stated that growing up her parents were strict and the last few years she has rebelled. Ms. Jen stated that she has taken responsibility for what she has done. Ms. Jen stated that she wants to prove to everybody that she is a good person.

Dr. Foy asked why she wanted to pursue a career in pharmacy. Ms. Jen stated that in high school she volunteered and did some work with a pharmacist. Ms. Jen stated that she likes to take of people. Ms. Jen stated that a position in the medical field would help in taking care of her parents.

Mr. Van Hassel asked about the 2008 charges and the amount of money taken. Ms. Jen stated that she took a large amount of money. Ms. Jen stated that her sister had medical issues and her dad had a lot of medical bills to pay. Ms. Jen stated that was when she first took money from her employer. Ms. Jen stated that her intentions were good and she was not thinking about what the consequences would be. Ms. Jen stated that the second time it occurred this year she was aware of what she was doing. Ms. Jen stated that when she went to fix the situation this year it was too late.

Ms. Jen stated that she has been seeking counseling. Ms. Jen stated that she has been seeing a psychiatrist. Ms. Jen stated that he is trying to help her seek the root cause. Ms. Jen stated that she feels that if she doesn't have enough money then she would not be able to help her parents. Ms. Jen stated that she does not want to live her life like that. Ms. Jen stated that she is dedicated to those changes.

Mr. Minkus asked Ms. Jen what she has been doing the last five years. Ms. Jen stated that she went to school for additional accounting classes. Ms. Jen stated that she has worked at various positions doing bookkeeping.

Mr. Minkus asked Ms. Jen where the money came from when she had to pay restitution. Ms. Jen stated that the money that she took she did not do anything with the money. Ms. Jen stated that she put the money in a bank account. Ms. Jen stated that she did not do anything with the money. Ms. Jen stated that is why she had that amount to pay back.

Mr. Minkus stated that it is confusing because she had stated that she needed the money to pay the bills for her parents. Ms. Jen stated that part of the money she did not use. Ms. Jen stated that her dad had to help her pay the majority of the money.

Mr. Minkus asked Ms. Jen how the Board would know that the cycle is broken. Ms. Jen stated that it is really a hard lesson for her to learn. Ms. Jen stated that she does not think of her actions and the consequences. Ms. Jen stated that going forward she must think about what she is doing and the outcome.

Ms. Jen stated that she wants to go into a different field because she knows how she could be if she stayed in the accounting industry. Ms. Jen stated that she wants to go into the medical field because helping others gives her a sense of joy.

Dr. Musil asked why she did not have her psychiatrist send a support letter to the Board. Ms. Jen stated that she could have him provide a letter to the Board. Ms. Jen stated that she is grateful for all the support because it gives her the drive to be a better person.

On motion by Dr. Foy and seconded by Ms. Locnikar, the Board unanimously agreed to deny Ms. Jen's pharmacy technician trainee application under A.R.S. § 32-1923.01 (A) (1).

#4 Marian Talmon

Marian Talmon appeared on her own behalf to request to proceed with pharmacy technician trainee licensure.

President Van Hassel opened the discussion by asking Ms. Talmon why she was appearing in front of the Board. Ms. Talmon stated that she is requesting approval from the Board to obtain a pharmacy technician trainee license.

Mr. Van Hassel asked Ms. Talmon why she was applying for a pharmacy technician license. Ms. Talmon stated that she has a nursing license that is on probation and she has not been able to find work for five years. Ms. Talmon stated that she completed a re-entry program figuring that would help her find a job. Ms. Talmon stated that if your license is on probation no one will hire you.

Ms. Talmon stated that she wanted to stay in the medical profession and Target has given her the opportunity to move into the pharmacy department.

Mr. Van Hassel asked Ms. Talmon if she is currently employed by Target. Ms. Talmon replied yes. Ms. Talmon stated that she has worked there four years. Ms. Talmon stated that she works on the sales floor prepping the ad. Ms. Talmon stated that she has a letter from her team leader at Target.

Mr. Van Hassel asked about her nursing licenses. Ms. Talmon stated that her Nurse Practitioner license has expired because she did not have patient hours to renew her license. Ms. Talmon stated that her nursing license has been renewed when she took the re-entry course but is on probation.

Mr. Van Hassel asked about the unfinished charts and problems with the work schedules. Ms. Talmon stated that she had an employer that found some unfinished charts three years after she left her employment and filed a complaint against her. Ms. Talmon stated that at the time she had a lot of personal issues. Ms. Talmon stated that she did go and finish the charts and she did not do them in a timely fashion.

Mr. Van Hassel asked about the problems with arriving to work on time. Ms. Talmon stated that she was not on the proper medication at the time and has been on the proper medication for the last four years. Ms. Talmon stated that she has been punctual at Target.

Dr. Musil asked about the findings in the Nursing Board Order that she worked without supervision. Ms. Talmon stated that she had to work under site supervision. Ms. Talmon stated that when she called the Board to ask what would happen if the supervising doctor was not in the office. Ms. Talmon stated that she was told that as long as the doctor was present 90% of the time that was fine. Ms. Talmon stated that the doctor she was working under ended up in the hospital and she kept working thinking that she was okay. Ms. Talmon stated that the Board told her that was not told to her. Ms. Talmon stated that when she went back to the Board to ask

them to amend her order they told her the same thing. Ms. Talmon stated that the Board reassured her that it was 90% of the time.

Dr. Musil asked Ms. Talmon why she kept working if the Board Order stated that she had to be supervised and the doctor was hospitalized. Ms. Talmon stated that her understanding from the Board was that it did not have to be 100% of the time that 90% of the time was acceptable.

Dr. Musil asked how the doctor was going to supervise her work if he was hospitalized and was not present for any percentage of time. Ms. Talmon stated that the doctor was present up to that point of time and she continued to work because she did not know how long she was going to be in the hospital.

Mr. Lee stated that in Board Orders 90% of the time would be during the work shift and not the month or year. Mr. Lee stated that the intention of the Board Order was to be 90% of that day.

Ms. Locnikar asked Ms. Talmon about the mandate to seek psychiatric care. Ms. Talmon stated that the Nursing Board receives records every three months. Ms. Locnikar asked if the Board had received any of those records.

Mr. Lee stated that the Board could receive those records upon request. Mr. Lee stated that the records would be subject to confidentiality. Ms. Talmon stated that the doctor releases those records every three months.

Ms. Locnikar asked Ms. Talmon how long she is on probation. Ms. Talmon stated that she has to work two years to get off probation. Ms. Talmon stated that she cannot get a job because she is on probation.

Ms. Locnikar asked Ms. Talmon why she cannot find a job. Ms. Talmon stated that the hospitals will not hire anyone on probation. Ms. Talmon stated that everywhere she has applied she has been told that they do not accept probationary licenses.

Mr. Van Hassel asked Ms. Talmon if she could get a letter from her psychiatrist stating that they are supportive of her entering this type of work environment. Ms. Talmon stated that she could have a letter sent to the Board.

Dr. Foy asked for a letter from her immediate supervisor on her job performance.

The Board Members decided to table Ms. Talmon's request until the letters are received and will review the letters at the next Board Meeting.

AGENDA ITEM 8– Reports

PAPA Report – Schedule N

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-six (46) participants in the PAPA program. Ms. Yates stated that since her last report on

March 20, 2013, there has been two (2) participants that have completed the program and there has been one (1) new person that has entered the program.

Ms. Yates stated that there are two concerns at this time. The Board Members discussed the concerns.

AGENDA ITEM 9 – Consent Agreements – Schedule O

Dr. Musil was recused due to a conflict of interest

On motion by Dr. Foy and seconded by Ms. Rosas, 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:

Douglas Massey	-	13-0013-PHR
David Harris	-	13-0014-PHR

AGENDA ITEM 10 – Conferences – Schedule P

Conference 1– Complaint #4173 and #4174

The following individuals were present to discuss the complaint:

Gary Sohm – Pharmacist in Charge - Respondent
Stephanie Wernsman –Pharmacy Supervisor – Representative for the Permit Holder –
Witness
Lee Ellershaw – Pharmacy Supervisor – Witness

President Van Hassel asked Mr. Hunter to give a brief overview of the complaints. Both of the complaints occurred at the store.

Complaint #4173

Mr. Hunter stated the complainant stated that her prescription for Valsartan-HCTZ 80/12.5mg was filled with Venlafaxine ER 75mg. The complainant stated that she took the medication for 2 days but suffered no ill effects. The medication was returned to the pharmacy and the complainant received the correct medication. The pharmacy responded that the prescription was correctly entered and correctly filled, however, the pharmacy technician put the wrong label on the container. The pharmacist failed to catch the error at verification.

Complaint #4174

Mr. Hunter stated that the complainant stated that her prescription filled for Risperidone 0.25mg. The complainant stated that her bottle contained Zolpidem 10mg. The pharmacist filled the prescription and placed the wrong label on the container. The same pharmacist failed to catch the error at verification.

President Van Hassel asked the respondents to address the complaint.

Mr. Sohm stated that he has been a pharmacy manager for 22 years and has taken steps to prevent the errors from occurring. Mr. Sohm stated that all the employees have signed the Company's Best Practice agreement and have watched the videos. Mr. Sohm stated that they have developed a quarterly action plan. Mr. Sohm stated that they are trying to keep the work stations clutter free. Mr. Sohm stated that the pharmacist would take the refusal of counseling and if the patient refuses counseling the pharmacist would still check the medication in the vial.

Dr. Foy stated that he does not believe that the root cause of the problem has been found.
Dr. Foy stated that it appears that there is a breakdown in following policies.

Mr. Ellershaw stated that if the best practices are followed the errors would not occur.
Mr. Ellershaw stated that if the person were distracted and followed the best practices the errors would not occur.

Dr. Foy asked if the technician was filling several medications at a time. Mr. Ellershaw stated that the technician should complete one prescription at a time. Mr. Ellershaw stated that a barcode is scanned and the drug is pulled. Mr. Ellershaw stated that in the basket there should be the order, the medication, and the label. Mr. Ellershaw stated that the person filling the prescription would scan the bottle and the stock bottle. If the scan is correct then the bottle is checked by the pharmacist to insure the correct medication is in the bottle. Mr. Ellershaw stated that once the one prescription is completed the pharmacist or technician would move to the next prescription.

Mr. Sohm stated that they have worked with the pharmacist to keep her work area clean. Mr. Sohm stated that the pharmacist would leave all the stock bottles in her work area and it would have been easy for her to pick up the wrong bottle. Mr. Sohm stated that the stock bottles are placed in a basket and removed from the work space.

Dr. Foy asked if they completed one prescription at a time. Mr. Ellershaw stated that it is in best practices and it is a discrete step to complete one prescription at a time and not to scan a bunch of prescriptions at one time to get the labels.

Dr. Foy asked if the staff did not follow the steps in place. Ms. Wernsman stated that the best practices were reviewed with the staff and it is the company expectation that they would follow the best practices.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously agreed to dismiss the complaint against the permit holder and the pharmacist.

Conference 2– Complaint #4187

The following individuals were present to discuss the complaint:

Stephanie Wernsman –Pharmacy Supervisor – Representative for the Permit Holder –
Witness

Lanre Kolawole – Pharmacy Supervisor – Witness

Nader Moawad – Kroger Corporate IT – Witness

President Van Hassel opened the discussion by asking Mr. Petersen to review the complaint.

Mr. Petersen stated that the complainant stated his wife, a pharmacy technician was transferred to a different pharmacy within the chain. The complainant stated that the personnel at the new store transferred his profile and his wife's profile to the new store. The complainant stated that his information had been changed on his profile. A technician at the new store stated that she downloaded the wife's profile in order to find her phone number. The Pharmacist in Charge at the store stated that he changed the names and birth dates of the complainant with guidance from the Pharmacy District Coordinator. The pharmacist in charge stated that he did not realize that these changes would occur at every Fry's pharmacy that had the complainant and his wife's profile on file. The Compliance Officer stated that he went to another store to see if the profiles were linked. The pharmacy staff downloaded the wife's profile and the complainant's profile did not download to the store indicating that the profiles were not linked together.

President Van Hassel asked the respondents to address the complaint. Ms. Wernsman stated that they regret the events that transpired. Ms. Wernsman stated that none of the actions were meant to harm anyone or cause distress. Ms. Wernsman stated that the complainant's wife was transferred to this store. Ms. Wernsman stated that the staff at the store wanted to contact the individual and searched on the computer to find her contact information. Ms. Wernsman stated that was the only intent of the retrieval.

Ms. Wernsman stated that once the wife's profile was retrieved the husband's profile was also because they were linked due to their third party insurance plan. Ms. Wernsman stated that in an effort to block the information from being seen there were several alterations. Ms. Wernsman stated that the names were altered, the birth dates were changed, and the phone numbers were changed. Ms. Wernsman stated that the other store found the prescription by number. Ms. Wernsman stated that the information was transferred simply to get contact information and the employees did not look at the prescription information.

Mr. Van Hassel asked if the two profiles were linked. Mr. Moawad stated that the company operates with a centralized model which links all pharmacies. Mr. Moawad stated that the complete profile is maintained at the store where the patient had their prescriptions filled. Mr. Moawad stated that all the prescriptions and DURs are maintained on that profile. Mr. Moawad stated that some of the patient information is shared so that the pharmacies do not have to gather that information.

Mr. Moawad stated that the data is available to any pharmacy. Mr. Moawad stated that the pharmacy employees are HIPAA trained.

Mr. Moawad stated that there is a download process that would allow the pharmacy to locate a patient and if that patient wanted their prescription filled at a different store then the store could download the profile to their store.

Mr. Moawad stated that in this case the two patients carried the same insurance and were linked in the database.

Mr. Moawad stated that the system does allow personalization. Mr. Moawad stated that information could be blocked. Mr. Moawad stated that the information could be blocked per the patient's request and the information could be available at only one pharmacy. Mr. Moawad stated that if the patient went to a second pharmacy then the pharmacy would need to call the help desk to unblock the information.

Mr. Van Hassel asked if there was a way to block the information so that the rest of the staff in the pharmacy could not see that information. Mr. Moawad stated that the staff thought by changing the name they would not be able to see the information.

Dr. Musil noted that the staff responded that the changes were made with guidance from the Pharmacy District Coordinator. Mr. Kolawole stated that he was in touch with IT. Mr. Moawad stated that there is a way to block information and it is a matter of training.

Dr. Musil asked if there was a standard operating procedure for blocking patient information. Mr. Moawad stated that there is a procedure and the IT department could be called for help.

Dr. Musil stated that in this case the information was changed without the authorization of the patient. Mr. Moawad stated that the changing of the information was not an appropriate action.

Ms. Wernsman stated that the system allows someone at the store to block the view of the profile. Ms. Wernsman stated that this must occur at the home store. Ms. Wernsman stated that they could block all information or just the prescription information.

Mr. Moawad stated that any staff member could block the profile at the patient's request. Mr. Moawad stated that the profile information would only be available at the store where the patient made that request.

Dr. Musil asked if the patient was ever contacted. Mr. Moawad stated in this case the patient was not contacted.

Dr. Foy stated that the practices at blocking information do not appear to be consistent. Dr. Foy stated that in this case the name and birthdate were changed.

Mr. Moawad stated that he would be revisit the issue and send a communication to all staff members concerning the blocking of information.

Dr. Foy asked if this was addressed in the initial training of employees. Ms. Wernsman stated that it is addressed in the best practices training. Ms. Wernsman stated that no harm was meant in changing the information and was done to try and remedy the situation. Ms. Wernsman stated that the help desk should be able to guide someone through the process.

Mr. Van Hassel asked if the wife's profile information was changed. Ms. Wernsman stated that husband's information was changed and the wife's was also altered. Ms. Wernsman stated that it was not done in the correct manner.

Ms. Rosas asked if it is common practice to go to a patient's profile to obtain an employee's phone number. Ms. Wernsman stated that she was addressed this with the staff. Ms. Wernsman stated that the staff was told that the phone number could be obtained through Human Resources.

Ms. Locnikar asked about the transfer of the employee. Mr. Kolawole stated that due to staffing issues the wife was transferred to another store.

Ms. Locnikar asked if the HR file was transferred with the employee. Ms. Wernsman stated that the information is available and should have been obtained through the HR department.

On motion by Dr. Foy and seconded by Dr. Musil, the Board agreed to dismiss the complaint. There were two nay votes by Mr. Van Hassel and Ms. Locnikar.

Conference 3– Complaint #4161

The following individuals were present to discuss the complaint:

Rayburn Moore – Pharmacist - Respondent

Mike Simko –Attorney for Walgreens Co. – Representative for the Permit Holder –
Witness

Patrick Jerome – Pharmacy Supervisor – Witness

Christine Cassetta – Outside Legal Counsel for Walgreens Co.

President Van Hassel opened the discussion by asking Mr. Haiber to give a brief overview of the complaint.

Mr. Haiber stated that the complainant had a prescription filled on 3/22/2011 for Morphine Sulfate ER 30mg. The complainant stated that she was not counseled and the pharmacy gave her the medication knowing that she was allergic to codeine. The pharmacist that dispensed the medication stated that only the Codeine allergy was on file at the time the Morphine Sulfate was dispensed. The pharmacist stated that a few days later the patient returned and the other pharmacist added the Morphine allergy when the patient told him that the medication made her dizzy and she fell. Mr. Haiber stated that he received documentation from Walgreens IT indicating that the allergy conditions on file were for Morphine and Codeine. The DUR was overridden by the pharmacist with the notation “ patient counseled.” The pharmacy was unable to provide counseling documentation when the Compliance Officer visited the pharmacy and sent the counseling log with the complaint response. The authenticity of the counseling log is questionable because the prescription was sold on 3/22/2011 and every prescription on the log sent to Mr. Haiber is dated 3/22/2012. Mr. Haiber stated that he was not able to review the prescription record when he visited the store. The prescription was no longer listed with the patient's profile. The pharmacist in charge stated that he would contact management and provide the information with his complaint response. No explanation was provided by the pharmacist in charge or the permit holder concerning the inability of the store computer to provide sight readable information on the prescription.

President Van Hassel opened the discussion by asking the respondents why the prescription was not available in the system. Ms. Cassetta stated that the prescription was always in the system but the Pharmacist in Charge did not know how to retrieve the prescription.

Mr. Van Hassel asked why the counseling log was not on site. Ms. Cassetta stated that the log was not in the store and was retrieved and sent to the store. Ms. Cassetta stated that when the pharmacist realized the each line was not dated he filled in the dates and filled the year in as 2012.

Dr. Foy asked why the patient was given Morphine if a codeine allergy was present. Mr. Moore stated that what the patient experienced was not an allergy but a side effect. Mr. Moore stated that he did counsel the patient.

Ms. Rosas asked if there was a field that the pharmacist could have placed a note indicating that the morphine caused nausea instead of an allergic reaction.

Mr. Simko stated that the pharmacist should discuss the nausea issue with the patient at counseling.

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

Complaint #4214

The following individuals were present to discuss the complaint:

Mike Simko –Attorney for Walgreens Co. – Representative for the Permit Holder – Respondent
Joli Schexnayder – Loss Prevention Supervisor – Witness
Christine Cassetta – Outside Legal Counsel

President Van Hassel opened the discussion by stating that the Board opened a complaint against the permit holder as a result of the theft of a large quantity of drugs by a technician. Mr. Van Hassel asked the respondents to address the complaint by discussing the recordkeeping methods concerning the incident.

Ms. Cassetta opened the discussion by stating that the thefts are not consistent. Ms. Cassetta stated that often the medications are physically ingested while the individual is working. Ms. Cassetta stated that often they start out by taking small amounts and then increase the amount taken. Ms. Cassetta stated that often the loss prevention staff is trying to figure out what happened and the pattern. Ms. Cassetta stated that they will often do more surveillance and if necessary will install cameras.

Ms. Cassetta stated that they have a code of conduct and do not allow purses and lunch bags in the pharmacy.

Ms. Cassetta stated that they can monitor the inventory exception reports. Ms. Cassetta stated that if there are inventory adjustments the pharmacy manager could be asked to conduct counts. Ms. Cassetta stated that if the counts are off then cameras could be installed. Ms. Cassetta stated that making adjustments does not mean that pills are missing.

Mr. Simko stated that it is a process of elimination when medication is missing. Mr. Simko stated that you must determine who is stealing the medications. Mr. Simko stated that the Pharmacist in Charge could be the individual stealing the medication. Mr. Simko stated that some individuals steal the medications to sell and start out slow. Mr. Simko stated that they don't steal on a consistent basis and they will often steal a variety of drugs.

Mr. Van Hassel asked if there was a link to their supplier. Mr. Simko stated that there is a perpetual inventory kept electronically.

Mr. Van Hassel asked if appropriate triggers would have caught the theft. Mr. Simko stated that if the store does a high volume a loss could be less than 1% of the amount dispensed. Mr. Simko stated that there is no magic bullet because someone could have entered a return to stock incorrectly or an order could have been entered incorrectly.

Ms. Locnikar asked about the length of time to get the information that the technician was terminated. Ms. Schexnayder stated that sometimes a technician will steal small amounts over a year and it will go undetected.

Dr. Foy stated that he had concerns about relying on someone getting uneasy feelings before something is done. Dr. Foy stated that reports should tip off the management that something is wrong.

Mr. Simko stated that some triggers are absenteeism and visual observations of the individual. Mr. Simko stated that sometimes physical counts would serve as an alert.

Dr. Foy asked what if they received a trigger what would be done to address the issue. Ms. Schexnayder stated that if they noticed a lot of negative adjustments they would contact someone at the store usually the pharmacist in charge. The pharmacist would be notified this is occurring and asked to perform counts. Ms. Schexnayder stated that if the counts are off they could review the tapes from the pharmacy and then install additional cameras.

Dr. Foy asked how the medications were taken out of the pharmacy. Ms. Schexnayder stated that it started out small. Ms. Schexnayder stated that the individual would fill a vial and then place it on her person. Ms. Schexnayder stated that the day the technician was terminated she had 96 Vicodin tablets in her pocket.

Ms. Rosas asked if they perform random drug screening for their employees. Mr. Simko replied yes.

Ms. Rosas asked if they perform random counts in the pharmacy. Mr. Simko replied yes.

Mr. Van Hassel asked Mr. Simko if the employee in question had been tested. Mr. Simko replied that he does not know because their department does not control the drug screens. Mr. Simko stated that they would receive a report if the person was impaired at work.

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

Complaint #4215

The following individuals were present to discuss the complaint:

Sean Duffy –Director of Pharmacy for Arizona – Representative for the Permit Holder – Respondent
June Puposar - Pharmacy Supervisor – Witness
Alan Pope – Regulatory Counsel for Safeway - Witness

President Van Hassel opened the discussion by stating that the Board opened a complaint against the permit holder as a result of the theft of a large quantity of drugs by a technician. Mr. Van Hassel asked the respondents to address the complaint by discussing the recordkeeping methods concerning the incident.

Mr. Duffy stated that there was a theft of medication. Mr. Duffy stated that there were no tools in place at the time. Mr. Duffy stated that they used a manual process. Mr. Duffy stated that there are certain red flags that would indicate that a drug was diverted and they would follow-up on the alerts. Mr. Duffy stated that due to downsizing that position was unfilled and that person was unavailable to follow-up on the alerts. Mr. Duffy stated that a change in the inventory would trigger an alert.

Mr. Pope stated that the technician stole roughly 5,000 tablets of hydrocodone. Mr. Pope stated that the individual would go into the bay and place the medication in his pocket and then take a break and meet his wife. When he met his wife, he would give her the medication. Mr. Pope stated that an investigation was started when the Board audit revealed a shortage.

Mr. Van Hassel asked if the technician made any inventory adjustments in the computer. Mr. Pope stated that it is a classic system and not a robust system and anyone can make changes. Mr. Pope stated that they had tried upgrading the system but it did not work.

Mr. Pope stated that a report cannot be generated but they are able to track who made the inventory adjustment. Mr. Pope stated that technicians are able to make inventory adjustments.

Ms. Puposar stated that after they were aware there was a problem the manager watched the counts on the controlled substances.

Mr. Pope stated that they would be upgrading their system by July and they would be able to track accountability.

Dr. Foy asked about the policy for breaks. Mr. Duffy stated that during a break the employees cannot leave the premises. Mr. Duffy stated that if they leave the premises for lunch they cannot take their smock with them.

Mr. Duffy stated that the employee would place the medications in his pants pocket and exchange the product with his wife.

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

Complaint #4213

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

The following individuals were present to discuss the complaint:

Karen DiStefano – Director of Pharmacy Regulatory Compliance for CVSCaremark – Representative for the Permit Holder – Respondent
Don Dugger – CVS Loss Prevention – Witness
Roger Morris – Outside Legal Counsel for CVS

President Van Hassel opened the discussion by stating that the Board opened a complaint against the permit holder as a result of the theft of a large quantity of drugs by a technician. Mr. Van Hassel asked the respondents to address the complaint by discussing the recordkeeping methods concerning the incident.

Ms. DiStefano stated that the individual taking the medications was caught because they do have systems in place. Ms. DiStefano stated that CVS is committed to combating diversion. Ms. DiStefano stated that they have improved their training. Ms. DiStefano stated that they have a regulatory box process where all the paperwork is kept in one area.

Ms. DiStefano stated that they have annual DEA and compliance training.

Ms. DiStefano stated that they are currently testing a new process to curb thefts. Ms. DiStefano stated that they have installed an additional safe in a test store. Ms. DiStefano stated that extra bottles of Alprazolam and Hydrocodone are stored in the safe and one bottle is kept on the dispensing floor. Ms. DiStefano stated that the bottles must be logged in and out of the safe.

Mr. Dugger stated that they have enhanced their systems and have a Prescription Drug Monitoring Report which is capable of creating a report back to the last inventory report. Mr. Dugger stated that when a loss is suspected they begin daily counts. Mr. Dugger stated that the Pharmacy Manager usually performs the counts. Mr. Dugger stated that once a pattern is identified they may use covert cameras to record the thefts.

Mr. Dugger stated that they have several tools that they use. Mr. Dugger stated that they have cameras in the pharmacy, a secured CII cabinet, and maintain a perpetual inventory. Mr. Dugger stated that they have a quarterly awareness campaign. Mr. Dugger stated that all colleagues were required to take online certification for drug diversion. Mr. Dugger stated that the employees understand that they should be involved in the process of preventing drug diversion.

Mr. Dugger stated that they do conduct smock checks and checks of personal items.

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

AGENDA ITEM 11– Complaint Review – Consideration of Complaints on Schedule Q

President Van Hassel opened the discussion by stating the Board Members would review all the complaints on schedule Q.

Complaint #4191

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to issue an advisory letter to the pharmacists and pharmacy technician concerning prescription data entry and issue and advisory letter to the permit holder concerning the security of prescription information.

Complaint #4192

Dr. Foy was recused due to a conflict of interest

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

Complaint #4193

Dr. Foy was recused due to a conflict of interest

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously agreed to issue an advisory letter to the pharmacist and pharmacy technician concerning the final accuracy check of the prescription.

Complaint #4194

Dr. Foy was recused due to a conflict of interest

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

Complaint #4201

On motion by Dr. Musil and seconded by Ms. Locnikar the Board unanimously agreed to issue an advisory letter to the pharmacist in charge concerning the selling of completed prescriptions.

Complaint #4203

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to offer the pharmacist involved in the incident a Consent Agreement with the following terms: 6 hours of CE on error prevention, patient safety, or counseling. A roll call vote was taken. (Ms. Locnikar – aye, Mr. Minkus – aye, Dr. Musil – aye, Ms. Rosas – aye, Dr. Foy – aye, and Mr. Van Hassel – aye)

Complaint #4206

On motion by Dr. Musil and seconded by Ms. Rosas the Board unanimously agreed to issue an advisory letter to the pharmacist in charge concerning the quality of counseling and

the recommendation for the pharmacy to purchase pediatric dosing syringes.

Complaint #4208

On motion by Dr. Musil and seconded by Ms. Locnikar the Board unanimously agreed to offer the Pharmacy Intern a consent agreement to surrender his license by May 20, 2013 and if not signed the case would proceed to hearing at the next Board Meeting. A roll call vote was taken. (Ms. Locnikar – aye, Mr. Minkus – aye, Dr. Musil – aye, Ms. Rosas – aye, Dr. Foy – aye, and Mr. Van Hassel – aye)

Complaint #4209

On motion by Mr. Van Hassel and seconded by Dr. Foy the Board unanimously agreed to ask the pharmacist to appear for a conference at the June meeting.

Complaint #4212

On motion by Dr. Foy and seconded by Ms. Rosas the Board unanimously agreed to issue an advisory letter to the permit holder and pharmacist concerning the return of medication to stock and training of pharmacists.

AGENDA ITEM 12 – Proposed Rules- Schedule R

1. Long Term Care Rules

President Van Hassel asked Ms. Sutcliffe to address this agenda item.

Ms. Sutcliffe stated that the proposed rules are for the Long Term Care Facilities, Hospice facilities, and assisted living facilities.

Ms. Sutcliffe stated that a public hearing was held on March 25, 2013 and two individuals attended the public hearing. Ms. Sutcliffe stated that the individuals presented oral comments.

Ms. Sutcliffe stated that there were written comments from two companies.

Ms. Sutcliffe stated that there were five sections where public comments were made.

Ms. Sutcliffe stated that the first section where comments were received was Section 701.02 Subsection B4 (Emergency Drug Supply). Ms. Sutcliffe stated the comments received were questioning the use of a pharmacist physically to restock the emergency drug supply kit in the facility. Ms. Sutcliffe stated that it was also recommended to change the language in that section to read “employed by or contracted by the provider pharmacy.”

Dr. Foy stated that the point of contention was being employed by or having a contractor perform the task.

Ms. Sutcliffe stated that the rules for the use of automation within an emergency drug supply unit are new regulations. Ms. Sutcliffe stated that automation is within the facility and not in the pharmacy.

Mr. Van Hassel asked if that would require a change in our rules for automation. Ms. Sutcliffe stated that the rule could be changed to allow a pharmacist or contracted pharmacist to fill the machines.

Mr. Van Hassel stated that he feels that the Board would not be able to ask for a waiver because he is not sure it would meet the experimentation portion of the request.

Mr. Van Hassel stated that he does not feel that a company that sells a product should be asking the Board for a waiver.

Ms. Sutcliffe stated that there were comments made concerning Section 701.04 (B) (3)(4). Ms. Sutcliffe stated that in 2011 the Board granted a deviation to a pharmacy to place an automated dispensing system in a facility. Ms. Sutcliffe stated that the pharmacy indicated that they would not be using the automated dispensing system as an emergency drug supply unit and were not going to stock CII medications in the unit. Ms. Sutcliffe stated that the task force looked at the deviation the Board had already granted. Ms. Sutcliffe stated that is why the task force determined not to allow CIIs in the automated dispensing machine nor allow its use as an emergency drug supply unit.

Ms. Sutcliffe stated that there are two sets of automation. Ms. Sutcliffe stated that there is automation for the emergency drug supply unit and there is the automated dispensing system.

Ms. Sutcliffe stated that in the DEA comments the DEA stated that it would be up to each state to decide whether they will allow the access described by the comments to occur at a long term care facility where the automated dispensing system has been installed. DEA can proceed at permitting emergency access to an automated dispensing system prior to communication from the physician to the pharmacy would likely entail special programming of the machine to ensure proper control of the inventory.

Ms. Sutcliffe stated that the task force chose the strictest interpretations.

Mr. Van Hassel stated that he does not feel that the task force should meet again to discuss the proposed rules because the comments do not affect patient safety and were made for financial reasons.

Dr. Foy indicated that the Task Force was a diverse group and a seasoned team of practitioners. Dr. Foy stated that the practitioners did not have concerns with the regulations and does not see a need to change the proposed rules because of manufacturer comments.

Dr. Musil stated that the rules vary in different states and he is comfortable with the decisions the task force made.

Ms. Sutcliffe stated that there are two sections that they have asked to insert that a contract pharmacist could perform the task of loading the machines.

Dr. Foy stated that they took the contractor piece out because the contractors were being asked to

perform tasks that they did not feel comfortable performing.

On motion by Mr. Musil and seconded by Ms. Locknikar, the Board unanimously approved Ms. Sutcliffe to continue with the rule making process for the proposed long term care rules with no changes.

AGENDA ITEM 13 - Consideration of Implementation of Therapeutic Substitution in the Skilled Nursing Facility

President Van Hassel stated that the Board has a request to allow therapeutic substitution in a skilled nursing facility.

Mr. Van Hassel stated that therapeutic substitution would require a statutory change.

Dr. Musil indicated that there are no current pharmacy regulations that allow therapeutic substitution.

Dr. Musil stated that organizations can have discussions and disseminate that information to the practitioners. Dr. Musil stated that mandating therapeutic substitution is not in the best interest of the Board or the patient at times.

The Board decided to not take any action at this time.

AGENDA ITEM 14 – Update of Compounding Task Force Meeting

President Van Hassel asked Dr. Musil to address this agenda item.

Dr. Musil stated that the compounding task force has met several times. Dr. Musil stated that the task force is looking at enhancing some rules and removing other rules.

Dr. Musil stated that there hearings on Capitol Hill concerning the Senate Health Committee's bill on compounding. Dr. Musil indicated that the Federal laws may supercede the state laws.

Dr. Musil stated that the task force is trying to elevate the level of compounding. Dr. Musil stated that the task force is looking at a separate area for compounding in a pharmacy.

Dr. Musil stated that the task force is composed of practitioners from different practice settings.

Mr. Van Hassel stated that the task force is looking for a way for pharmacies to meet the standards and compound safely.

AGENDA ITEM 16 – Call to the Public

President Van Hassel 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 address the Long Term Care rules. Mr. Morris stated that the dispensing machines are new technology and may be more economical to use. Mr. Morris stated that the Board could allow a technician to fill the machine while viewing them on a video camera.

The meeting recessed at 2:38 P.M.

AGENDA ITEM 1 – Call to Order – May 10, 2013

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

The following Board Members were present: President Tom Van Hassel, Kyra Locnikar, Reuben Minkus, John Musil, and Nona Rosas. The following Board Members were not present: Jim Foy, William Francis, and Dennis McAllister. The following staff members were present: Compliance Officers Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dennis Waggoner, Drug Inspectors Melanie Thayer and Cesar Ramirez, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

AGENDA ITEM 8 – Reports

Executive Director

Budget Issues

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

Personnel

Mr. Wand stated that Dennis Waggoner has been hired as the new Compliance Officer. Mr. Wand stated that Mr. Waggoner had worked at the Board previously as a Compliance Officer.

NABP Annual Meeting

Mr. Wand stated that the NABP Annual Meeting will be held in St. Louis from May 18-21, 2013. Mr. Wand stated that he would be attending the meeting. Mr. Wand stated that Mr. Van Hassel would also be attending the meeting. Mr. Wand stated that the annual meeting will be held in Phoenix next year.

District 6,7, and 8 Meeting

Mr. Wand stated that the District 6,7,and 8 meeting will be held in Boulder, Colorado from September 8-11, 2013.

PAPA Program Overview

Mr. Wand stated that the PAPA program will hold a breakfast meeting for Board Members and staff at the convention to review the PAPA 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 March, the Compliance Staff issued letters for the following violations:

Pharmacy Violations

1. Current immunization certificates not available – 1
2. Outdated products – 3
3. Failure to report electronically the sale of methamphetamine precursors – 1
4. Failure to conduct annual media fill tests - 1

Controlled Substance Violations

1. Controlled Substance Overage -13
2. Controlled Substance Shortage 1
3. Dispensing of Controlled Substance Prescriptions with electronic signatures – 1
4. Failure to maintain purchase records for required period of time - 1

Documentation Violations

1. Failure to document maintenance of counting devices - 1

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

1. Filing of invoices

Areas outside the inspection reports that may be of interest:

1. Be sure addresses are current

AGENDA ITEM 11– Complaint Review – Consideration of Complaints on Schedule Q

President Van Hassel stated that the Board would review one complaint that was tabled the first day.

Complaint #4210 and #4211

On motion by Dr. Musil and seconded by Mr. Minkus, the Board unanimously agreed to issue an advisory letter to the permit holder concerning Quality Assurance and dismiss the complaint against the pharmacist in charge because he has stepped down from that position.

AGENDA ITEM #15 – Hearings/Motions to Deem

#1 Vanna Valdez

President Van Hassel 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 VannaValdez, Pharmacy Technician T019534, Case 13-0007-PHR.

President Van Hassel asked if the licensee (Vanna Valdez) was present. The licensee (Vanna Valdez) was not present.

President Van Hassel asked if the Assistant Attorney General would like to address the Motion To Deem.

Mr. Lee stated that the respondent was given 30 days to respond and the Board Office did not receive a response. Mr. Lee stated that the allegations are serious. Mr. Lee stated that the respondent was forging prescriptions. Mr. Lee stated that since Ms. Valdez did not respond he vacated the hearing and filed the Motion to Deem.

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

On motion by Dr. Musil and seconded by Ms. Locnikar, 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, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

On motion by Dr. Musil and seconded by Ms. Locnikar, 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, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

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

Mr. Lee stated that he would recommend that the Board revoke the pharmacy technician license.

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

On motion by Ms. Rosas and seconded by Dr. Musil, the Board unanimously agreed to revoke the Pharmacy Technician license T019534 issued to Vanna Valdez. (A roll call vote was taken –

Ms. Locnikar – aye, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

#2 Jake Gibbons

President Van Hassel 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 Jake Gibbons, Pharmacy Technician T024395, Case 13-0008-PHR.

President Van Hassel asked if the licensee (Jake Gibbons) was present. The licensee (Jake Gibbons) was not present.

President Van Hassel asked if the Assistant Attorney General would like to address the Motion To Deem.

Mr. Lee stated that the Notice of Hearing was sent to the licensee on March 25, 2013. Mr. Lee stated that the licensee did not respond and the Hearing was vacated and he submitted the Motion to Deem.

President Van Hassel 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. Musil 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, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

On motion by Dr. Musil and seconded by Ms. Locnikar, the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact with the correction of the spelling of Clonazepam. (A roll call vote was taken – Ms. Locnikar – aye, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

On motion by Dr. Musil and seconded by Ms. Locnikar, 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, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

President Van Hassel 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 the charges against the licensee are serious. Mr. Lee stated that the theft of the controlled substances justified the revocation of the license.

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

On motion by Ms. Rosas and seconded by Dr. Musil, the Board unanimously agreed to revoke the Pharmacy Technician license T024395 issued to Jake Gibbons. (A roll call vote was taken – Ms. Locnikar – aye, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, and Mr. Van Hassel – aye).

AGENDA ITEM 16 – Call to the Public

President Van Hassel 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.

Dr. Musil came forth to state that if anyone is interested Dr. Justin Brock is trying to start an outpatient pharmacy network.

AGENDA ITEM 17 – Future Agenda Items

The Board Members listed the following items as future agenda items:

1. Script for Motion to Deem
2. Demonstration by Companies which have technology for medication waste
3. Compounding Task Force – Require Colleges of Pharmacy to incorporate a Compounding course as part of the curriculum.

AGENDA ITEM 18 – Adjournment

There being no further business to come before the Board, President Van Hassel adjourned the meeting at 10:10 A.M.