



Arizona State Board of Pharmacy
1616 W. Adams, Suite 120
Phoenix, AZ 85007
Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JUNE 27, 2013 AT THE
WESTIN LA PALOMA RESORT IN TUCSON, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – June 27, 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, Darren Kennedy, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Nona Rosas. The following Board Members were not present: William Francis. The following staff members were present: Executive Director Hal Wand, Compliance Officers Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dennis Waggoner, and Dean Wright, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2 – Introduction of New Pharmacist Board Member – Darren Kennedy

President Van Hassel introduced Darren Kennedy as the newly appointed Pharmacist Board Member. Mr. Kennedy is a 1997 graduate of the University of Kansas. Mr. Kennedy is currently employed by Walgreens as the Operations Manager and Pharmacist in Charge at the Central Pharmacy Operations in Tempe.

AGENDA ITEM 3– 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 8, Schedule M, Application for Resident Pharmacy Permit for CVS Pharmacy #10184.

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 14, Schedule R, Complaint #4217, #4223, and #4224.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Schedule R, Complaint #4196 and #4221.

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Schedule O, Special Request for Avondale Pharmacy.

AGENDA ITEM 4– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Dr. Musil** the minutes of the Regular Meeting held on May 9 & 10, 2013 were unanimously approved by the Board Members.

AGENDA ITEM 5 – Consent Agenda

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

5. (1) Resident Pharmacy Permits – Schedule A

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Mixtures Pharmacy, LLC	2730 S. Val Vista Dr., Bldg. 1, #103, Gilbert, AZ 85295	Mixtures Pharmacy, LLC
Wal-Mart Pharmacy #10-4324	1900 E. Chandler Blvd., Chandler, AZ 85224	Wal-Mart Stores, Inc.
Genoa Healthcare of Arizona, LLC	2500 E. Show Low Lake Rd. , Show Low, AZ 85901 (O)	Genoa Healthcare of Arizona, LLC
Genoa Healthcare of Arizona, LLC	2695 Industrial Dr., Flagstaff, AZ 86004 (O)	Genoa Healthcare of Arizona, LLC
QoL meds, LLC	2500 E. Show Low Lake Rd., Show Low, AZ 85901(O)	QoL meds, LLC
QoL meds, LLC	8 E. Cottonwood St. , Cottonwood, AZ 86326 (O)	QoL meds, LLC
QoL meds, LLC	2695 E. Industrial Dr., Flagstaff, AZ 86004 (O)	QoL meds, LLC
Genoa Healthcare of Arizona, LLC	8 E. Cottonwood St., Cottonwood, AZ 86326 (O)	Genoa Healthcare of Arizona, LLC

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
La Vita Compounding Pharmacy	3978 Sorrento Valley Blvd., Suite 300 , San Diego, CA 92121	Debra Hubers and Christine Givant
Access WCP	2173 Macdade Blvd. G, Holmes, PA 19043	Access WCP
Snyder Center of Pain Pharmacology	102 E. Highland Blvd., Inverness, FL 34452	Jupiter Health Holding LLC
A to Z Pharmacy	9039 Little Rd., New Port Ritchey, FL 34654	Nicholas Borgesano
DailyMed Pharmacy	9320 Priority Way West Dr., Indianapolis, IN 46240	Medication Adherence Solutions, LLC
Biologic Tx, LLC	40D Commerce Way, Totowa, NJ 07512	Biologic TX, LLC
Lifechek Drug #19	900 W. Dallas St., Conroe, TX 77301	Post Oak Pharmacy, LP
PX Drugstore	5300 Lankershim Blvd., #160, North Hollywood, CA 91601	ModernHealth Specialty (PX), LLC
BioRx LLC	1819 Aston Ave, Ste. 102, Carlsbad, CA 92008	BioRx LLC
Physician Choice Pharmacy, LLC	4529 N. Pine Island Rd., Sunrise, FL 33351	Physician Choice Pharmacy, LLC
American Pharmacy Solutions, LLC	5001 Commerce Park Circle, Pensacola, FL 32505	American Pharmacy Solutions, LLC
Denton Prescription Shop	2501 W. Oak St., Suite 100, Denton, TX 76201	Appling Enterprises LLC
SCA Pharmaceuticals, LLC	8821 Knoedl Ct., Little Rock, AR 72205	SCA Pharmaceuticals, LLC
Precise Compounding Pharmacy	10810 Washington Blvd., Suite C, Culver City, CA 90232	Ashkan Kohanpour
Metro Infectious Disease Consultants	901 McClintock, Ste. #104, Burr Ridge, IL 60527	Matthew Farmer

5. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Global Mobile Anesthesia (Full Service – DEA requires for Mobile Anesthesia)	16620 N. 40 th St., Suite D1, Phoenix, AZ 85032	Global Mobile Anesthesia
SmartHealth Distribution Company (Full Service)	3145 E. McDowell Rd., Phoenix, AZ 85008 (O)	SmartHealth, Inc.
VitaDollar, Inc. (Non-Prescription)	11202 N. 24 th Ave., Phoenix, AZ 85029	VitaDollar, Inc.

(O) = Ownership Change

5. (4) Non- Resident Wholesaler Permits – Schedule D

NON-RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Paratus Health Systems, LLC (Full Service)	309 Curie Dr., Alpharetta, GA 30005	New London Communications, LLC
Safecor Health, LLC (Full Service)	4060 Business Pk Dr., Columbus OH 43204	Safecor Health, LLC
Watson Pharma, Inc. (Full Service)	705 Tri-State Parkway, Unit B, Gurnee, IL 60031	Watson Pharma, Inc.
Rx Stat Inc. (Full Service)	3251 Tech Drive N., St. Petersburg, FL 33716 (O)	Lincare Inc.
Champion Health Services, Inc. (Full Service)	5481 Commercial Dr. #B, Huntington Beach, CA 92649	Champion Health Services, Inc.
Paragon Enterprises, Inc. (Full Service)	3300 Corporate Ave., Suite #114, Weston, FL 33331	Paragon Enterprises, Inc.
Freedom Pharmaceuticals, Inc. (Full Service)	801 W. New Orleans St., Broken Arrow, OK 74011 (O)	Fagron Holding USA, LLC
Purelife, LLC (Full Service)	1908 E. Dominguez St., Carson, CA 90810	Purelife, LLC
ParaPro LLC (Full Service)	11550 N. Meridian St, Carmel, IN 46032	ParaPro LLC
Animal Health International, Inc. (Full Service)	804 Henrietta Creek Rd., Roanoke, TX 76262	Animal Health International, Inc.

(O) = Ownership Change

5. (5) Resident Manufacturer Permits – Schedule E

RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
Banner Compounding Pharmacy	7300 W. Detroit St., Chandler, AZ 85226	Banner Health

5. (6) Non-Resident Manufacturer Permits – Schedule F

RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
DUSA Pharmaceuticals, Inc.	25 Upton Dr., Wilmington, MA 01887 (O)	DUSA Pharmaceuticals, Inc
Smith and Nephew, Inc.	3909 Hulen St., Fort Worth, TX 76107	Smith and Nephew, Inc.
Arbor Pharmaceuticals, LLC	980 Hammond Dr., Suite 1250, Atlanta, GA 30328	Arbor Pharmaceuticals, LLC
Antigen Laboratories, Inc.	28-36 South Main Street, Liberty, MO 64068 (O)	Planet Biopharmaceuticals, Inc.
Angelini Pharma, Inc.	8322 Helferman Ct., Gaithersburg, MD 20877 (O)	Angelini Pharma, Inc.
Healthpoint, Ltd.	3909 Hulen St., Fort Worth, TX 76107 (O)	Healthpoint, Ltd.

5. (7) – New Pharmacists – Schedule G

The Board approved the 44 New Pharmacist Licenses listed on the attachments.

5. (8)– New Interns – Schedule H

The Board approved the 28 New Intern Licenses listed on the attachments.

5. (9) – New Pharmacy Technicians – Schedule I

The Board approved the 439 New Pharmacy Technicians listed on the attachments.

5. (10) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule J

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

Jennifer Agulto	Matthew Airing	Randi Allred
Esther Anderson	Tiffany Arocho	Ronnica Bernal
John Bonifas	Tamara Burrell	Jessica Deanda
Claudia Ezrre	Amanda Fischback	Mary Flores-Fore
Danielle Gill	Drew Grasmick	Regino Hinojosa
Tamyra Hubbard	Patrick Johnson	Jonathan Larkin
Sara Luna	Samuel McCord	Gabriela Curiel
Livier Quinones	Ruth Regalado	Loretta Robbins
Ruby Rodriguez	Harry Russell	Jim Smith
Melisa Taylor	Loida Valenzuela	Nicole Winter
Erin Yellowhair		

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

The Board unanimously agreed to dismiss the following complaints:

Complaint #4216	Complaint #4220
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AGENDA ITEM 6– University of Arizona Presentation

Neil MacKinnon, Professor at the University of Arizona, gave a presentation regarding the new Continuous Quality Assurance rules and how the University of Arizona could help with the pharmacist education, training, and evaluation.

AGENDA ITEM #7 – Hearings/Motions to Deem – Schedule L

#1 Anthony Miller

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 Anthony Miller, Pharmacy Intern, I010349 Case 13-0016-PHR.

President Van Hassel asked if the licensee (Anthony Miller) was present. The licensee (Anthony Miller) 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 state would like the Board to Deem the allegations

admitted.

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

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

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, Dr. Foy – aye, Mr. Kennedy – 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 last fall Mr. Miller asked the Board for the opportunity to practice in the state of Arizona. Mr. Lee stated that Mr. Miller had been disciplined by another pharmacy board. Mr. Lee stated that Mr. Miller stated that it was his passion to practice and work in a pharmacy. Mr. Lee stated that the Board accepted Mr. Miller's request and granted him a license. Mr. Lee stated that Mr. Miller was stealing from his employer. Mr. Lee stated that Mr. Miller did not respect the Board's trust and the State is recommending that the Board revoke Mr. Miller's intern license.

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

On motion by Dr. Musil and seconded by Dr. Foy, the Board unanimously agreed to revoke the Pharmacy Intern license I010349 issued to Anthony Miller. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, Dr. Foy – aye, Mr. Kennedy – aye, and Mr. Van Hassel – aye).

AGENDA ITEM 8– Resident Pharmacy Permits – Schedule M

1. CVS Pharmacy #10184

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

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

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
CVS Pharmacy #10184	825 E. University Blvd., Suite 101, Tucson, AZ 85719	German Dobson CVS, LLC

2. All-Care Pharmacy

President Van Hassel stated that a representative from All-Care Pharmacy was present telephonically to answer questions from Board Members.

Raef Hamaed, Pharmacist in Charge and Owner, was present telephonically to answer questions from Board Members.

President Van Hassel opened the discussion by asking Mr. Hamaed to describe his business model. Mr. Hamaed stated that his pharmacy would be located in a medical building. Mr. Hamaed stated that he would be doing medication therapy management, compounding, and immunizations.

Mr. Van Hassel asked Mr. Hamaed if he has ever owned a pharmacy. Mr. Hamaed stated that he has owned pharmacies in Michigan and Ohio.

Mr. Van Hassel asked Mr. Hamaed if he plans to do sterile compounding. Mr. Hamaed replied no.

Mr. Van Hassel asked Mr. Hamaed if he planned to sell supplies and medications to doctor offices. Mr. Hamaed stated that he would be providing some medications for administration to the patient and not for further dispensing.

Dr. Musil asked Mr. Hamaed if he was going to be the Pharmacist in Charge. Mr. Hamaed replied yes.

Mr. Van Hassel asked if there would be other employees. Mr. Hamaed stated that he would be working at the pharmacy and planned to hire one technician.

3. TMC Healthcare – Handmaker Jewish Services for the Aging

President Van Hassel stated that a representative from TMC Healthcare was present to answer questions from Board Members.

Gilbert Romero, Pharmacy Director of Tucson Medical Center, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking Mr. Romero about his application and the deviation request.

Mr. Romero stated that Tucson Medical Center (TMC) and Handmaker Jewish Services have entered into an agreement for a joint specialty hospital. The hospital will be a geriatric and psychiatric hospital with 16 beds. Mr. Romero stated that the hospital will have 16 beds and will

occupy the second floor of the building. Mr. Romero stated that TMC will lease the second floor and provide pharmacy services to the hospital.

Mr. Romero stated that they are asking for a deviation for the required hospital space of 500 square feet. Mr. Romero stated that they have 280 square feet available for the pharmacy. Mr. Romero stated that TMC is about ¼ mile away and they will provide pharmacy services. Mr. Romero stated that both hospitals would be using the same electronic medical records.

Mr. Van Hassel asked where the medications would be dispensed for the patients at the Handmaker center. Mr. Romero stated that the prescriptions would be filled at TMC.

Mr. Romero stated that there would be no drugs in the pharmacy space and that the drugs for the patients would be in a Pyxis machine.

Cindy, a representative with the architectural firm, indicated that since the floor plan was submitted the square footage request has changed to 250 square feet.

Mr. Van Hassel asked if it was a licensing requirement to have a pharmacy. Mr. Romero stated that the Department of Health Services require a hospital to have a pharmacy.

Ms. Rosas asked if the Pyxis machine would be in the pharmacy. Mr. Romero stated that the Pyxis machines would be in a secure area close to a nursing station.

Ms. Rosas asked who would be filling the Pyxis machines. Mr. Romero stated that the pharmacy technicians would fill the machines.

Dr. Musil asked if the technicians are employed by Tucson Medical Center or the new pharmacy. Mr. Romero stated that the technicians are employees of Tucson Medical Center. Mr. Romero stated that he would have oversight of the technicians filling the Pyxis machines.

Dr. Musil asked how many hours a pharmacist would spend at the pharmacy a week. Mr. Romero stated that they anticipate a pharmacist would spend 4 to 6 hours a week at the pharmacy and a technician would spend 8 to 12 hours a week at the pharmacy.

Ms. Rosas asked how the patient would receive the medication if the medication was not in the Pyxis machine. Mr. Romero stated that the pharmacy would send a technician to the pharmacy to fill the Pyxis machine.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board approved the Resident Pharmacy Permits listed below and the deviation request for TMC Healthcare-Handmaker. There was one nay vote by Dr. Musil.

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
All-Care Pharmacy, LLC	8415 N. Pima Rd., Suite 125, Scottsdale, AZ 85258	All-Care Pharmacy, LLC
TMC Healthcare – Handmaker	2221 E. Rosemont Blvd., Tucson, AZ 85712	Handmaker Jewish Services for the Aging

AGENDA ITEM 9– Non-Resident Pharmacy Permits – Schedule N

1. Advantage Medical Pharmacy

President Van Hassel stated that representatives from Advantage Medical Pharmacy were present to answer questions from Board Members.

Doyle Beach, Pharmacy Owner, and Jason May, Pharmacist in Charge, were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicants why they were appearing in front of the Board. Mr. Beach stated that they have applied for a non-resident pharmacy license. Mr. Beach stated that they were asked to appear because the pharmacy has been placed on probation by the Mississippi Board of Pharmacy.

President Van Hassel asked Mr. Beach why the pharmacy was on probation in Mississippi. Mr. Beach stated that they are on probation because a pharmacy technician stole medications from the pharmacy.

Mr. Beach stated that he is not a pharmacist and was not aware that the technician was stealing medications.

Mr. Van Hassel asked if the Pharmacist in Charge when the incident occurred is still employed by the pharmacy.

Mr. Doyle replied that the Pharmacist in Charge was terminated after the arrest of the technician.

Mr. Doyle stated that Mr. May accepted the job of pharmacist in charge about three to four weeks after the incident occurred.

Mr. Van Hassel asked how long the pharmacy is on probation. Mr. Beach stated that the pharmacy is on probation until May of 2014.

Dr. Foy asked why the pharmacy is applying for a non-resident permit. Mr. May stated that they are a non-sterile compounding pharmacy and have some patients in Arizona and they would like to ship medications to the patients. Mr. May stated that they compound some inhalation medications. Mr. May stated that they are licensed in 20 states.

Mr. Van Hassel asked if the pharmacy has been denied a license in any other state. Mr. Beach stated that they withdrew their application in Florida due to their probation status and have not been denied in any other states.

Dr. Musil asked Mr. May how they prepare a non-sterile inhalation solution. Mr. May stated that the product is made in a capsule form and the product is emptied from the capsule into the solution.

Dr. Musil asked about the quantity of medications that were stolen by the technician. Mr. Beach stated that the technician took about 163,000 Hydrocodone tablets during a 10 month time period.

Dr. Musil asked Mr. Beach how often he was present at the pharmacy. Mr. Beach stated that he was present at the pharmacy but he did marketing for the business. Mr. Beach stated that they have made the current pharmacist in charge an owner of the company to promote greater accountability.

Mr. Beach stated that the pharmacy technician was their first employee and was a trusted employee. Mr. Beach stated that the pharmacy technician became very close to the Pharmacist in the Charge. Mr. Beach stated that he noticed lifestyle changes but did not question the changes. Mr. Beach stated that the technician's mother had passed recently and she had received a large life insurance payout and so he had no reason to question her lifestyle changes. Mr. Beach stated that they were inspected by the State Board of Pharmacy and the investigator exposed the loss.

Mr. Beach stated that they found out that the technician had somehow obtained the passwords to the system to change the inventory quantities. Mr. Beach stated that she would remove the product and change the count in the system. Mr. Beach stated that the technician admitted to the theft.

Dr. Musil asked what changes have been put in place to prevent this problem from occurring again. Mr. Beach stated that they have instituted 10 to 12 security changes. Mr. Beach stated that they have a bolted doors to the pharmacy. Mr. Beach stated that there are no controls on the shelves. Mr. Beach stated that he communicates with the Pharmacist in Charge. Mr. Beach stated that they have had no variations in counts. Mr. Beach stated that since they do not fill prescriptions from pain clinics they have decreased the amount of controls that they stock. Mr. Beach stated that he meets with the Pharmacist in Charge monthly to ensure that they are compliant with the Mississippi Board Order. Mr. Beach stated that this has been a learning experience for him.

Dr. Musil asked if they stocked ketamine powder. Mr. May stated that they have the bulk powder.

Dr. Musil asked how they account for the ketamine use. Mr. May stated that they use a barcode scan when they compound the medication and the quantity remaining should match the quantity in the computer.

Dr. Musil asked who weighs the product. Mr. May stated that the pharmacy technicians weigh the product.

Dr. Musil asked Mr. May if a technician could manipulate the count. Mr. May stated that the PCCA program is password protected and a technician is not given the password. Mr. May stated that he reviews the buying habits of the pharmacy. Mr. May stated that he looks at the dispensing records of the pharmacy. Mr. May stated that a technician cannot edit purchase records.

Mr. McAllister asked if any action was taken against the former Pharmacist in Charge. Mr. Beach replied that no action was taken against the Pharmacist in Charge.

Mr. Minkus asked Mr. Beach if he did not notice the financial impact as an owner. Mr. Beach stated that he did not because a bottle of 500 count of Lortab costs roughly \$46. Mr. Beach stated that the technician stole about 3 bottles a week and even auditing the books he did not catch the \$150 a week loss.

Mr. Beach stated that he was not worried about the counts because it seemed that the Pharmacist in Charge was extremely involved in the counts of the controlled substances.

On motion by Mr. McAllister and seconded by Dr. Musil, the Board unanimously agreed to deny the application for licensure for Advantage Medical Pharmacy based on A.R.S. 32-1927 which states an application can be denied for unprofessional conduct. Mr. McAllister told the applicants that they could reapply for licensure when the pharmacy probation is terminated and they have a satisfactory inspection by the Mississippi Board.

AGENDA ITEM 10 -Special Requests- Schedule O

#1 Avondale Pharmacy

Lameck Nyakweba, owner of Avondale Pharmacy, appeared on his own behalf to request that the probation imposed on the permit for Avondale Pharmacy per Board Order 08-0042-PHR be terminated. Mr. Jerry Eubanks with Accreditation Partners also appeared with Mr. Nyakweba.

President Van Hassel opened the discussion by asking Mr. Nyakweba why he was appearing in front of the Board. Mr. Nyakweba stated that he is requesting that the Board terminate the probation for Avondale Pharmacy so that he is able to apply for accreditation. Mr. Nyakweba stated that he has worked with Mr. Eubanks to place quality assurance measures in place so that he may apply for accreditation. Mr. Nyakweba stated that he cannot apply for accreditation until his probation is removed.

Mr. Eubanks stated that he works for Accreditation Partners and helps pharmacies achieve accreditation.

Mr. Van Hassel asked Mr. Eubanks if he has completed any surveys to ensure that Avondale pharmacy meets the necessary requirements. Mr. Eubanks stated that they initiated a robust program that is beyond compliance.

Dr. Foy asked if the pharmacy has been inspected recently. Mr. Hunter and Ms. Sutcliffe replied that they had inspected the pharmacy several months ago. Ms. Sutcliffe stated that they had found some outdated drugs. Ms. Sutcliffe stated that there was a technician working without a license who did go to the office to obtain her license. Ms. Sutcliffe stated that they had listed some other areas for improvement.

Mr. Van Hassel stated that the Board could possibly table the request until an inspection is completed.

Mr. Nyakweba stated that he did bring documentation showing the changes that have been made in the pharmacy procedures. Mr. Nyakweba stated that by tabling his request it would also hold up his application for accreditation.

On motion by Mr. Minkus and seconded by Ms. Rosas, the Board unanimously agreed to table the request until a Board Inspection can be conducted and the results reviewed by the Board at the next meeting.

#2 Gloria Silmone

Gloria Silmone appeared on her own behalf to request that she be allowed to take the NAPLEX exam for the fifth time.

President Van Hassel opened the discussion by asking Ms. Silmone why she was appearing in front of the Board. Ms. Silmone stated that she was requesting the Board's approval to take the NAPLEX exam for the fifth time.

Mr. Van Hassel noted that they had denied Ms. Silmone's request the last time she appeared. Mr. Van Hassel asked Ms. Silmone what she has done in preparation to take the test a fifth time. Ms. Silmone stated that she has been studying for the exam. Ms. Silmone stated that she attended a live review course in California. Ms. Silmone stated that after attending the review she receives exams on line on various topics. Ms. Silmone stated that she is working full-time and studies 4 hours a day and she studies for 8 hours on the weekends.

Mr. Van Hassel reminded Ms. Silmone that NABP guidelines only allow an applicant to take the exam five times.

Dr. Musil asked Ms. Silmone where she is working. Ms. Silmone stated that she is working as a pharmacy technician at the hospital.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board agreed to approve the request by Ms. Silmone to take the NAPLEX exam for the fifth time. There was one nay vote by Mr. McAllister.

#3 Casey Allen

Casey Allen appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 10-0064-PHR be terminated. Roger Morris, Legal Counsel for Mr. Allen, was also present.

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

Mr. Allen stated that he is requesting that the Board terminate his probation. Mr. Allen stated that he was disciplined for not following procedures for closing a pharmacy. Mr. Allen stated that he realized it was wrong the way he closed the pharmacy without notifying the Board.

Dr. Foy asked if Mr. Allen has any other disciplinary actions. Ms. Frush stated that Mr. Allen is licensed in Utah and has been working in Utah. Mr. Allen stated that in Utah he had to write to the Board and explain what happened and they did not take any action against his license.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously approved the request by Mr. Allen to terminate the probation of his pharmacist license imposed by Board Order 10-0064-PHR.

AGENDA ITEM 11– License Applications Requiring Board Review – Schedule P

#1 Gary LaPanne

Gary LaPanne appeared on his own behalf to request to proceed with reciprocity.

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

Mr. LaPanne stated that he would like to reciprocate his pharmacist license to Arizona but he has been disciplined by the New Mexico Board. Mr. LaPanne stated that he was on a temporary assignment at a pharmacy and was taking controlled medications for personal use. Mr. LaPanne stated that after he left this job he confided in another pharmacist what he had done.

Mr. LaPanne stated that he voluntarily surrendered his license in January of 2012 and his license was reinstated in September 2012 with the stipulation that he be monitored by the New Mexico treatment program. Mr. LaPanne stated that he did not take a large quantity of medication. Mr. LaPanne stated that he did have prescriptions for the medications but helped himself at work if he did not have his own medications.

Mr. LaPanne stated that he enrolled in the New Mexico Monitoring program. Mr. LaPanne stated that he completed a 10 week outpatient program. Mr. LaPanne stated that he has 60 drug screens a year. Mr. LaPanne stated that he is seeing an individual therapist and attends three NA meetings a week. Mr. LaPanne stated that it is hard to find work in New Mexico and he is applying to Texas and Arizona for reciprocity.

Dr. Musil asked Mr. LaPanne what medication he had taken from the pharmacy. Mr. LaPanne stated that he was taking hydrocodone products from the pharmacy. Dr. Musil asked if abused alcohol. Mr. LaPanne stated that he was not abusing alcohol and alcohol screening is part of the testing. Mr. LaPanne stated that he is in a 12 step program for his addiction.

Dr. Musil asked how long Mr. LaPanne's contract is with the New Mexico monitoring program. Mr. LaPanne stated that he has a 5 year contract and has been in the program for 18 months.

Dr. Musil asked Mr. LaPanne if he has contacted the Arizona recovery program. Mr. LaPanne stated that he that he has just received an offer to work in New Mexico. Mr. LaPanne stated that he would continue to be monitored by the New Mexico program.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to approve the request by Mr. LaPanne to proceed with reciprocity with the stipulation that when he moves to Arizona he must enter the PAPA program for the duration of his contract with New Mexico.

#2 Arlene Hull

Arlene Hull appeared on her own behalf to request to proceed with pharmacy technician trainee licensure. Her boyfriend, Alin Pirtea, was also present.

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

Mr. Van Hassel asked Ms. Hull why she wanted to be a pharmacy technician. Ms. Hull stated that she is attending school and needs the training license to continue in school.

Mr. McAllister asked Ms. Hull if she is in a technician training program. Mr. Pirtea stated that Ms. Hull needs the trainee license to go on her externship.

Mr. Van Hassel asked Ms. Hull what led to her charges. Mr. Pirtea asked if he could explain to the Board. Mr. Pirtea stated that Ms. Hull was charged with disorderly conduct as a result of a

civil case with her ex-husband. Mr. Pirtea stated that Ms. Hull's ex-husband would make random reports to CPS and this occurred over a period of time.

Mr. Minkus asked Mr. Pirtea why he responds for Ms. Hull. Mr. Pirtea stated that there is a language barrier. Mr. Pirtea stated that there is a letter from her doctor indicating that she has issues expressing herself when she is overwhelmed and the atmosphere has overwhelmed her.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board approved Ms. Hull's request to proceed with pharmacy technician trainee licensure. There were two nay votes by Mr. Minkus and Ms. Rosas.

#3 Janice Erickson

Janice Erickson appeared at the May Board requesting permission to reciprocate her pharmacist license to Arizona. The Board tabled her request until additional paperwork was submitted to the Board.

President Van Hassel indicated that Ms. Erickson was not appearing and the Board would review the additional document submitted.

Dr. Foy stated that the document indicates the Ms. Erickson voluntarily surrendered her DEA controlled substance registration, but this does not address any action that was taken by the Utah Board. Dr. Foy stated that Ms. Erickson indicated that she believed that she was on probation with the Utah Board and has not submitted any documentation from the Utah Board.

On motion by Dr. Foy and seconded by Ms. Locnikar, the Board unanimously agreed to deny Ms. Erickson's application for reciprocity until the issues with her Utah license are resolved.

#4 Marion Talmon

Marian Talmon appeared at the May Board requesting permission to proceed with Pharmacy Technician Trainee licensure. The Board tabled her request until additional paperwork was submitted to the Board.

President Van Hassel stated that Ms. Talmon was asked to present a letter from her psychiatrist and a letter from her supervisor.

Mr. Van Hassel stated that she submitted her last encounter report because the doctor would not write a letter. Mr. Van Hassel stated that the Board did receive a letter from her supervisor indicating that she arrived to work on time and did complete her tasks.

On motion by Dr. Foy and seconded by Mr. Minkus, the Board unanimously agreed to approve the request by Ms. Talmon to proceed with Pharmacy Technician Trainee licensure.

#5 Debra Robison

Debra Robison submitted a letter to the Board requesting that the Board waive the requirement that she worked 400 hours in the last year.

President Van Hassel stated that the Board would review Ms. Robison's request to waive the requirement that she work 400 hours in the last year. Ms. Robison stated that she would like to

reciprocate her pharmacist license to Arizona. Ms. Robison stated that she has been a stay at home mother the last year and wants to return to work but is unable to find work in Nevada. Ms. Robison stated that she has part of the hours but not the complete 400 hours.

Dr. Foy stated that Ms. Robison has an active license in Nevada in good standing. Dr. Foy noted that she had worked for over 4 years in Nevada.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to allow Ms. Robison to proceed with reciprocity waiving the requirement that she worked 400 hours in the last year.

Mr. McAllister stated that the Board should consider the use of the PARE exam instead of Internship hours. Mr. McAllister asked that this item be placed on a future agenda.

AGENDA ITEM 12 – Reports

Executive Director

Budget Issues

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

Streaming Video and Sound System

Mr. Wand stated that he has ordered Streaming Video and a Sound System that should be installed for the next meeting.

Audit

Mr. Wand stated that he would be meeting with the auditors to review the audit report next week. Mr. Wand stated that Dr. Foy would also be present.

NABP Treasurer

Mr. Wand stated that he plans to run for Treasurer of NABP next May. Mr. Wand stated that he has encouraged Deputy Director Cheryl Frush to run as his replacement as Treasurer of District 8 in May.

Deputy Director Report

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

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

Pharmacy Violations

1. Current immunization certificates expired -4
2. Outdated products – 1

Controlled Substance Violations

1. Controlled Substance Overage -12
2. Controlled Substance Shortage - 3
3. Controlled Substance invoices not readily available – 2
4. Controlled Substance annual inventory not available - 1

Documentation Violations

1. Failure to document all necessary compounding information - 1

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

1. Maintaining of invoices

Areas outside the inspection reports that may be of interest:

1. There are no standing orders from prescribers
2. Prescription blanks cannot indicate the pharmacy
3. Change of Pharmacist in Charge must be reported immediately
4. Change of Employment and address must be reported within 10 days
5. CII records kept separate from other records (invoices, inventories, returns)
6. Zostavax without a prescription for 60 years and older

AGENDA ITEM 13 – Conferences – Schedule Q

Conference 1– Complaint #4209

The following individual was present to discuss the complaint:

 Sherri Oxford – Pharmacist - Respondent

President Van Hassel opened the discussion stating that Ms. Oxford had signed a Consent Agreement with the Board and violated the Consent Agreement by working in a pharmacy while her license was suspended.

President Van Hassel asked Ms. Oxford to address the complaint and why she worked after her license was suspended.

Ms. Oxford stated at the time she was an untreated alcoholic and making decisions at that time was not a strong point for her.

Ms. Oxford stated that looking back after going to treatment she has remorse for what she did. Ms. Oxford stated that she cannot take back what she did and can only move forward.

Ms. Oxford stated that she has a new life today. Ms. Oxford stated that she now has a life of recovery and honesty. Ms. Oxford stated that she has been in the PAPA program for six months and is subject to random screens. Ms. Oxford stated that she has a sponsor and attends three group meetings a week. Ms. Oxford stated that she attends a weekly PAPA meeting.

Dr. Foy asked Ms. Oxford how long she worked without a license. Ms. Oxford stated that she worked about a week.

Mr. Van Hassel asked Ms. Yates if Ms. Oxford is compliant with her PAPA contract. Ms. Yates replied that she was compliant.

On motion by Dr. Foy and seconded by Ms. Locnikar, the Board unanimously agreed to allow Ms. Oxford to continue with her current Consent Agreement. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Minkus – aye, Ms. Rosas- aye, Dr. Foy – aye, Mr. Kennedy – aye, and Mr. Van Hassel – aye).

AGENDA ITEM 14– Complaint Review – Consideration of Complaints on Schedule R

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

Complaint #4196

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

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the final accuracy check of a completed prescription medication and issue an advisory letter to the technician concerning the following of policies and procedures.

Complaint #4202

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

Complaint #4217

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 #4218 and #4219

On motion by Ms. Locnikar and seconded by Mr. Minkus, the Board unanimously agreed to ask the pharmacist in charge at the time of the incidents to appear for a conference at the September meeting.

On motion by Dr. Foy and seconded by Mr. Minkus, the Board unanimously agreed to open a complaint against the permit holder.

Complaint #4221

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

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

Complaint #4222

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to ask the pharmacist in charge to appear for a conference at the September meeting.

Complaint #4223

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 concerning substitution.

Complaint #4224

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.

AGENDA ITEM 15 – Proposed Rules- Schedule S

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 at the May 9, 2013 meeting the Board agreed to continue with the rule package with no changes.

Ms. Sutcliffe stated that she has prepared the Notice of Final Rulemaking and the Economic Impact Statement for Board Approval.

2. Licensure Rules

Ms. Sutcliffe stated that proposed rules are for Licensure changes.

Ms. Sutcliffe stated that a public hearing was held on May 28, 2013. Ms. Sutcliffe stated that there was one written comment from Janet Underwood in support of the proposed rule changes.

Ms. Sutcliffe stated that she has prepared the Notice of Final Rulemaking and the Economic Impact Statement for Board Approval.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously approved the Notices of Final Rulemaking and the Economic Impact Statements for the Long Term Care Rules and the Licensure Rules.

AGENDA ITEM 16– District 6, 7, 8 Annual Meeting

President Van Hassel asked Mr. Wand to address this Agenda item.

Mr. Wand reminded everyone that the District 6, 7, 8 annual meeting will be held in Boulder, Colorado. The meeting will be held from September 8 -11, 2013.

AGENDA ITEM 17- CBSChem Limited

President Van Hassel stated that the Board has received a complaint against the company.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to open a complaint against the company and have staff follow up on the complaint. If the complaint is completed prior to the September meeting the Board will hold a telephonic meeting.

AGENDA ITEM 18 – 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.

Robert Lipsy came forth to applaud the Board's actions in protecting the health and safety of the people of Arizona.

AGENDA ITEM 19 – Future Agenda Items

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

1. Elimination of Non-Resident Pharmacist in Charge requirements
2. Use of stamped signatures for non-controlled prescriptions
3. Update of Compounding Task Force
4. NABP annual meeting update

AGENDA ITEM 20 – Adjournment

There being no further business to come before the Board, President Van Hassel adjourned the meeting at 1:30 P.M.