



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING SEPTEMBER 18, 2013
MINUTES FOR REGULAR MEETING**

AGENDA ITEM 1 – Call to Order – September 18, 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, William Francis, Darren Kennedy, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Nona Rosas. The following staff members were present: Compliance Officers Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, and Dennis Waggoner, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Executive Director Hal Wand, 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, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule O, Special Request for Sherri Oxford.

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 8, Schedule O, Special Request for Avella Pharmacy.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule S, Complaint #4227.

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 6, Schedule M, Application for Non-Resident Pharmacy Permit for Walgreen Co..

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 12, Schedule S, Complaint #4228, #4230, #4231, #4236, and #4244.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule S, Complaint #4227.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 4, Schedule K, Complaint #4229 and #4235.

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 L, Application for Resident Pharmacy CVS/Pharmacy #10307.

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 6, Schedule M, Application for Non-Resident Pharmacy CVS Caremark.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule S, Complaint #4234 and #4241.

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 15, Reconsideration of the Consent Agreement Offered in Case 13-0012-PHR to Linda Chambers.

AGENDA ITEM 3– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Mr. Francis** the minutes of the Regular Meeting held on June 27, 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 Ms. Rosas**, 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
Long Term Strategies	107 W. Wade Lane #4, Payson, AZ 85541	Long Term Strategies
Banner Family Pharmacy - Estrella	9201 W. Thomas Rd., Phoenix, AZ 85037	Banner Health
St. Mary's Medical Park Pharmacy, Inc.	10860 N. Mavinee Rd., Oro Valley, AZ 85737	St. Mary's Medical Park Pharmacy, Inc.
QoL Meds LLC	4755 Campus Dr., Sierra, Vista, AZ 85635 (O)	QoL Meds LLC
QoL meds, LLC	2435 N. Castro Ave., Tucson, AZ 85705 (O)	QoL meds, LLC
QoL meds, LLC	630 N. Alvernon Way, 1 st Fl., Ste. 161, Tucson, AZ 85711 (O)	QoL meds, LLC
QoL meds, LLC	15317 W. Bell Rd., Surprise, AZ 85374 (O)	QoL meds, LLC
QoL Meds LLC	1705 W. Main St., Mesa, AZ 85201 (O)	QoL Meds LLC
QoL Meds LLC	10240 N. 31 st Ave., Ste. 210, Phoenix, AZ 85051 (O)	QoL Meds LLC
QoL Meds LLC	1642 S. Priest Dr., Bldg. 6, Tempe, AZ 85281 (O)	QoL Meds LLC
QoL Meds LLC	1255 W. Baseline Rd., Mesa, AZ 85202 (O)	QoL Meds LLC
QoL Meds LLC	404 W. Aero Dr., Payson, AZ 85547 (O)	QoL Meds LLC
QoL Meds LLC	2695 E. Industrial Dr., Flagstaff, AZ 86004 (O)	QoL Meds 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	3864 N. 27 th Ave., Phoenix, AZ 85017 (O)	QoL Meds LLC
QoL Meds LLC	1701 N. Douglas Ave., Douglas, AZ 85607 (O)	QoL Meds LLC
QoL Meds LLC	625 N. Plaza Dr., Apache Junction, AZ 85120 (O)	QoL Meds LLC
QoL Meds LLC	4909 E. McDowell Rd., Phoenix, AZ 85008 (O)	QoL Meds LLC
QoL Meds LLC	2549 S. Arizona Ave., Yuma, AZ 85364 (O)	QoL Meds LLC
Wilmot Pharmacy ALC	1171 E. Rancho Vistoso Blvd., Oro Valley, AZ 85755 (O)	Guardian Pharmacy of Arizona, LLC

O= Ownership Change

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
Linden Care, LLC	123 Eileen Way, Syosset, NY 11791	Linden Care, LLC
Pharmacy Solutions	1 N. Waukegan Rd., North Chicago, IL 60064 (O)	AbbVie Endocrinology
Entrust Rx	2 Wilkins Wise Rd., Suite 38, Columbus, MS 39705	Reeves Sain Drug Store Inc.
The University of Kansas Hospital	3901 Rainbow Blvd., Kansas City, Kansas 66160	The University of Kansas Hospital
Pharmco, Inc.	381 Van Ness Ave., Torrance, CA 90501	Pharmco, Inc.
ProAct Pharmacy Services, Inc	1226 US Hwy 11, Gouverneur, NY 13642	Health Direct Pharmacy Services
Total Infusion Care, Inc.	3041 W. Horizon Ridge Pkwy. #100, Henderson, NV 89052	Total Infusion Care, Inc.
Direct Success Pharmacy Dept.	1710 Highway 34, Farmingdale, NJ 07727	Cherly Lawrence McDaniel
Jersey Shore Pharmacy	3007 Ocean Heights Ave., Egg Harbor Township, NJ 08234	EHT Pharmacy LLC
Concierge Compounding Pharmaceuticals, Inc.	1887 Whitney Mesa Dr., Henderson, NV 89014	Concierge Compounding Pharmaceuticals, Inc.
Empower Pharmacy	12123 Jones Rd., Houston, TX 77070	Shaun Nooria
Wells Pharmacy Network	1210 SW 33 rd Ave., Ocala, FL 34474	NeMoMo, LLC
OK Compounding	102 N. Broadway, Skiatook, OK 74070	OK Compounding, LLC
Infuserve America	880 28 th Street N, St. Petersburg, FL 33716	Infuserve America, Inc.
Sonexus Health Pharmacy Services, LLC	2730 S. Edmonds Ln., Lewisville, TX 75067	Sonexus Health Pharmacy Services, LLC
Westchase Compounding Pharmacy	12617 Rae Track Rd., Tampa, FL 33626	Renier Gobeia
Humana Pharmacy, Inc. dba RightSource	2001 W. John Carpenter Freeway, Irving, TX 75063	Humana Pharmacy, Inc.
Peak Rx, LLC	801 S. Perry St., Suite 100, Castle Rock, CO 80104	Peak Rx, LLC
Valley Prescription and Compounding Pharmacy	330 E. 13 th St., Merced, CA 95341	Jeffrey Hill
Pharmetrics Specialty Rx	10322 NW 55 th St., Sunrise, FL 33351	Pharmetrics Specialty Group of Florida, LLC

O= Ownership Change

4. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Milky Way Anesthesia, LLC (Full Service – DEA requires for Mobile Anesthesia)	10255 N. 32 nd St., Phoenix, AZ 85028	Milky Way Anesthesia
Lincare Inc (Full Service)	8615 W. Kelton Ln, Ste. 308, Peoria, AZ 85382	Lincare, Inc.
Lincare Inc. (Full Service)	375 E. Elliot Rd. #1 & #2, Chandler, AZ 85225	Lincare, Inc.
Lincare, Inc. (Full Service)	1020 E. Palmdale, Ste. 110, Tucson, AZ 85714	Lincare, Inc.
St. Mary's Medical Park Pharmacy, Inc. (Full Service)	10860 N. Mavinee Dr., Oro Valley, AZ 85737 (O)	St. Mary's Medical Park Pharmacy, Inc.

O= Ownership Change

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

NON-RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Packaging Coordinators, Inc. (Full Service)	4545 Assembly Dr., Rockford, IL 61109 (O)	PCI AB Holdings, Inc.
Atlantic Biologicals Corp. (Full Service)	860 Aviation Pkwy., Morrisville, NC 27560	Atlantic Biologicals Corp.
Chattem, Inc. (Non-Prescription)	1025 Sandhill Rd., Reno, NV 89521	Chattem, Inc..
Sonexus Health Distribution Services, LLC (Full Service)	2739 S. Edmonds Lane, Ste. 300, Lewisville, TX 75067	Sonexus Health Distribution Services, LLC
Open Source Pharmaceuticals, Inc. (Full Service)	1208A VFW Pkwy #202, West Roxbury, MA 02132	Open Source Pharmaceuticals, Inc.
The Procter & Gamble Distributing, LLC (Non-Prescription)	800 North Rice Avenue, Oxnard, CA 93030	The Procter & Gamble Distributing, LLC
The Procter & Gamble Distributing, LLC (Non-Prescription)	5000 Iowa String Rd., Bear River City, UT 84301	The Procter & Gamble Distributing, LLC
The Procter & Gamble Distributing, LLC (Non-Prescription)	3388 E. Mason St., Green Bay, WI 54311	The Procter & Gamble Distributing, LLC
The Procter & Gamble Distributing, LLC (Non-Prescription)	1535 Power Lane, Albany, GA 31705	The Procter & Gamble Distributing, LLC

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

NON-RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
The Procter & Gamble Distributing, LLC (Non-Prescription)	5920 State Highway V, Jackson, MO 63755	The Procter & Gamble Distributing, LLC
The Procter & Gamble Distributing, LLC (Non-Prescription)	279P & G Warehouse Way, Tunkhannock, PA 18657	The Procter & Gamble Distributing, LLC
Merry X-Ray Corporation (Full Service)	1422 Gardena Ave., Glendale, CA 91204	Merry X-Ray Corporation
PAR Pharmaceuticals, Inc (Full Service)	30 Dunnigan Dr., Montbello, NY 10901 (O)	PAR Pharmaceuticals, Inc.
OHL (Full Service)	1101 Whitaker Rd., Plainfield, IN 4616	Ozburn-Hessey Logistics, LLC
Flowonix Medical Inc. (Full Service)	500 International Dr., Suite 200, Mount Olive, NJ 07828	Flowonix Medical Inc.

O = Ownership Change

4. (5) Resident Manufacturer Permits – Schedule E

RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
St. Mary's Medical Park Pharmacy, Inc.	10860 N. Mavinee Rd., Oro Valley, AZ 85737 (O)	St. Mary's Medical Park Pharmacy, Inc.

O= Ownership Change

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

NON-RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
Gensco Laboratories	12741 Miramar Pkwy., Ste. 301, Miramar, FL 33027	Gensco Laboratories, LLC
Tandem Diabetes Care, Inc.	11045 Roselle St., San Diego, CA 92121	Tandem Diabetes Care, Inc.
NextSource Biotechnology, LLC	4300 SW 73 rd Ave., Suite 108, Miami, FL 33155	NextSource Biotechnology, LLC
Lanx, Inc.	310 Interlocken Parkway, Ste. 120, Broomfield, CO 80021	Lanx, Inc.
Orexo US, Inc.	220 E. 42 nd St. 409 A, New York, NY 10017	Orexo US, Inc.
Antares Pharma, Inc.	100 Princeton South, Suite 300, Ewing, NJ 08628	Healthpoint, Ltd.

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

NON-RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
Cubist Pharmaceuticals, Inc.	65 Hayden St., Lexington, MA 02421	Cubist Pharmaceuticals, Inc.
Nielsen Biosciences, Inc.	7229 Convoy Ct., San Diego, CA 92111	Nielsen Biosciences, Inc.
Sancilio and Company, Inc.	3847 Fiscal Court, Suite 200, Riviera Beach, FL 33404	Sancilio and Company, Inc.

4. (7) – New Pharmacists – Schedule G

The Board approved the 351 New Pharmacist Licenses listed on the attachments.

4. (8)– New Interns – Schedule H

The Board approved the 278 New Intern Licenses listed on the attachments.

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

The Board approved the 1266 New Pharmacy Technicians listed on the attachments.

4. (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.

Roberto Aguayo	Sara Alvis	Daria Bahe
Alicia Barbara	Stan Bodenheimer	Sharon Browning
Jesus Camacho	Renee Camacho	Marylee Carbajal
Emperatriz Carranza	Brenda Cash	Yolanda Chacon
Mckenzie Coates	Manuel Cordova	Benjamin Cudjoe
Sarah D’Acensio	Michael Davis	Jodene Deherrera
Andrew Dimtsios	Tashina Draper	Nhan Duong
Simon Duran	Christine Eichmann	Laura Funk
Janice Gabayaran	Ray Galindo	Valeria Garay
Eduardo Garcia	Nina Ghannad Ranjbar	Rebecca Gomez
Arlene Gonzales	Christina Green	Sean Griffin
Antoinette Gurrieri-Birk	Yousef Haddad	Chantel Halpin
Leilani Henry	Eduardo Hernandez	Amanda Hoffman
Terri Holland	Cyril Jimoh	Latrice Jordan
Brittany Keegan	Bronswellus Kent	Shaghayegh Khatabi
Dan Khuu	Nathan Le	Vanessa Lentini
Louis Lipchak	Santana Rose	Yaneth Lopez
Grace Lucas	Mark Mangosing	Bianca Manjarrez
May ManleY	Juan Marquez Jr.	Renae Matlock
Aubrey Matthews	Clarissa Medina	Nazia Mehrzad
Jose Mendez	Ruslan Mitchell	Sheryl Morehead
Jonathan Nunemacher	Sharee Paddock	Remedios Padilla
Terrell Pearson	Katelyn Peiffer	Dinorah Prado

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

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

Ethel Rivas	Stephanie Rodriguez	Tyler Rosales
David Ross	Mary Sanders	Monique Satterwhite
Bright Setsoafia	Jack Shaw III	Taylor Simmons
Jasmine Sims	Treva Smith	Mary Sullivan
Sharon Trevino	Whitley Valera	Erika Vargas
Angelica Vega	Lisa Walker	Lindsay Winchester
Lindsay Woller	Claudia Yerena	Heather Yoder

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

The Board unanimously agreed to dismiss the following complaints:

Complaint #4226	Complaint #4232	Complaint #4237
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Due to a Conflict of Interest, Dr. Foy was recused for the following two complaints.

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously agreed to dismiss the following two complaints:

Complaint #4229	Complaint #4235
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AGENDA ITEM 5– Resident Pharmacy Permits – Schedule L

1. CVS Pharmacy #10307

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

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

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
CVS Pharmacy #10307	6310 E. Broadway Blvd., Tucson, AZ 8510	German Dobson CVS, LLC

2. East Valley Patient Care Services

President Van Hassel stated that a representative from East Valley Patient Care Services was present to answer questions from Board Members.

Peter Sweeney, Pharmacist in Charge and Owner, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking Mr. Sweeney to describe his business

model. Mr. Sweeney stated that he plans to open a limited service pharmacy to provide medications to Assisted Living facilities. Mr. Sweeney stated that he owns MedHealth Solutions that also provides medications to Assisted Living Facilities. Mr. Sweeney stated that the pharmacy would fill the prescriptions and deliver the medications to the patient at the Assisted Living homes.

Mr. McAllister asked Mr. Sweeney if they use any automated dispensing. Mr. Sweeney replied no.

Mr. Van Hassel asked Mr. Sweeney if they would be preparing any sterile products at this site. Mr. Sweeney replied no. Mr. Sweeney stated that they do prepare sterile products at his other pharmacy. Mr. Sweeney stated that since they are servicing only assisted living patients there would be no need for sterile preparations or compounded products.

Mr. McAllister asked if he would be accepting returns from the facility. Mr. Sweeney stated that if the product was returned from the facility unused the pharmacy would credit the patient's account. Mr. Sweeney stated that in most cases the product is destroyed by incineration.

Mr. McAllister asked if they would ever re-dispense a medication. Mr. Sweeney stated that if the product is reusable and they can determine that the product has been stored appropriately. Mr. Sweeney stated that if they cannot determine how the product was stored the medication would be destroyed.

3. Phoenix Children's Hospital- Mercy Gilbert Center

President Van Hassel stated that representatives were present from Phoenix Children's Hospital-Mercy Gilbert Center to answer questions from Board Members.

Yolanda Douthard, Pharmacist in Charge and Pharmacy Director, and Thomas Wright, Operations Manager, were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking Ms. Douthard about her application and deviation request.

Ms. Douthard stated that Phoenix Children's Hospital would like to expand to provide care in the East Valley. Ms. Douthard stated that Phoenix Children's Hospital (PCH) has an agreement to lease space from Mercy Gilbert Hospital.

Ms. Douthard stated that they will be licensed for 22 beds. Ms. Douthard stated that the average stay would be 1 to 3 days.

Ms. Douthard stated that the patients would have low intensity health issues and if they had major health issues they would be moved to the main campus.

Ms. Douthard stated that they are asking for a space deviation. Ms. Douthard stated that they have approximately 362 square feet and are requesting a deviation from the 500 square feet

required for a hospital pharmacy.

Mr. Van Hassel asked about the staffing of the pharmacy. Ms. Douthard stated that the pharmacy would open at 6:30 A.M. and close at 9:00 P.M. nightly depending on the volume. Ms. Douthard stated that there would be limited hours on Saturday. Ms. Douthard stated that the pharmacy can be monitored on the main campus 24/7 365 days a year. Ms. Douthard stated that after hours a pharmacist at the main campus would review the orders and release the medications from the automatic dispensing machine.

Mr. Van Hassel asked where the pharmacy would be located. Ms. Douthard stated that PCH is renting the wing off the Emergency Room.

Mr. Van Hassel asked about the staffing of the pharmacy. Ms. Douthard stated that there would be one pharmacist to start and no technician.

Dr. Musil asked about the IV room and location on the floor plan. Ms. Douthard stated that they have a continuous space of 362 square feet. Ms. Douthard stated that they have marked off a 100 square feet for the preparation of immediate use items in an uninhibited space.

Dr. Musil stated that he does not feel this space would be USP 797 standards. Ms. Douthard stated that all medium or high risk products would be made at the main hospital and sent to the hospital in Gilbert by courier. Ms. Douthard stated that 60% of the patients would be there for observation.

Dr. Musil asked if they would be preparing any tpn medications. Ms. Douthard stated no and there would be no critical care patients at this site.

Dr. Musil stated that he is concerned that there is no ante room and no clear delineation of the sterile room. Dr. Musil stated that the proposed room does not meet USP standards.

Ms. Douthard stated that they could place a barrier isolator in the space to meet USP 797 standards. Ms. Douthard stated that all the prepared products are immediate use products and would be used within 12 hours.

Ms. Rosas asked how the nurses would obtain the medications to administer to the patients. Ms. Douthard stated that they use an Omnicell system. Ms. Douthard stated that there would be an Omnicell machine in the pharmacy and one in the Med-Room. Ms. Douthard stated that the nurses would obtain medication from the Omnicell machine in the Med-Room.

Ms. Douthard stated that the pharmacy would provide medications during the day. Ms. Douthard stated that all nurses are PHC staff. Ms. Douthard stated that if a nurse needs medication after hours they have a badge that would give them access to the Med-Room Omnicell. Ms. Douthard stated that the pharmacy area is by badge entrance and is monitored by cameras.

Dr. Musil asked if there would be any non-sterile compounding. Ms. Douthard stated that they

would be straight draw oral bulk medications.

Ms. Rosas asked if they would be preparing chemo medications. Ms. Douthard replied no. Ms. Douthard stated that would mostly be dispensing oral medications.

Dr. Foy asked if Ms. Douthard could install a barrier wall or a soft wall. Ms. Douthard believed that they could install a soft wall.

Mr. Van Hassel stated that they could hang plastic strips or use a retractable wall to separate the spaces and have an isolated area.

Ms. Douthard stated that they do have time to work with the space.

Mr. Van Hassel stated that the Board could table the application at this time and ask Ms. Douthard to re-submit the floor plans showing a separate area for compounding of sterile products.

4. Injured Workers Pharmacy, LLC

President Van Hassel stated that representatives were present from Injured Workers Pharmacy, LLC to answer questions from Board Members.

Richard Gutoski, Pharmacist in Charge, and George Cayer, Vice President of Operations, were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicants to describe their business model. Mr. Gutoski stated that they are a home deliver pharmacy that fills prescriptions for patients that are referred by their physicians or attorneys as a result of personal injuries, workers comp injuries, or auto accident injuries

Mr. Cayer stated that the company started in Massachusetts. Mr. Cayer stated that the pharmacy that they are building in Arizona would be a smaller pharmacy and would be filling prescriptions for the west coast states. Mr. Cayer stated that the pharmacy would also help if there was a disaster and the pharmacy in Massachusetts needed help. Mr. Cayer stated that their referrals come from attorneys or physicians.

Mr. Van Hassel asked if there were any requirements to use the pharmacy or could any patient use the pharmacy. Mr. Cayer stated that there are no requirements to be able to use the pharmacy.

Dr. Musil asked if there was a counseling area. Mr. Gutoski stated that there is a locked window in the reception area if a patient decided to pick up the medication at the pharmacy the pharmacist would go to the reception area to counsel the patient.

Dr. Musil asked if any medications would be stored outside the pharmacy area. Mr. Gutoski stated that all medications would be stored in the pharmacy.

Mr. Van Hassel asked if the prescriptions would be delivered to the patient. Mr. Gutoski stated that the prescriptions would be sent by mail

Dr. Foy asked about the layout of the pharmacy and if data entry personnel were located in the pharmacy. Mr. Gutoski stated that the data entry personnel are located in the pharmacy and have badges that are scanned to allow them to enter the pharmacy.

Mr. McAllister asked what duties the employees in the general office space perform. Mr. Gutoski stated that they make calls to doctors and lawyers. Mr. Cayer stated that the employees only call the doctors or lawyers to obtain demographic information.

Mr. McAllister suggested that they review the practice of pharmacy definition to ensure that the employees do not perform duties that a pharmacist should perform.

Mr. Cayer stated that if a patient requires counseling the call would be transferred to a pharmacist.

Mr. McAllister asked if they would be dispensing controlled substances. Mr. Gutoski stated that about 40% of the prescriptions are for controlled substances.

Dr. Musil asked if the employees verifying demographics have access to the pharmacy management software. Mr. Cayer stated that the system is a proprietary system and the employees have access to only the areas they need to perform their jobs.

Dr. Musil asked if the employees would be required to have a technician license. Mr. Gutoski stated that the Data Entry technicians would have licenses but the enrollment employees would not because they are only obtaining demographic information such as name and address.

Dr. Musil reminded the applicants that HIPAA information needs to be protected. Mr. Cayer stated that the reimbursement and enrollment employees would not be looking at profiles. Mr. Cayer stated that they would be looking at billing and enrollment information.

Mr. Cayer stated that all employees receive privacy training.

Mr. Wand asked about the size of the counseling area. Mr. Cayer stated that the area is roughly 6 feet by 8 feet with a locked window.

Mr. McAllister stated that they have defined the whole area as the pharmacy and a pharmacist must be present. Mr. Cayer stated that the pharmacist would be present while the pharmacy is open and the building would be locked when the pharmacist leaves.

Dr. Foy asked where filled prescriptions are stored. Mr. Gutoski stated that the prescriptions would be stored in the pharmacy and would be queued for shipping. If the patient wants to pick up the prescriptions the prescriptions would be placed in an area for pick up.

Mr. Kennedy asked who would enter the allergy and health conditions. Mr. Cayer stated that certified technicians would be entering that information.

Mr. McAllister asked if they would only be doing mail order prescriptions. Mr. Cayer stated that they would do both mail order and retail.

Mr. McAllister asked if the patient would send in the prescription. Mr. Cayer stated that the patient, their attorney, or their physician could send the prescription to the pharmacy.

Mr. Van Hassel asked if any doctors are owners of the business. Mr. Cayer stated that there is no financial relationships within the company.

5. Adamsville Florence Medical Center

President Van Hassel stated that representatives were present from Adamsville Florence Medical Center answer questions from Board Members.

Gary Faulkner (Representative for new company) and Charity Olson (Current Pharmacist in Charge) were present to answer questions from Board Members.

Mr. Van Hassel opened the discussion by asking the applicants if they were taking over the hospital that closed.

Mr. Faulkner stated that the hospital was purchased by a new owner and is licensed for 23 beds. Mr. Faulkner stated that they plan on opening by November 15, 2013.

Dr. Musil asked if they would offer both inpatient and outpatient services. Ms. Olson stated at this time they would only be offering inpatient services.

Dr. Musil asked about the sterile compounding room. Ms. Olson stated that the room is 211 square feet and was built by the previous owners and there are no plans to change the room.

Ms. Olson stated that they only do admixtures that are for immediate use and most admixtures would be used within 12 hours.

Dr. Foy asked Ms. Olson if she was the pharmacist in charge when the pharmacy closed. Ms. Olson stated that she was there when the hospital closed. Ms. Olson stated that she stayed until the end and properly closed the pharmacy. Ms. Olson stated that the employees did not receive any notice from the pharmacy.

Mr. Faulkner stated that the previous owners decided to close the hospital one morning and the employees were told at 10:00 A.M. that the hospital was closing. Mr. Faulkner stated that the hospital was closed after the patients were either discharged or transferred.

Mr. Faulkner stated that this is a new ownership group and operation company.

Mr. Van Hassel asked about the census. Mr. Faulkner stated that they anticipate the average census would be 3 to 8 beds. Mr. Faulkner stated that when the winter visitors return the census could be 15 to 20 beds daily. Mr. Faulkner stated that they are prepared to handle up to 23 patients at a time. Ms. Olson stated that most patients suffer from cellulitis, chest pain, or pneumonia.

Mr. Van Hassel asked about the staffing of the hospital. Ms. Olson stated that the hospital will have a new pharmacist in charge soon and she would serve as ancillary staff and help with overnight coverage. Ms. Olson stated that they would have one part-time pharmacy technician.

6. Arizona Medical Infusion

Arizona Medical Infusion requested to postpone their appearance

7. Southwestern Children's Health Services, Inc.

President Van Hassel stated that representatives were present from Southwestern Children's Health Services, Inc. to answer questions from Board Members.

Bradley Schammel, Pharmacist in Charge, and Anthony Walters, CEO, were present to answer questions from Board Members.

Mr. Van Hassel opened the discussion by asking the applicants to describe their business model.

Mr. Schammel stated that they would be operating a pharmacy inside a psychiatric hospital. Mr. Schammel stated that they would have an in-house pharmacy servicing 47 acute psychiatric beds. Mr. Schammel stated that they plan to open in November or December.

Mr. Van Hassel asked if the entire pharmacy is one large room. Mr. Schammel replied yes.

Mr. Walters stated that they anticipate their census to be roughly 20 beds the first year and increase to the low 30's in the second year of operation.

Mr. Van Hassel asked if they would be preparing any sterile or IV products. Mr. Schammel replied that if IV therapy is needed the patient would be transferred to the hospital.

On motion by Dr. Foy and seconded by Dr. Musil, the Board approved the Resident Pharmacy Permits listed below.

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
East Valley Patient Care Services Inc.	218 W. Hampton Ave. #4, Mesa, AZ 85210	East Valley Patient Care Services, Inc.
Injured Workers Pharmacy, LLC	5029 E Sunrise Dr., Suite 101, Phoenix, AZ 85044	IWP Holdings, LLC
Adamsville Florence Medical Center	450 W. Adamsville Rd., Florence, AZ 85132 (O)	Anelime Healthcare, LLC
Southwestern Children’s Health Services, Inc.	2190 N. Grace Blvd, Chandler, AZ 85225	Acadia Healthcare Company

O= Ownership Change

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously agreed to table the application for Phoenix Children’s Hospital- Mercy Gilbert Center until additional floor plans can be submitted.

AGENDA ITEM 6– Non- Resident Pharmacy Permits – Schedule M

1. Walgreen Co.

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

On motion by Mr. McAllister and seconded by Mr. Francis, the Board unanimously approved the following Non-Resident Pharmacy Permit:

NON -RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Walgreen Co.	521 W. Avalon Ave., Muscle Shoals, AL 35661	Walgreen Co.

2. CVS Caremark

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

On motion by Mr. McAllister and seconded by Mr. Francis, the Board unanimously approved the following Non-Resident Pharmacy Permit:

NON-RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
CVS Caremark	1307-H Allen Dr., Troy, MI 48083	Caremark Michigan Specialty Pharmacy, LLC

3. KVP Pharmacy

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

Aris Sislyan Operations Manager, and Jacquelyn Howe, Arizona Pharmacist in Charge, were present to answer questions from Board Members.

Mr. Van Hassel asked the applicants where the pharmacy is located. Mr. Sislyan stated that the pharmacy is located in Glendale, California.

Mr. Van Hassel asked Mr. Sislyan when the pharmacy opened for business. Mr. Sislyan stated that the pharmacy opened in 2011.

Mr. Van Hassel stated that the Board had received one complaint concerning shipping into Arizona without being licensed in the state. Mr. Van Hassel stated that a second complaint has been sent to the Board concerning the shipping of medications to Arizona without being licensed. Mr. Sislyan stated that they were not aware of the second complaint and they do not ship to Arizona. Mr. Sislyan stated that if a prescription was received from an Arizona resident then the prescription would be set aside and not filled. Mr. Sislyan stated that they may have shipped one or two prescriptions to Arizona accidentally.

Mr. Van Hassel asked about their current procedure on shipping medications. Mr. Sislyan stated that the prescriptions would be sent to the pharmacy via e-mail or fax. Mr. Sislyan stated that prior to entering the prescription the pharmacist would check to see if the prescription is from a state where they hold a license. If they are not licensed in that state, the prescription would not be filled.

Dr. Foy asked if they shipped any prescriptions to Arizona. Dr. Foy asked if they checked their database to see if any prescriptions were sent to Arizona.

Mr. Sislyan stated that they were involved in the application process and did not check the database.

Dr. Foy asked if they are licensed in other states besides California. Mr. Sislyan indicated that they were licensed in 12 states

Dr. Foy asked who makes the determination if a prescription is sent to a patient. Mr. Sislyan stated that the person receiving the prescription would note that it is not a state in which they hold a license and a California pharmacist would make the final determination if the prescription could be shipped.

Dr. Foy asked if there was a hard stop in the computer that would prevent a prescription from being sent to a state where they are not licensed. Mr. Sislyan stated that there was no hard stop.

Dr. Foy asked how the pharmacists know in which states the pharmacy is licensed. Mr. Sislyan stated that there is a list in the pharmacy and the pharmacist checks the list.

Dr. Foy again asked how many prescriptions were sent to Arizona. Mr. Sislyan stated that he does not know and believes that they did not ship any prescriptions to Arizona.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to table the application until a Board Compliance Officer could go to California to review the database to see if any prescriptions were sent to Arizona. The inspection and costs would be at KVP's expense.

AGENDA ITEM 7– Resident Wholesaler Permits – Schedule N

1. M.E. Wholesale Distribution

President Van Hassel called the applicants to come forth to address the Board. No one came forth.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously agreed to table the application until the applicant appears to answer questions from Board Members.

AGENDA ITEM 8 -Special Requests- Schedule O

#1 Sherri Oxford

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

Sherri Oxford appeared on her own behalf to request that the suspension imposed on her pharmacist license per Board Order 12-0034-PHR be terminated and probation imposed. Lisa Yates with the PAPA program was also present.

President Van Hassel opened the discussion by asking Ms. Oxford why she was appearing in front of the Board.

Ms. Oxford stated that she is requesting that the Board terminate her suspension and impose probation.

Mr. Van Hassel asked Ms. Yates about PAPA's recommendation. Ms. Yates indicated that Ms. Oxford has been compliant with the program. Ms. Yates stated that the Board has received letters from Ms. Oxford's counselor and sponsor.

Dr. Foy asked Ms. Oxford why she did not ask for the suspension to be terminated earlier. Ms. Oxford stated that there were delays in her entering the treatment program and then she had the other complaint where she worked while her license was on suspension.

Mr. Van Hassel asked Ms. Oxford about the changes in her life. Ms. Oxford stated that her life

now has clarity, purpose, and vision. Ms. Oxford stated that she is ready to return to the practice of pharmacy. Ms. Oxford stated that she goes to PAPA meetings and also attends AA meetings.

Mr. Van Hassel asked Ms. Oxford if she has a job offer. Ms. Oxford stated that if she is given her license back she could possibly return to employment within the next week or two.

On motion by Dr. Musil and seconded by Dr. Foy, the Board unanimously agreed to terminate the suspension of Ms. Oxford's pharmacist license and impose probation. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Kennedy – aye, Mr. Minkus – aye, Ms. Rosas – aye, Mr. Francis – aye, Dr. Foy – aye, and Mr. Van Hassel – aye)

#2 Steven's Pharmacy

Charles Bonner (Owner of Steven's Pharmacy) appeared telephonically on behalf of his pharmacy to request that the probation on his pharmacy permit per Board Order 12-0022-PHR be terminated.

President Van Hassel opened the discussion by asking Mr. Bonner why he was appearing telephonically.

Mr. Bonner stated that he would like the Board to remove the probation on his pharmacy permit. Mr. Bonner stated that the California Board has terminated his probation in California.

On motion by Dr. Musil and seconded by Dr. Foy, the Board unanimously agreed to terminate the probation imposed on Steven's Pharmacy. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Kennedy – aye, Mr. Minkus – aye, Ms. Rosas – aye, Mr. Francis – aye, Dr. Foy – aye, and Mr. Van Hassel – aye)

3. Avella

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

President Van Hassel opened the discussion by stating that representatives from Avella were present to request to deviate from R4-23-408 (H) for hard copy filing requirements.

Randall House, Pharmacy Director, and John Foss, Pharmacy Systems, were present to answer questions from Board Members.

Mr. Foss stated that they are requesting a deviation for the filing of the hard copies.

Mr. Foss stated that they are asking not to place the stickers on the back of the prescription. Mr. Foss stated that they would place barcodes on the back of the prescriptions and file the prescriptions by day.

Mr. Wand asked if the prescriptions would be filed numerically. Mr. Foss stated that the prescriptions would be filed sequentially.

The Board Members determined that a deviation was not required and the Board took no action on this agenda item.

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

#1 Bradley Fletcher

Bradley Fletcher appeared on his own behalf to request to proceed with pharmacy technician licensure. Mr. Fletcher has a revoked teaching certificate.

President Van Hassel opened the discussion by asking Mr. Fletcher why he was appearing in front of the Board. Mr. Fletcher stated that he works in the Tucson school district as a resource specialist. Mr. Fletcher stated that he would like to be a pharmacy technician. Mr. Fletcher stated that in 1998 an incident occurred with a student and he resigned his position.

Mr. Fletcher stated that accusations of harassment were filed with the school district.

Dr. Foy asked about the nature of the revocation of his teaching certificate. Mr. Fletcher stated that he became friends with a family and one of the family members was a student of his at that time. Mr. Fletcher stated that the parents filed a complaint against him and his certificate was revoked. Mr. Fletcher stated that he failed to establish boundaries.

Mr. Van Hassel asked Mr. Fletcher why he wanted a pharmacy technician license. Mr. Fletcher stated that his mother has inspired him to go into the medical field. Mr. Fletcher stated that he enjoys helping people.

Mr. Van Hassel asked Mr. Fletcher if any charges were filed against him. Mr. Fletcher replied no.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously agreed to approve the request by Mr. Fletcher to proceed with Pharmacy Technician licensure.

#2 LaShaunda Bennett

LaShaunda Bennett appeared on her own behalf to request to proceed with pharmacy technician trainee licensure. Mr. Bennett has a revoked certified nursing assistant license and felony convictions.

President Van Hassel opened the discussion by asking Ms. Bennett why she was appearing in front of the Board. Ms. Bennett stated that she is applying for a pharmacy technician trainee license. Ms. Bennett stated that she is currently working as a Unit Secretary at the County Hospital

Mr. McAllister asked Ms. Bennett what she has been doing since the last time she had appeared in front of the Board. Ms. Bennett stated that she is a mother of 5 children and also has her

sister's 3 children. Ms. Bennett stated that the last time she had appeared she had been charged with a felony because one of the children had left the house. Ms. Bennett stated that she has taken the required classes required by her probation. Ms. Bennett stated that she is currently attending nursing classes.

Mr. McAllister asked Ms. Bennett if she wants to be a pharmacy technician or a nurse. Ms. Bennett stated that she would like to learn more about the drugs she would be working with as a nurse and that is why she is applying for the license.

Mr. Van Hassel asked if she has had any more legal issues. Ms. Bennett stated that she has had no issues.

Dr. Foy asked Ms. Bennett if the only reason her CNA license was revoked was because of her charges. Ms. Bennett replied yes.

Dr. Musil asked Ms. Bennett if she is able to reapply for her CNA license. Ms. Bennett replied that she is in the process.

Mr. Van Hassel asked if she had a possibility of a job as a technician. Ms. Bennett stated that if she is given a license she has an opportunity of a job at Safeway.

Ms. Rosas asked Ms. Bennett if she is still on probation. Ms. Bennett stated that her probation was for 6 years and she has attended the required classes and her probation is being reduced to 3 years and should end in September of 2014.

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously agreed to approve the request by Ms. Bennett to proceed with Pharmacy Technician Trainee licensure.

#3 Ralph Troller

Ralph Troller appeared on his own behalf to request to proceed with Pharmacist Licensure. Mr. Troller has a revoked Pharmacist License in Texas. Robert Chelle, Legal Counsel for Mr. Troller was also present.

President Van Hassel asked Mr. Troller why he was appearing in front of the Board. Mr. Troller stated that he is applying to take the exams to become a pharmacist in Arizona. Mr. Troller stated that his license was revoked in Texas because he did not fulfill his PRN agreement in Texas.

Dr. Musil asked Mr. Troller if he attended AA meetings. Mr. Troller stated that he did attend AA meetings.

Dr. Musil asked Mr. Troller to explain what he did from 2010 until 2012. Mr. Troller stated that his license was formally revoked and he was unable to get a job. Mr. Troller stated that his parents lived in Arizona so he moved to Arizona. Mr. Troller stated that he got a job in Sun City at the recreation center. Mr. Troller stated that he got married again. Mr. Troller stated that

when he got money he would drink. Mr. Troller stated that his wife did not like his drinking and on May 15th of 2012 he decided that he needed help. Mr. Troller stated that at the time he was not attending AA meetings. Mr. Troller stated that he signed a PAPA contract in April of 2013.

Dr. Musil asked Mr. Troller why he wants to work in pharmacy again. Mr. Troller stated that he likes the job and likes helping people. Mr. Troller stated that he worked for 21 years in hospital pharmacy and 4 years in retail pharmacy.

Dr. Musil asked Mr. Troller if he has completed any CE hours since 2010. Mr. Troller stated that he has completed 150 hours of CE.

Dr. Foy asked Mr. Troller if he ever worked under the influence of alcohol. Mr. Troller stated that he drank at night but did not drink at work.

Mr. Van Hassel asked Mr. Troller what assurances he could give that Board that his life is different today. Mr. Troller stated that he is honest with everyone around him. Mr. Troller stated that he attends meetings and talks at the meetings. Mr. Troller stated that he accepts the program and helps others in the program. Mr. Troller stated that PAPA is a 5 year commitment but recovery is a lifetime commitment.

On motion by Dr. Musil and seconded by Mr. McAllister, the Board decided to offer Mr. Troller a consent agreement with the following terms: Mr. Troller must pass the NAPLEX and MPJE exam and enter into a 5 year PAPA contract. There was one nay vote by Mr. Minkus.

AGENDA ITEM 10– 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 the equipment has been installed and the meeting today is being streamed.

Audit

Mr. Wand stated that he has included the full audit report in the book. Mr. Wand stated that he has addressed the issues and changes in policies and procedures are being made to correct any issues found by the auditors.

NABP Treasurer

Mr. Wand stated that he plans to run for Treasurer of NABP next May at the annual meeting. Mr. Wand stated that Ms. Frush will be the new District 8 treasurer.

Deputy Director Report

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

During the months of June, July, and August the Compliance Staff issued letters for the following violations:

Pharmacy Violations

1. Pharmacy facilities were not clean (floor, shelves, counter cluttered) - 1
2. Outdated products – 1
3. Pharmacy technician trainee compounding – 1

Controlled Substance Violations

1. Controlled Substance Overage -25
2. Controlled Substance Shortage - 12
3. Controlled Substance invoices not readily available – 2
4. Controlled Substance annual inventory not complete – 1
5. Controlled Substance invoices not separated - 1

Documentation Violations

1. Failure to document patient allergy information – 1
2. Failure to sign daily signature log – 1
3. Failure to complete counseling documentation – 1
4. DEA 222 form not completed - 1

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

1. Controlled Substance record keeping

Areas outside the inspection reports that may be of interest:

1. Pharmacy technician trainees cannot compound
2. Pharmacy Technician compounding training must be available
3. Pharmacy Technicians cannot perform the duties reserved for a pharmacist, such as clarification of a prescriptions
4. Humulin R U-500 Insulin – if dosing is an issue contact the physician

PAPA Report – Schedule Q

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-five (45) participants in the PAPA program. Ms. Yates stated that since her last report on May 9, 2013, there have been two (2) participants that have completed the program, two (2) participants that have entered the program, and there was one death.

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

PAPA New EtG Screening Retest

Ms. Yates stated that there have been two participants that have tested positive for alcohol during recent screens and both participants have denied the use of alcohol. Ms. Yates stated that if the participant tests positive for alcohol and denies the use of alcohol then they would be asked to contact Dr. Sucher's office for a referral to have an Ethanol Blood test at Scottsdale Osborn Hospital. Ms. Yates stated that the test would be at the participant's expense.

Dr. Pickens Request to use a polygraph test

Ms. Yates stated that she spoke to Dr. Sucher about the use of a polygraph test. Dr. Sucher recommended using the blood test as a second test for positive alcohol screenings. Dr. Sucher stated that often the polygraph tests are inaccurate and are not admissible for evidence.

The Board decided not to use the polygraph exam as a screening tool.

AGENDA ITEM 11 – Conferences – Schedule R

Conference 1– Complaint #4218 and #4219

The following individual was present to discuss the complaint:

Joseph Hinton – Pharmacist in Charge – Respondent

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

Complaint #4218

Mr. Petersen stated that the Board received the same complaint from three different technicians employed at the pharmacy. Mr. Petersen stated that the technicians allege that the pharmacist dispensed 20 tablets of Oxycodone- IR 15 mg to his cousin's wife in an unlabeled prescription vial on 5/8/2013. The complainants did state that the patient did bring a prescription to the pharmacy to be filled but it was too soon to fill by three days. The complainants stated that they watched the pharmacist count out the 20 to 30 tablets and place them in a vial. The complainants stated that the pharmacist met the relative later that day outside the pharmacy and gave her the vial. The pharmacist denies that he dispensed any medication to the patient on 5/8/2013 but dispensed the entire quantity of 5/9/2013.

Complaint #4219

Mr. Petersen stated that a pharmacy technician at the store filed a complaint because the pharmacist had incorrectly filled a prescription for Oxycodone-IR 5mg with Oxycodone-IR 15mg.

President Van Hassel asked Mr. Hinton to address the complaint. Mr. Hinton stated that the complaints are without merit. Mr. Hinton stated that he had two letters from his relatives indicating that he did not provide them medication in an unlabeled vial. Mr. Hinton stated that

his relatives pick up their medication at the pharmacy window, sign for the medications, and pay for their medications at the window before leaving.

Mr. Van Hassel asked Mr. Hinton why he thought the technicians filed the complaint. Mr. Hinton indicated that he noticed some inventory discrepancies with the Vicodin and asked that an inventory list be run. Mr. Hinton stated that he had concerns about the security of the pharmacy. Mr. Hinton stated that he felt that he did not have control of all of the keys for the pharmacy and that family members went into the pharmacy and took medications.

Mr. Hinton stated that on numerous occasions he felt that he was being harassed by the technicians. Mr. Hinton stated that this is a family owned business and he was told that the technician runs the pharmacy and not him.

Dr. Foy asked Mr. Petersen if noticed any issues with the pharmacy keys. Mr. Petersen stated that there was a key in the store safe for relief pharmacists and to be used for emergency entry if needed.

Mr. Hinton stated that the other complaint involved a mis-filled prescription. Mr. Hinton stated that when he was notified of the error he apologized to the patient, contacted the doctor, and corrected the error. Mr. Hinton stated that he placed the incorrect medication aside for destruction.

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

Conference 2– Complaint #4222

The following individual was present to discuss the complaint:
Craig Mathews – Pharmacist in Charge – Respondent

President Van Hassel asked Mr. Waggoner to give a brief overview of the complaint. Mr. Waggoner stated that the complaint was sent to the Board Office by an Insurance company concerning a prescription that was filled incorrectly. The patient received two suboxone 8 mg tablets mixed in her prescription of etodolac 400 mg tablets. The patient stated that she had taken 1 tablet of the suboxone and had an unspecified adverse experience. The pharmacist in charge stated that the prescription was a refill and was counted using a Kirby Lester machine. The pharmacy stated that the suboxone tablets were counted prior to the etodolac being counted. The pharmacy stated that it appears the two tablets of suboxone may have been caught in the funnel and released when the etodolac was counted. The two tablets are dissimilar in appearance with the suboxone being bright orange. The two tablets would have been difficult to detect with the larger number of etodolac covering the tablets.

President Van Hassel asked Mr. Mathews to address the complaint. Mr. Mathews stated that it appears two tablets of suboxone were dispensed in a bottle of etodolac and the patient went to the ER after taking the two tablets of suboxone.

Mr. Mathews stated that the suboxone was counted before the etodolac and the suboxone tablets could have been stuck in the funnel or left in the tray. Mr. Mathews stated that it would have been hard to see the two tablets if they were covered by the etodolac tablets.

Dr. Foy asked about the training that was in place at the time. Mr. Mathews stated that he did not have a procedure at that time. Mr. Mathews stated that he has changed the policies and procedures which includes a visual check of the tray before placing the medication in a vial.

Mr. McAllister stated that the patient does share some responsibility if the tablets have a different shape and they did not question why two tablets were different.

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

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

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

Complaint #4227 - Dr. Musil was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to require the pharmacist and pharmacy technician to complete 3 hours of CE on patient safety or error prevention within 90 days and submit the certificates to the Board Office. This is a non-disciplinary action.

Complaint #4228 – Mr. Kennedy was recused due to a conflict of interest.

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

Complaint #4230 – Mr. Kennedy was recused due to a conflict of interest.

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

Complaint #4231 – 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 dismiss the complaint.

Complaint #4234 – Dr. Foy was recused due to a conflict of interest.

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

Complaint #4236– Mr. Kennedy was recused due to a conflict of interest.

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

Complaint #4238

On motion by Dr. Musil and seconded by Mr. McAllister, the Board unanimously agreed to ask the permit holder and the technician to appear for a conference.

Complaint #4239

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to ask the Board staff to contact the school and see if any other students had issues with this rotation site. The Board will consider the complaint outcome after receiving information from the school concerning the rotation site.

Complaint #4240

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

Complaint #4241 - Dr. Foy was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Ms. Rosas, the Board unanimously agreed to require the pharmacist and pharmacy technician to complete 3 hours of CE on patient safety or error prevention within 90 days and submit the certificates to the Board Office. This is a non-disciplinary action.

Complaint #4244– Mr. Kennedy was recused due to a conflict of interest.

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

Complaint #4256

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

Complaint #4257

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

Complaint #4258

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

The Board also requested that a letter be sent to the permit holder concerning pharmacy security.

Dr. Musil asked if the Board could take action on complaints that involved thefts prior to a Board meeting.

Mr. Lee stated that the Board could call a meeting to consider what action to take if there was an admitted theft. Mr. Lee stated that a consent could be offered or the Board could summarily suspend a license and then take action.

Complaint #4259

On motion by Dr. Musil and seconded by Mr. McAllister the Board unanimously agreed to offer the pharmacist a consent agreement with the following terms: Sign a 5 year PAPA contract, a 6 month suspension followed by a probationary period to total 5 years, and the pharmacist must appear to remove the suspension. If the consent is not signed, the case would proceed to hearing.

AGENDA ITEM 13 – Proposed Rules- Schedule T

1. Pharmacy Facilities and Equipment Rules

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

Ms. Sutcliffe stated that the propose rule changes the walking distance from the bathroom to the pharmacy from 50 feet to 100 feet.

Ms. Sutcliffe stated that the proposed rules would amend the language by stating that certain equipment is not required for compounding if the pharmacy states in the pharmacy application that compounding would not be performed in the pharmacy

Ms. Sutcliffe stated that a public hearing was held on July 22, 2013. No one attended the hearing and one written comment in support of the rulemaking from Janet Underwood representing the Arizona Community Pharmacy Committee was received.

On motion by Mr. McAllister and seconded by Ms. Rosas, the Board unanimously approved the Final Rulemaking and Economic Impact Statement.

AGENDA ITEM 14 – Reconsideration of the Consent Agreement Offered in Case 13-0017-PHR to Francisco Madrid

President Van Hassel opened the discussion by stating that Mr. Madrid and Ken Baker, Legal Counsel, for Mr. Madrid were present to request that the Board reconsider the consent agreement offered in Case 13-0017-PHR to Mr. Madrid.

Mr. Baker stated that his client would like the Board to reconsider the consent agreement offered to him. Mr. Baker stated that the new statutory change allows the Board to offer non-disciplinary CE. Mr. Baker stated that his client is asking that no disciplinary action be taken against his license. Mr. Baker stated that Mr. Madrid has completed the CE on patient safety.

Mr. Van Hassel asked Mr. Madrid why he did not sign the consent. Mr. Madrid stated that the Consent Agreement would have resulted in disciplinary action against his license. Mr. Madrid stated that he has made changes in his practice to avoid from making the same mistakes. Mr. Madrid stated that he has completed the CE and has learned how to pay attention to what he is doing so that he does not make the same mistakes.

Dr. Foy asked Mr. Madrid about his counseling technique. Mr. Madrid replied that he now asks open-ended questions. Mr. Madrid stated that he now asks the patient if they know what the medication is for and how they are to take the medication. Mr. Madrid stated previously he would ask close-ended questions.

Mr. McAllister stated that he feels that the completion of the CE would be sufficient and often licensure discipline causes actions with other agencies.

On motion by Mr. McAllister and seconded by Mr. Francis, the Board unanimously agreed to dismiss the case and accept the completed CE.

AGENDA ITEM 15 – Reconsideration of the Consent Agreement Offered in Case 13-0012-PHR to Linda Chambers

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

President Van Hassel opened the discussion by stating that Ms. Chambers and Ken Baker, Legal Counsel, for Ms. Chambers were present to request that the Board reconsider the consent agreement offered in Case 13-0012-PHR to Ms. Chambers.

Mr. Baker stated that his client would like the Board to reconsider the consent agreement offered to her. Mr. Baker stated that the new statutory change allows the Board to offer non-disciplinary CE. Mr. Baker stated that he feels that this case does not rise to disciplinary action. Mr. Baker stated that his client is asking that no disciplinary action be taken against her license. Mr. Baker stated that Ms. Chambers has completed the required CE units on patient safety and is requesting that the Board accept the non-disciplinary CE or dismiss the case.

Mr. Baker stated that Ms. Chambers did not violate the practice act. Mr. Baker stated Ms. Chambers did verify the dosage and determined that it did not exceed the maximum dose. Mr. Baker stated that Ms. Chambers did ask how much the baby weighed and determined that the dose was within the limit. Mr. Baker stated that in her professional judgment the dose was not improper.

Mr. Van Hassel asked Ms. Chambers why she did not sign the consent. Ms. Chambers stated that she did everything that she was required to do to assure that the dose was correct.

On motion by Dr. Musil and seconded by Mr. McAllister, the Board unanimously agreed to dismiss the case and accept the completed CE.

AGENDA ITEM 16 – Update of Compounding Task Force Meeting

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

Dr. Musil stated that the task force last met on August 23, 2013. Dr. Musil stated that the task force discussed definitions and the preparation of sterile products.

Dr. Musil stated that the task force has discussed accreditation of facilities and credentialing of personnel. Dr. Musil stated that would be a statutory change.

Dr. Musil stated that the task force is also waiting to see what actions are going to be taken on the Federal level.

Dr. Musil stated that one issue that still remains is the 5% rule concerning medications labeled for office use. Dr. Musil stated that the statutory change would need to be made to change the percentage.

AGENDA ITEM 17 – Non-Resident Pharmacy Requirement for Arizona Licensed Pharmacist in Charge

President Van Hassel asked Mr. McAllister to address this agenda item.

Mr. McAllister stated that he feels that it is unnecessary for the Pharmacist in Charge of a non-resident pharmacy to be licensed in Arizona. Mr. McAllister stated that if the Board has a legal issue with a permit holder the issue should be addressed with the permit holder.

Mr. McAllister stated that it is an undue burden on the pharmacy when a pharmacist quits and they must find another Arizona licensed pharmacist to assume the duties of being the pharmacist in charge.

Dr. Foy stated that the issue is protect the people of the state and he feels that the permit holder is responsible for having a quality program.

Mr. Kennedy stated that often the pharmacist in charge does not have any decision making in the processes.

Mr. Wand stated that the rule was adopted in 2001 to provide an educational aspect so that the pharmacies would be aware of Arizona regulations.

Mr. Wand stated that a rule change can take up to 18 months to complete.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to start the process to change the rule requiring that a non-resident pharmacy have an Arizona licensed pharmacist in charge.

Mr. McAllister stated that he would like to place on a future agenda the mailing of prescriptions to temporary residents by non-resident pharmacies.

AGENDA ITEM 18 – NABP Annual Meeting Update

President Van Hassel asked Mr. Wand to address this agenda item. Mr. Wand stated that the NABP Annual Meeting will be held in Phoenix at the Sheraton Downtown in May of 2014.

Mr. Wand stated that he would like authorization from the Board to fund the registration for Board members and staff.

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously agreed to ask Board staff to make a budget request for funding of the registration fees so that Board Members and Board Staff could attend the annual NABP Meeting and events.

AGENDA ITEM 19 – Use of Stamped Signatures on Non –Controlled Prescriptions

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

Dr. Musil stated that several states have laws that do not require a manual signature and will allow the use of a stamp for non-controlled prescriptions. Dr. Musil stated that he would like the Board to explore the option of allowing stamped signatures on non-controlled prescriptions.

Dr. Foy stated that he is not sure if CMS and AHCCCS would allow the use of stamped signatures on prescriptions.

Mr. Wand stated that he would check to see if CMS, other states or AHCCCS would allow the use of stamped signatures and report back to the Board at the next meeting.

AGENDA ITEM 20 – 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 forward to address the Board. Mr. Morris stated that some states have regulations that allow a non-resident pharmacy to ship a certain number of prescriptions into the state without being licenses.

Mr. Morris stated that Texas separates out the non-resident pharmacy rules which makes it easier for a non-resident pharmacy to read and follow.

Mr. Morris stated that some states require that a non-resident follow their rules if their home state does not specify a Pharmacist/Technician ratio. Mr. Morris stated that it would be helpful if the Board specified that they do not have a Pharmacist/Technician ratio.

AGENDA ITEM 21 – Future Agenda Items

1. Non- Resident Pharmacy Shipping to Arizona for temporary residents
2. Use of stamped signatures on non- controlled prescriptions

AGENDA ITEM 22 – Adjournment

There being no further business to come before the Board, President Van Hassel adjourned the meeting at 3:15 P.M.