



**Arizona State Board of Pharmacy**

Hilton Garden Inn Yuma  
Pivot Point Conference Center  
310 N. Madison  
Yuma, AZ 85364

Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING NOVEMBER 6, 2013  
MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – November 6, 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, Dennis McAllister, Reuben Minkus, John Musil, and Nona Rosas. The following Board Member was not present: Kyra Locnikar. The following staff members were present: Compliance Officers Steve Haiber, Tom Petersen, Sandra Sutcliffe, Dennis Waggoner, and Dean Wright, 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, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Schedule R, Complaint #4251.

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 N, Application for Non-Resident Pharmacy CVS /Pharmacy Central Pharmacy Services.

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

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Schedule R, Complaint #4243, #4247, #4253, and #4225.

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 5, Schedule M, Application for Resident Pharmacy Critical Care Systems.

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 6 Schedule N, Applications for the following Non- Resident Pharmacies: Accredo Health Group, Inc. – Florida, Accredo Health Group, Inc. – Indiana, and Accredo Health Group, Inc. – Colorado.

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 R, Complaint #4266.

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 5, Schedule M, Application for Resident Pharmacy Critical Care Systems.

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 8, Schedule P, License Application for Lisa Russell.

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 10, Schedule R, Complaint #4233, #4252, #4254, #4255, #4261, and #4263.

### **AGENDA ITEM 3– Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Ms. Rosas** the minutes of the Regular Meeting held on September 18, 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 Mr. Francis 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**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Wal-Mart Pharmacy #10-3730	3450 N. Glassford Hill Rd., Prescott Valley, AZ 86314	Wal-Mart Stores, Inc.
Wal-Mart Pharmacy #10-5858	9260 S. Houghton Rd., Tucson, AZ 85747	Wal-Mart Stores, Inc.
Banner Family Pharmacy - Desert	1400 S. Dobson Rd., Mesa, AZ 85202	Banner Health
Sam’s Club Pharmacy #10-4856	2425 E. Florence Blvd. , Casa Grande, AZ 85191	Sam’s West Inc.
West Valley Pharmacy	12851 W. Bell Rd., Suite 9, Surprise, AZ 85378	West Valley Pharmacy LLC
Scottsdale Health Pharmacy	3501 N. Scottsdale Rd, Ste. 100, Scottsdale, AZ 85251(O)	MLVE Inc.

**4. (2) Non-Resident Pharmacy Permits – Schedule B  
NON-RESIDENT PHARMACY PERMITS (Out of State)**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Infinity Compounding Solutions, LLC	1204 SE 28 <sup>th</sup> St., Ste. 2, Bentonville, AR 72712	Infinity Compounding Solutions, LLC
Philidor RX Services, LLC	330 S. Warminster Rd., Suite 350 Hatboro, PA 19040	Philidor RX Services, LLC
Harper’s Pharmacy Inc.	770 Magnolia Ave. Suite 1G Corona, CA 92879	Harper’s Pharmacy Inc.
BrightSky	23247 Pinewood Street Warren, MI 48091 (O)	Great Lakes Medical Pharmacy
CareDirect Rx, LLC	112 A Celtic Dr., Madison, AL 35738	CareDirect Rx, LLC
Alk-Abello, Inc.	1700 Royston Lane, Round Rock, TX 78664	Alk-Abello, Inc.
Wiley Chemist Pharmacy, Inc.	1676 Hospital Dr., Santa Fe, NM 87505	Wiley Chemist Pharmacy, Inc.
Everest Pharmacy, LLC	588 W 8360 S ,Sandy, UT 84070	Tri-Med Capital, LLC
Preferred Homecare	871 Grier Dr., Ste. C and B-2 Las Vegas, NV 89119	Founders Healthcare, LLC
Hometech Advanced Therapies, Inc.	505 Elmwood Ave., Sharon Hill, PA 19079 (O)	HAT Holding Company, LLC
Conversio Health	720 Aerovista Place, Ste. D San Luis Obispo, CA 93401 (O)	Integrated Health Concepts, Inc.
Soothe Compounding Pharmacy	1824 59 <sup>th</sup> St. W, Bradenton, FL 34209	National Compounding Company

O= Ownership Change

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

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

Pharmacy	Location	Owner
Portico Pharmacy	3355 E. Louise Dr.,Meridian, ID 83642	Charles Ashton
Sav-Rx Pharmacy	224 North Park Ave., Fremont, NE 68025 (O)	A & A Drug Co.
Specialty Medical Drug Store	264 Center Street ,Suite 1, Box 27, Miamiville, OH 45147	Specialty Medical Drugstore, LLC
Eiris Health Services	4284 New Getwell Rd., Memphis, TN 38118	National Pharmaceutical Network
Quick Care Pharmacy	8330 Red Oak St., Suite 102 Rancho Cucamonga, CA 91730	Rohis Rameshkumar Sheta
LMC Pharmacy	950 Peninsula Corporate Circle Suite 1024, Boca Raton, FL 33487 (O)	LMC Medical Supplies, Inc.
Direct Pharmacy Source, Inc.	4574 N. Hiatus Rd., Sunrise, FL 33351	Direct Pharmacy Source, Inc.
Henry Schein Animal Health	5200 Anthony Rd., Ste. C, Sandston, VA 23150	Butler Animal Health Supply, LLC
Lee Silsby Compounding Pharmacy	3216 Silsby Rd., Cleveland Hts, OH 44118	GIPSCO Investment Corporation
Fusion Specialty Pharmacy, Inc.	1100 Canyon View Drive, Suite C, Santa Clara, UT 84765	Fusion Specialty Pharmacy, Inc.
PRN Rx LLC	5478 W. Westridge Dr., Ste. B New Berlin, WI 53151	PRN Rx LLC
LPE Pharmacy, LLC	4380 Oakes Rd., Davie, FL 33314	LPE Pharmacy, LLC
Destrehan Discount Pharmacy	3001 Ormond Blvd., Ste. A Destrehan, LA 70049	Destrehan Discount Pharmacy

O= Ownership Change

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

##### RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Discount Practice, LLC (Non-Prescription)	7231 E. Princess Blvd., Suite 207 Scottsdale, AZ 85255	Discount Practice, LLC
Anesthesia Medical Professionals, PC (Full Service – DEA requires for Mobile Anesthesia)	17505 N. 79 <sup>th</sup> Ave. , Glendale, AZ 85308	Anesthesia Medical Professionals, PC
Sina Health Inc. (Full Service)	10789 N. Frank Lloyd Wright Building A, Suite A-110 Scottsdale, AZ 85259	Sina Health Inc.

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

##### RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Premier Anesthesiology (Full Service – DEA requires for Mobile Anesthesia)	1343 N. Alma School Rd, Suite 295, Chandler, AZ 85224	Paramvir Tuli
Phoenix Neurological Institute Inc . (Full Service – DEA requires for Mobile Anesthesia)	1343 N. Alma School Rd., Suite 125 Chandler, AZ 85224	Phoenix Neurological Institute Inc.
Lexicon Medical Supply Co. (Full Service)	707 N. Main Ave. Tucson, AZ 85705	Lexicon Medical Supply Co.

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

##### NON-RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Medical Specialties Distributors, LLC (Full Service)	26350 Broadway Ave.,Oakwood Village, OH 44246	Medical Specialties Distributors, LLC
Medical Specialties Distributors, LLC (Full Service)	800 Technology Center Dr., Stoughton, MA 02072	Medical Specialties Distributors, LLC
Medical Specialties Distributors, LLC (Full Service)	8726 N. Royal Lane, Irving, TX 75063	Medical Specialties Distributors, LLC
Iso-Med Inc. (Full Service)	1275 Graphite Dr., Corona, CA 92881	Iso-Med Inc.
Medical Specialties Distributors, LLC (Full Service)	1549 Hunter Rd., Hanover Park, IL 60133	Medical Specialties Distributors, LLC
Medical Specialties Distributors, LLC (Full Service)	8075 Troon Circle, Austell, GA 30168	Medical Specialties Distributors, LLC
Minnesota Independent Cooperative, Inc. (Full Service)	2980 Commers Dr., Suite 200 Eagan, MN 55121	Minnesota Independent Cooperative, Inc.
Reliance Wholesale Inc. (Full Service)	9325 Cordova Park Rd., Cordova, TN 38018 (O)	Reliance Wholesale Inc.
Perrigo Pharmaceuticals Company (Non-Prescription)	1410 Lincoln Rd., #100, Holland, MI 49423	Perrigo Pharmaceuticals Company
Alcon Laboratories Inc. (Full Service)	6440 Oak Grove Rd., Suite 200-B Fort Worth, TX 76134	Alcon Laboratories Inc.
Amneal Institutional LLC(Full Service)	118 Beaver Trail, Glasgow, KY 42141	Amneal Institutional LLC
Southern Anesthesia & Surgical, Inc. (Full Service)	1155 S. Rock Blvd., Reno, NV 89502	Southern Anesthesia & Surgical, Inc.
Clinical Solutions Wholesale LLC (Full Service)	601 Grassmere Park Dr., Suite 14A. Nashville, TN 37211	Clinical Solutions Wholesale LLC
Valley Wholesale Drug Co., Inc. (Full Service)	1401 W. Fremont St., Stockton, CA 95203 (O)	Valley Wholesale Drug Co., Inc.
Johnson & Johnson Healthcare Systems, Inc. (Full Service)	50 Scotland Blvd.,Bridgewater, MA 02324	Johnson & Johnson Healthcare Systems, Inc.

O= Ownership Change

#### 4. (5) Resident Manufacturer Permits – Schedule E

##### RESIDENT MANUFACTURER PERMITS

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Kulira Technologies Inc.	13660 N. 94 <sup>th</sup> Dr., Building D Peoria, AZ 85381	Kulira Technologies Inc.
Wright Medical Technology, Inc.	2024 West 1 <sup>st</sup> Street, Suite 101 Tempe, AZ 85281	Wright Medical Technology, Inc.

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

##### NON-RESIDENT MANUFACTURER PERMITS

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
SJ Pharmaceuticals LLC	4200 Northside Pkwy NW, Building 12, Atlanta, GA 30327	SJ Pharmaceuticals LLC
Crown Laboratories Inc.	349 Lafe Cox Dr. Johnson City, TN 37604	Crown Laboratories Inc..
Depomed Inc.	7999 Gateway Blvd., Suite 300 Newark, CA 94560	Depomed Inc.
Carolina Medical Products Co	8026 US 264 Alternate, Farmville, NC 27828	Carolina Medical Products Co
Reckitt Benckiser LLC	1670 Champagne Ave. ,Ontario, CA 91761	Reckitt Benckiser LLC
Hospira Inc.	US Hwy 301 North, Rocky Mount, NC 27804	Hospira Inc.

#### 4. (7) – New Pharmacists – Schedule G

The Board approved the 101 New Pharmacist Licenses listed on the attachments.

#### 4. (8)– New Interns – Schedule H

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

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

The Board approved the 883 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.

Miguel Albanez	Ayisha Asfoor	Kathryn Babinec
Laurence Barclay	Amber Begay	Yolanda Blakely
Jussane Del Mar Carrera	Teresa Chairez	Ana Chinchilla
Tony Coombe	Caroline Cormier	Gustavo Cornejo
Alfonzo Cortinas	Adrian Cota	Ernestina Cota
Hazel Dawn-Jordan	Michael Degroote	Kimberly Diaz
Elias Duran Jr.	Shaghayegh Fahandez Sadi	Jennifer Foster
Cecilia Garcia	Andrea Gerola	Stacy Gridley
Alex Guerrero	Edwin Guido-Reyes	Audra Hall
Ladonna Harper	Matthew Hudson III	Oscar Ibarra
Lavonda Ikpelue	Dennis Kalawe	Steven Knoebel
Joana Kozeli	Joan Krause	Jennifer Lane
Katie Link	Frances Lopez	Nicole Lopez
Horacio Lujan	Katie McClanahan	Megan Messick
Raymond Miranda	Mari Montano	Jorge Moreno
Kelly Mullins	Michael Navarro	Jessica Nunez
Adam Orendain	Martha Ortiz	Dale Patterson
Amy Paulson	Alain Perez	Ana Perez
Veronica Pom	Hayley Porter	Rene Rainey
Priscila Rasmussen	Robbin Rivers	Melissa Rodriguez
Jason Roman	Oxana Rusu Facio	Cassandra Sanchez
Diana Shaw	Darrelle Smith	Marla Stevens
John Switzer	Keanna Taylor	Veronica Utsey
Aaron Watkins	Patricia Weite	Erin Williams
Krystal Womack	Linda Wright	Nicholas Zieser

**4. (11) – Consent Agreements – Schedule K**

The Board Members approved the following Consent Agreements:

1. Kathryn Daley - 14-0001-PHR
2. Soral Karim - 14-0003-PHR

**4. (12) – Complaints with No Violations – Schedule L**

The Board unanimously agreed to dismiss the following complaints:

Complaint #4242	Complaint #4246	Complaint #4248
Complaint #4249	Complaint #4262	Complaint #4264

## **AGENDA ITEM 5– Resident Pharmacy Permits – Schedule M**

### **1. Critical Care Systems**

Mr. Kennedy and Mr. McAllister were recused due to a conflict of interest.

**On motion by Dr. Foy and seconded by Dr. Musil** the Board unanimously approved the following Resident Pharmacy Permit:

#### **RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Critical Care Systems	5850 LaCholla Blvd., Tucson, AZ 85741 (O)	Critical Care Systems

O = Ownership Change

### **2. Greenway Tantra Drugstore**

President Van Hassel stated that a representative from Greenway Tantra Drugstore was present to answer questions from Board Members.

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

President Van Hassel opened the discussion by asking Mr. Ghanni to describe his business model. Mr. Ghanni stated that he plans to open an independent retail pharmacy.

President Van Hassel asked Mr. Ghanni if he planned to do any compounding. Mr. Ghanni stated that he does not plan to do any compounding at this time but may consider compounding products in the future.

Mr. Wand asked if there was a sink in the pharmacy. Mr. Ghanni replied yes.

Mr. Van Hassel asked Mr. Ghanni to review the floor plans with the Board Members. Mr. Ghanni stated that there would be a front end, a pharmacy area, and 2 offices.

Mr. Van Hassel asked Mr. Ghanni if the only sink is located in the bathroom. Mr. Ghanni stated that there would be a sink in the bathroom and an additional sink is being added in the pharmacy area.

Mr. Van Hassel asked Mr. Ghanni if the whole area was the pharmacy. Mr. Ghanni replied yes.

Mr. Van Hassel asked where the front end would be located. Mr. Ghanni stated that it would be located at the one entrance.

Mr. Van Hassel asked Mr. Ghanni if a pharmacist would be present at all times since the whole area is the pharmacy. Mr. Ghanni replied yes.

Dr. Foy asked Mr. Ghanni where is the pharmacy located. Mr. Ghanni stated that the pharmacy would start behind the 12 foot counter area.

Dr. Foy asked if there is a barrier across the area. Mr. Ghanni stated that the counter barrier would extend to the wall.

Mr. Van Hassel asked if there would be a consultation window. Mr. Ghanni stated that there would be a consultation window.

### **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 stating that the application was tabled at the last meeting and the applicant has submitted a new floor plan with a revised sterile compounding room.

Mr. Van Hassel asked Ms. Douthard about the changes that were made. Ms. Douthard stated that the compounding area was enlarged. Ms. Douthard stated that the counter area was increased to allow the pharmacist to stage the products within the IV room. Ms. Douthard stated that they have added a barrier wall to separate the areas.

Ms. Douthard stated that the hospital area would be used as an urgent care area. Ms. Douthard stated that they would be treating low intensity patients at the center. Ms. Douthard stated that if the patient is not a low impact patient they would be sent to the main campus. Ms. Douthard stated that they would not be preparing any large TKA's, TPN's, chemo, or invasive procedures such as a PIC line.

Ms. Douthard stated that the automated dispensing area has been reduced and they would be stocking immediate use products only.

Ms. Douthard stated that they would not be preparing any medium risk IVs.

Ms. Douthard stated at the last meeting the Board Members asked about expansion. Ms. Douthard stated that they have no plans to expand the facility. Ms. Douthard stated that they do not have the ability to go beyond their current space. Ms. Douthard stated that they would be treating children that need to be watched but are not sick enough to go to the main hospital.

Dr. Musil indicated that his only concern is if they plan to prepare a medium or high risk product there is no ante room so it would not be compliant with USP 797. Ms. Douthard stated that there

is a patient room next door and they could take that room to use as an ante room if they are required to meet 797 requirements.

Mr. Van Hassel suggested that they identify the buffer areas for employees.

Dr. Musil recommended that they use a perforated counter and removable steel shelving.

Ms. Rosas asked if they would have an IV hood or a barrier isolator. Ms. Douthard stated that they would have a barrier isolator.

Ms. Rosas asked if they would be responsible for crash carts. Ms. Douthard stated that they would have 2 crash carts that would be used by nurses that have been certified.

Ms. Frush stated that the Board Members would still need to approve the deviation request. Ms. Frush stated that a hospital pharmacy is required to have a minimum square footage of 500 square feet and their pharmacy does not meet that requirement.

#### **4. Dik Drug Infusion Co., LLC**

President Van Hassel stated that representatives were present from Dik Drug Infusion Co., LLC to answer questions from Board Members. The following individuals were present: John Dik (Owner), Larry Donnelly (Consultant) and Sandra Brownstein (Pharmacist in Charge).

President Van Hassel opened the discussion by asking if the pharmacy would be owned by owners that are not pharmacists.

Mr. Dik stated that the company would be owned by non-pharmacists. Mr. Dik stated that he had owned a full service drug wholesale company in Chicago that he sold last year.

Mr. Van Hassel asked if they planned to specialize in blood products. Mr. Dik stated that they would be specializing in blood products. Mr. Dik stated that they would be interested in home health care and possibly animal compounding in the future.

Mr. Van Hassel asked if they would be compounding any blood products. Ms. Brownstein stated that they would only be dispensing commercially available products.

Mr. Van Hassel asked if the products would be picked up by the patient. Ms. Brownstein stated that the medications would be delivered or sent to the patient.

Mr. Van Hassel asked if the pharmacy would be a closed door pharmacy. Ms. Brownstein stated that the pharmacy would be a closed door pharmacy and there would be a door closing off the pharmacy. Mr. Donnelly stated that the pharmacy would be secured with a biometric key pad.

Mr. Donnelly stated that the rear portion of the space would be the pharmacy and is roughly 1,500 square feet.

Mr. Van Hassel asked how the pharmacy would receive prescriptions. Mr. Donnelly stated that the prescriptions would be sent to the pharmacy from the doctor or the patient. Mr. Donnelly stated that they would receive the prescriptions via fax or e-prescribe.

Dr. Foy asked Ms. Brownstein if she lives in Tucson and how she plans to be the pharmacist in charge of a Phoenix pharmacy. Ms. Brownstein stated that it would take several months to open the pharmacy and they plan to hire a permanent pharmacist for the pharmacy. Ms. Brownstein stated that if they do not hire a pharmacist before the pharmacy opens she can work at the pharmacy because she has a residence in Phoenix.

Ms. Rosas asked if a technician would have the keys to the pharmacy. Ms. Brownstein stated that only a pharmacist would be able to open the pharmacy.

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board approved the Resident Pharmacy Permits listed below. Also, the deviation request by Phoenix Children’s Hospital- Mercy Gilbert Center was also approved to allow the pharmacy to have less than 500 square feet.

**RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Greenway Tantra Drugstore	3361 W. Greenway Rd. 32, Phoenix, AZ 85053	Holistic Healthcare, LLC
Phoenix Children’s Hospital – Mercy Gilbert Center	3555 S. Val Vista Dr., Gilbert, AZ 85206	Phoenix Children’s Hospital, Inc.
Dik Drug Infusion Co., LLC	7898 E. Acoma Dr., Scottsdale, AZ 85260	Dik Drug Infusion Co., LLC

**AGENDA ITEM 6– Non- Resident Pharmacy Permits – Schedule N**

**1. CVS/Pharmacy Central Pharmacy Services**

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

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

**NON -RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
CVS/Pharmacy Central Pharmacy Services	25 Blackstone Valley, Lincoln, RI 02865	CVS Pharmacy, Inc.

**2. Accredo Health Group, Inc.**

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

**On motion by Dr. Musil and seconded by Mr. Kennedy,** the Board unanimously approved the following Non-Resident Pharmacy Permits:

**NON -RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Accredo Health Group, Inc.	6272 Lee Vista Blvd., Orlando, FL 32822 (O)	Accredo Health Group, Inc.
Accredo Health Group, Inc.	2825 W. Perimeter Rd., Indianapolis, IN 47241(O)	Accredo Health Group, Inc.
Accredo Health Group, Inc.	361 Inverness Dr., Ste. F, Englewood, CO 80113 (O)	Accredo Health Group, Inc.

O = Ownership Change

**3. KVP Pharmacy, Inc.**

The Board tabled this pharmacy application at the September 2013 meeting. The pharmacy has submitted a written request to withdraw their application.

**On motion by Dr. Musil and seconded by Mr. McAllister,** the Board unanimously approved the written request by KVP to withdraw their application.

**NON -RESIDENT PHARMACY PERMITS –WITHDRAWAL OF APPLICATION**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
KVP Pharmacy, Inc.	440 W. Broadway, Ste. B, Los Angeles, CA 91204	KVP Pharmacy, Inc.

**AGENDA ITEM 7 -Special Requests- Schedule O**

**#1 Lisa Bueno**

**Lisa Bueno** appeared on her own behalf to request that the probation imposed on her pharmacist license per Board Order 04-0027-PHR be terminated. Lisa Yates with the PAPA program was also present.

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

Ms. Bueno stated that she is requesting that the Board terminate her probation.

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

Dr. Musil asked Ms. Bueno why she did not appear in front of the Board earlier to have her probation removed. Ms. Bueno indicated that she had an issue with alcohol.

Mr. Van Hassel asked Ms. Bueno what is different in her life from the time she entered the program. Ms. Bueno indicated that she has found God and is living life according to her faith.

Mr. Van Hassel asked Ms. Bueno if she is working in a pharmacy. Ms. Bueno indicated that she has been working the whole time she has been on probation.

**On motion by Mr. Francis and seconded by Ms. Rosas**, the Board unanimously agreed to terminate the probation of Ms. Bueno's pharmacist license. A roll call vote was taken. (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 Robert Tobin**

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

**Robert Tobin** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 12-0043-PHR be terminated.

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

Mr. Tobin stated that he is requesting that the Board terminate his probation. Mr. Tobin stated that he has been on probation for one year and has completed the requirements of his consent agreement.

Dr. Musil asked if Mr. Tobin attended a program for addiction. Mr. Tobin stated that he did not enroll in a program but did go to counseling. Mr. Tobin stated that he was going to school and completed his MBA. Mr. Tobin stated that he was working on his communication skills.

Dr. Musil asked Mr. Tobin if he has been working in a pharmacy. Mr. Tobin stated that he had found a new job and when the pharmacy learned of his consent agreement he lost that job. Mr. Tobin stated that he took a few months off and went to Pennsylvania. Mr. Tobin stated that he is starting at square one so something like this does not happen again.

Dr. Musil asked Mr. Tobin if he brought any letters of recommendation. Mr. Tobin stated no. Mr. Tobin stated that his life has changed. Mr. Tobin stated that he has a job at Enterprise Car Rentals. Mr. Tobin stated that this experience has been humbling.

Mr. Minkus asked Mr. Tobin about his job at Enterprise. Mr. Tobin stated that he is working for Enterprise in Tucson and has just received a promotion and will be moving to the Pittsburgh, Pennsylvania area soon.

Mr. McAllister asked Mr. Tobin what his plans are for his pharmacy license. Mr. Tobin stated that he is also licensed in Pennsylvania and wants his licenses to be unrestricted in both states. Mr. Tobin stated that he understands his limitations and may never work in pharmacy again.

Mr. McAllister asked Mr. Tobin if he has completed any CE courses. Mr. Tobin stated that he has completed between 30 to 40 hours.

Ms. Rosas asked if Mr. Tobin was required to participate in the PAPA program. It was noted that participation in the PAPA program was not a requirement of Mr. Tobin's consent agreement.

**On motion by Mr. McAllister and seconded by Ms. Rosas**, the Board agreed to terminate the probation of Mr. Tobin's pharmacist license. A roll call vote was taken. (Mr. McAllister – aye, Dr. Musil – nay, Mr. Kennedy – aye, Mr. Minkus – nay, Ms. Rosas – aye, Mr. Francis – nay, and Mr. Van Hassel – aye). The motion carries.

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

### **#1 Lisa Russell**

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

**Lisa Russell** appeared on her own behalf to request to proceed with reciprocity.

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

Ms. Russell stated that she would like to reciprocate her pharmacist license to Arizona. Ms. Russell stated that she had disciplinary actions taken against her license in Texas. Ms. Russell stated that in 1994 she took over a pharmacy as the pharmacist in charge. Ms. Russell stated that there were several discrepancies noted in the inventory and she was working with her supervisor to correct the discrepancies. Ms. Russell indicated that the discrepancies were reported to the Texas Board and the DEA. Ms. Russell stated that the Texas Board then took action against her for failure to maintain adequate records. Ms. Russell stated that Illinois issued her a license but placed the license on probation for one year.

Mr. McAllister asked Ms. Russell asked about the misfill. Ms. Russell stated that she incorrectly dispensed Sodium Chloride 23.4% Injection instead of the prescribed Sodium Chloride 0.9% solution.

Mr. McAllister asked Ms. Russell if she has been working since this incident. Ms. Russell stated that she has worked and has been a pharmacist in charge for 23 years. Ms. Russell stated that she helps train new graduates and reminds them that if they are a pharmacist in charge that they are held responsible for everything that goes on in the pharmacy.

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

Mr. McAllister asked that the Board consider as a future agenda item the establishment of a policy that would allow staff to approve applicants that have old disciplinary actions.

## **#2 Steven Levin**

**Stevin Levin** appeared on his own behalf to request to proceed with reciprocity.

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

Mr. Levin stated that he would like to reciprocate to Arizona from his Nevada license but he had received a Citation from the California Pharmacy Board. Mr. Levin stated that he failed to follow policies and procedures and did not complete the compounding self-assessment for the pharmacy for which he was the pharmacist in charge.

Mr. Van Hassel asked what type of disciplinary action he received from California. Mr. Levin stated that he received a Citation and had to pay a fine.

Mr. Levin was asked why he did not report this incident as disciplinary action on his application. Mr. McAllister stated that even though this would be disciplinary action in Arizona, a Citation and fine are not considered disciplinary action in California.

**On motion by Dr. Musil and seconded by Mr. Kennedy**, the Board unanimously agreed to approve the request by Mr. Levin to proceed with reciprocity.

## **#3 Patricia Sherlock**

**Patricia Sherlock** appeared on her own behalf to request to proceed with pharmacy technician trainee licensure.

President Van Hassel opened the discussion by asking Ms. Sherlock why she was appearing in front of the Board. Ms. Sherlock stated that she is requesting approval from the Board to obtain a pharmacy technician trainee license. Ms. Sherlock stated that she applied to Midwestern University to attend Pharmacy School and was told to check with the Board if she would be able to be licensed as a Pharmacy Intern if she was accepted. Ms. Sherlock stated that she has had previous felony convictions for DWIs. Ms. Sherlock stated that she was arrested on a felony DWI in 2004 and convicted in 2005. Ms. Sherlock stated that she spent 8 months in prison and completed 5 years of supervised probation.

Dr. Foy asked Ms. Sherlock why she applied for the pharmacy technician trainee license if she is applying to the PharmD program. Ms. Sherlock stated that this is the first step to show Midwestern proof that she could be licensed as an Intern.

Mr. McAllister asked Ms. Sherlock about the current status of her substance abuse. Ms. Sherlock stated that the first day in prison was the first day of her sobriety. Ms. Sherlock stated

that on October 12<sup>th</sup> she had 8 years of sobriety. Ms. Sherlock stated that alcohol abuse took her life down very quickly and she suffered the repercussions. Ms. Sherlock stated that she is active in AA and is a sponsor.

Mr. Van Hassel asked Ms. Sherlock if she has a job as a pharmacy technician. Ms. Sherlock stated that she does not have a job at this time but is applying to pharmacy school and would then apply for an Intern license.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to approve the request by Ms. Sherlock to proceed with pharmacy technician trainee licensure.

#### **#4 Ralph Troller**

**Ralph Troller** submitted a written request asking the Board to grant him an Intern license while he prepares to take the NAPLEX exam. Mr. Troller's license application to become a pharmacist in Arizona was approved at the September meeting.

**On approval by Mr. McAllister and seconded by Ms. Rosas**, the Board unanimously agreed to approve the request by Mr. Troller to grant him an Intern license. The license would be issued for one year only.

#### **#5 Demartrise Epperson**

Mr. Epperson was not present.

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board agreed to table the application until the applicant appears in front of the Board for approval. There was one nay vote by Ms. Rosas.

### **AGENDA ITEM 9– Reports**

#### **Executive Director**

##### **Budget Issues**

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

##### **Personnel – Executive Director PDQ and Succession Plan**

Mr. Wand stated that in the packet is a succession plan outline for his future retirement. Mr. Wand stated that Human Resources stated that the plan should be started about five years out if possible.

Mr. Wand stated that his job description needs to be updated and if the Board Members would like they could form a committee to help review the job description.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board approved the following succession committee: Mr. Minkus, Mr. Van Hassel, Ms. Rosas, and Dr. Foy.

Mr. Wand stated that Mr. Waggoner and Mr. Petersen attended the Sterile Compounding Training offered by NABP.

Mr. Waggoner stated that the program provided presentations and resource information. Mr. Waggoner stated that they received information on sterile compounding inspections.

### **Deputy Director Report**

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

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

#### **Pharmacy Violations**

1. Expired Immunization Certificates - 2

#### **Controlled Substance Violations**

1. Controlled Substance Overage -6
2. Controlled Substance Shortage - 3
3. Controlled Substance invoices not readily available – 1
4. Controlled Substance annual inventory not available - 1

#### **Documentation Violations**

1. Failure to complete automation documentation - 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. Immunization certificates do expire and require the completion of CE courses and a current CPR certification.

### **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 there have been no changes or concerns.

### **AGENDA ITEM 10– 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 #4266 – Mr. McAllister was recused due to a conflict of interest.**

President Van Hassel stated that the complainant, Mark Schlam, would like to address the Board Members concerning the complaint.

Mr. Schlam stated that he filed the complaint because he received a letter from Express Scripts on 7/26/2013 indicating that they had discontinued his prescription for Depakote 500mg because of duplicate therapy with his Depakote 125mg. Mr. Schlam stated that he takes both strengths of the medication and had taken both strengths for years.

Mr. Schlam stated that the letter he received stated that if he had any questions he could call the number on his prescription bottle. Mr. Schlam stated that he called the number on his label on 7/29/2013 at 9:30 P.M., 10:06 P.M., and 10:30 P.M.. Mr. Schlam stated that the three representatives could not explain why he received the letter and they did not transfer him to a pharmacist when he asked to speak to the pharmacist. The representative he spoke to at 10:30 P.M. told him that the pharmacist left at 10:00 P.M.. Mr. Schlam stated that he was told a pharmacist would call him the next day but he never received a call from the pharmacist.

Mr. Schlam stated that he spoke with the pharmacy manager at Express Scripts after the complaint was sent to them from the Board Office. Mr. Schlam stated that he asked Express Scripts to send him copies of the transcripts of his calls but has not received a copy of the transcripts and asked the Board if they could obtain copies of transcripts. Mr. Schlam stated that he had received a letter from Mr. Gallassio at Express Scripts but the letter did not address his concerns or provide the requested transcripts.

Mr. Lee stated that the Board does not have the authority to request the transcripts of the phone conversations.

Mr. Van Hassel asked Mr. Schlam if he asked to speak to a pharmacist. Mr. Schlam stated that he asked to speak to a pharmacist and was asked if it was an emergency. Mr. Schlam stated that he told them it was not an emergency.

Dr. Foy stated that the response from the pharmacy indicated that they offered to page a pharmacist for the complainant. Mr. Schlam stated that he did decline that offer because it was not an emergency and he told them he could wait until the next day to speak to a pharmacist. Mr. Schlam indicated that no one called him the next day.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to issue an Advisory letter to the permit holder concerning the requirement to provide toll-free telephone service to facilitate communication between patients and a pharmacist who has access to patient records at the limited-service mail order pharmacy. The Board also requested that staff make three random phone calls to the pharmacy and request to speak to a pharmacist. If the staff members are not connected to a pharmacist, then a new complaint will be opened.

**Complaint #4233– Mr. Kennedy was recused due to a conflict of interest.**

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

**Complaint #4243 – 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 ask the pharmacist to appear for a conference and bring the copy of the video showing the medication was dispensed in a 40 dram vial.

**Complaint #4247 – 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 6 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 #4251 – Dr. Musil was recused due to a conflict of interest.**

**On motion by Mr. McAllister and seconded by Ms. Rosas**, the Board unanimously agreed to issue a Consent Agreement to the pharmacist with the following terms: \$1,000 fine and 8 hours of Continuing Education on Patient Safety to be completed within 6 months. The pharmacist's license would be placed on probation until the fine is paid and the CE completed. The probation will be terminated when the terms of the agreement are met.

**Complaint #4252 – 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 #4253 – Dr. Foy was recused due to a conflict of interest.**

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

**Complaint #4254– Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to issue an advisory letter to the pharmacy concerning the selling of the right prescription to the correct patient.

**Complaint #4255– Mr. Kennedy was recused due to a conflict of interest.**

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

**Complaint #4261 – 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 #4263 – 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 #4225 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Mr. Kennedy and seconded by Ms. Rosas**, the Board unanimously agreed to dismiss the complaint. The Board Members indicated that they have no jurisdiction over the posting of store hours on the internet.

## **AGENDA ITEM 11 – Proposed Rules- Schedule S**

### **1. Proposed Rules - Permits**

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

Mr. Wright stated that Ms. Sutcliffe has opened a docket to proceed with rulemaking for the permit sections.

Mr. Wright stated that the rules would be amended to ensure that resident permit holders verify that they receive drugs and other products from persons that comply with non-resident permit or license requirements.

Mr. Wright stated that the rules need amended to reflect changes in the application and renewal processes (electronic submissions) for all permit holders.

Mr. Wright stated that as a result of the audit several sections of the rules need to be amended to update zoning, surety bond, fingerprint requirements, and time-frames for application processes.

Mr. Wright stated that the Board has determined that rules need to be added for durable medical equipment to support the statute change.

The Board gave Ms. Sutcliffe approval to proceed with the rulemaking package.

## **AGENDA ITEM 12 – Five Year Rule Review for Articles 6 and 8**

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

Mr. Wright stated that the Board is required to review their rules every 5 years. Mr. Wright stated that there are several proposed changes to be made to Article 6 and they should be completed by December 2014.

Mr. Wright stated that there are no proposed changes to Article 8.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board unanimously approved the 2013 Five Year Rule Review for Articles 6 and 8.

### **AGENDA ITEM 13 – Update of Compounding Task Force Meeting**

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

Dr. Musil stated at this time the compounding task force has decided to wait and see what proposals and regulations are passed by the Federal government.

Dr. Musil stated that once the Federal regulations are decided the task force will meet again to make proposed changes to the Arizona regulations.

### **AGENDA ITEM 14 – CBS CHEM Wholesale**

President Van Hassel opened the discussion stating that the Board had asked that an inspection be conducted at the facility due to a complaint.

Mr. Van Hassel asked Mr. Haiber to review the outcomes of the inspection that he and Mr. Waggoner conducted at the facility.

Mr. Haiber stated that they were unable to provide any sales or purchase records. The owners indicated that the records were either destroyed or corrupted. The owners had no explanation for why the records were destroyed.

Mr. Haiber stated that the owners were visited by both the FDA and Homeland Security. The owners stated that Homeland Security took their computer and when the computer was returned the records were corrupted.

Mr. Wand asked if any products were available at the site. Mr. Waggoner stated that they had 2 different products at the site. They had amoxicillin powder and procainamide powder. Mr. Waggoner stated that they had purchasing documents and certificates of analysis. The amoxicillin had a mislabeled source. The owners told the compliance officers that they were not shipping any products and they had not received any products since 4/24/2013 due to an importation block.

Mr. Lee told Board members that they could ask for a voluntary surrender of the wholesale permit.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board unanimously agreed to offer CBS CHEM a Consent Agreement to voluntarily surrender their license. If the consent agreement is not signed, then the case would proceed to hearing. A roll call vote was taken. (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)

### **Agenda Item 15 – Diamondback Pharmacy Inspections**

President Van Hassel stated that an inspection was recently conducted at Diamondback Pharmacy due to concerns that were raised about the pharmacy.

Mr. Van Hassel asked the Compliance Officers to address the inspection. Mr. Waggoner stated that he and Mr. Haiber conducted an inspection at the pharmacy. Mr. Waggoner stated that there were several areas that they noted that required improvements be made by the pharmacy.

Mr. Waggoner indicated that the areas for improvement included the following compounding documentation, office use labeling, and review of the policy and procedure manual.

Mr. Waggoner stated that they did note that the pharmacy had bought some products from CBS Chem.

The Board Members asked that the Compliance Officers follow-up concerning the products purchased from CBS Chem.

### **AGENDA ITEM 16 – Use of Stamped Signatures on Non –Controlled Prescriptions**

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

Mr. Wand stated that he requested information from NABP concerning the use of stamped signatures.

Mr. Wand stated that there was only one state that allows a stamped signature. Mr. Wand stated that at this time he would recommend that the Board does not make any changes because it would be a statutory change.

Dr. Musil stated that a problem would exist if the state from where the prescription originated would allow a stamped signature.

### **AGENDA ITEM 17 – Non-Resident Pharmacy Requirement for Arizona licensed Pharmacist in Charge.**

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

Mr. Wand stated that at the last meeting the Board requested to place this item on the agenda. Mr. Wand stated that A.R.S. § 32-1929 (C) requires that each application for a permit requires the name of the pharmacist responsible to the Board for the operation of the pharmacy. Mr. Wand stated that every pharmacy must have a pharmacist in charge and that pharmacist must be licensed in Arizona.

Mr. McAllister stated that the person could be responsible and not be licensed in Arizona but in the state where the pharmacy is located.

Mr. Lee stated that it would take a statutory change to indicate that the pharmacist responsible for the pharmacy operation of a non-resident pharmacy would not need to be licensed in Arizona.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously agreed to research if this change would require a statutory change.

### **AGENDA ITEM 18 – Non-Resident Pharmacy Permit Requirement to ship medications into Arizona**

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

Mr. Wand stated that at the last meeting the Board requested this item be placed on the agenda to allow non-resident pharmacies to ship to temporary residents in Arizona.

Mr. Wand stated that A.R.S. § 32-1929 (B) states that any person desiring to operate, maintain, open, or establish a pharmacy shall apply to the board for a permit before engaging in such activity.

Mr. Wand stated that it would be difficult to determine how many prescriptions a non-resident pharmacy could ship to Arizona before a permit would be required.

Dr. Musil stated that it could be determined by the patient's registered domicile.

The Board Members agreed that more research should be conducted on this topic to see what other states allow pharmacies to ship into their states to temporary residents without obtaining a permit.

### **AGENDA ITEM 19 – Proposed Board Meeting Dates for 2014**

The Board approved the following dates for Board Meetings to be held in 2014:

January 8 and 9, 2014

April 9 and 10, 2014

June 26 , 2014 – Arizona Pharmacy Association Convention

August 27 and 28, 2014

October 22 and 23, 2014

December 10 and 11, 2014

### **AGENDA ITEM 20 –MedAvail MedCenter**

President Van Hassel stated that individuals are present from MedAvail Technologies to discuss their MedAvail MedCenter. The following individuals were present: Ed Rickert (Consultant), Loreto Grimaldi (COO), and Sonny Lolly (Pharmacist).

Mr. Grimaldi stated that MedAvail MedCenter is a pharmacist-controlled remote dispensing solution for Rx and OTCs. The center provides confidential, real-time professional advice and counseling via an audio/video link.

Mr. Grimaldi stated this addresses the issue of pharmacy access in rural areas and provides after hours dispensing. Mr. Grimaldi stated that the MedCenter improves access to a pharmacist. Mr. Grimaldi stated that accuracy checks and verification are recorded for each prescription dispensed and a pharmacist must approve every prescription.

Mr. Grimaldi stated that they have 16 units in Ontario, Canada and have had no dispensing errors.

Mr. Grimaldi stated that they have a unit in Illinois at an employer site.

Mr. Rickert stated that the company plans to submit an application to the Board to ask for a waiver. Mr. Rickert stated that an out of state pharmacy would like to place the machine in an Arizona 340-B clinic.

Mr. Lolly stated that the process is patient based and the pharmacist is available to speak with the patient.

Dr. Foy asked if controlled substances are stored in the machine. Mr. Grimaldi replied that it would be up to the institution if they wanted to stock controlled substances in the machine.

Dr. Foy asked how many drugs are stocked in the machine. Mr. Lolly stated that it would be up to the pharmacy servicing the deployment how many drugs are stocked in the machine.

Mr. Van Hassel asked Mr. Lolly what is the maximum number of drugs that could be stored in the machine. Mr. Lolly stated that the machine can hold from 1,000 to 1,200 different drugs.

Dr. Foy asked where the pharmacist is located that verifies the scripts. Mr. Lolly stated that the pharmacist is located in a centralized environment. Mr. Lolly stated that the pharmacist is engaged in the prescription at that time and is focused on the patient.

Dr. Foy asked how many pharmacists are available in the call center. Mr. Grimaldi stated that would depend on how many deployments are serviced by the center. Mr. Grimaldi stated that they could have up to 12 pharmacists trained per deployment. Mr. Grimaldi stated that if additional pharmacists are needed then additional pharmacists would be added.

Dr. Foy asked if HIPAA information is stored in the machine. Mr. Grimaldi stated that no HIPAA information is stored in the machine. Mr. Grimaldi stated that the paper prescription is submitted into the machine and the pharmacist sees the prescription electronically. If the prescription cannot be filled the prescription is returned to the patient. Mr. Grimaldi stated that the pharmacy would remove the paper prescriptions from a retrieval bin.

Dr. Foy asked where the MedCenter is located in Illinois. Mr. Grimaldi stated that the unit is in an urban clinic waiting room.

Mr. Rickert stated in Illinois the label lists the machine as the pharmacy because it is licensed as the pharmacy in Illinois.

Mr. Van Hassel asked who the patient would call if they had any questions. Mr. Grimaldi stated that they would contact the call center because there is 24 hour availability.

Mr. Van Hassel asked how often the machine is restocked. Mr. Grimaldi stated that the pharmacy where the machine is located would stock the machine.

Mr. Van Hassel asked who would check the expiration date of the products in the machine. Mr. Grimaldi stated that the machine will allow a pharmacist to see the expiration date.

Mr. Francis asked about the adjudication of a prescription. Mr. Lolly stated that they are able to interface with pharmacy systems for adjudication.

Dr. Musil asked about temperature monitoring of the machine. Mr. Lolly stated that it is a temperature controlled environment and cannot be placed outside.

Mr. McAllister asked how this is different from a patient going to a local pharmacy. Mr. Lolly stated that it is a live two way communication between the pharmacist and the patient.

Ms. Rosas asked if an error occurred who would be responsible. Mr. Lolly stated that the dispensing pharmacist would be responsible.

Mr. Minkus asked why someone would use the unit. Mr. Grimaldi stated that the unit could be deployed in a clinic area or an emergency room with the added benefit of speaking to a pharmacist.

Ms. Rosas asked if reconstituted medications would be stocked in the machine. Mr. Grimaldi replied no.

Mr. Kennedy asked if the medications are pre-counted in the machine. Mr. Grimaldi stated that the products are pre-counted. Mr. Grimaldi stated that if the quantity is less than the prescribed amount then the doctor would be called. Mr. Grimaldi stated that if the quantity prescribed is greater than the quantity stocked in the machine then the remaining amount would be mailed to the patient.

Mr. Van Hassel asked if refills could be dispensed from the machine. Mr. Lolly stated that the patient could request a refill and it would be dispensed when the patient shows up at the machine.

### **AGENDA ITEM 21 – Call to the Public**

President Van Hassel announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Roger Morris came forth to address the 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 licensed. Mr. Morris stated that one state allows 5 prescriptions a month and another state allows 100 prescriptions a year.

### **AGENDA ITEM 22 – Future Agenda Items**

1. Develop a policy whereby staff will age disciplinary actions and not have the applicant appear unless the discipline is serious enough to bring to the Board
2. Develop a web-based Pharmacist in Charge Orientation
3. Next May at the NABP convention have a dinner inviting past Board Members
4. Develop a policy whereby pharmacies would need to disclose that they have received a 483 letter from the FDA
5. Develop a Compounding Check List for pharmacies

### **AGENDA ITEM 22 – Adjournment**

There being no further business to come before the Board, President Van Hassel adjourned the meeting at 2:55 P.M.