



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

**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING APRIL 9, 2014  
MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – April 9, 2014**

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

The following Board Members were present: President Jim Foy, Vice President Dennis McAllister, William Francis, Darren Kennedy, Kyra Locnikar, Reuben Minkus, John Musil, Nona Rosas and Tom Van Hassel. The following staff members were present: Compliance Officers Steve Haiber, Tom Petersen, Sandra Sutcliffe, and Dennis Waggoner, Drug Inspector Melanie Thayer, 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 12, Schedule S, Complaint #4289.

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 M, Non-Resident Pharmacy Permits (1-6) for the change of ownership by Express Scripts.

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 7, Schedule N, Special Requests for Rebecca Shaw.

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 12, Schedule S, Complaint #4277, Complaint #4306, and Complaint #4311.

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, Non-Resident Pharmacy Permit for Cystic Fibrosis Services.

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 7, Schedule N, Special Request for Mark McKee.

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 #4275, Complaint #4282, Complaint #4283, Complaint #4286, Complaint #4292, Complaint #4293, Complaint #4295, and Complaint #4296.

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, Resident Pharmacy Permit for CVS/Pharmacy #10006.

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 Q, Conference #2 for Complaint #4243.

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 #4271, Complaint #4279, Complaint #4282, Complaint #4284, Complaint #4285, Complaint #4287, Complaint #4290, Complaint #4291, Complaint #4297, Complaint #4299, Complaint #4300, Complaint #4304, Complaint #4305, Complaint #4307, Complaint #4308, Complaint #4313, and Complaint #4314.

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

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Musil and seconded by Mr. Francis**, the minutes of the Regular Meeting held on January 8 & 9, 2014 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

Pharmacy	Location	Owner
Wal-Mart Pharmacy #10-2632	111 E. Dunlap Ave., Phoenix, AZ 85020	Wal-Mart Stores, Inc.
Banner Casa Grande Medical Center	1800 E. Florence Blvd., Casa Grande, AZ 85122 (O)	Banner Health

(O) = Ownership Change

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

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

Pharmacy	Location	Owner
TNH Specialty Pharmacy II	15211 Vanowen St. #30, Van Nuys, CA 91405	Valley Campus Pharmacy, Inc.
FPR Specialty Pharmacy, LLC	7910 C Rae Blvd., Victor, NY 14564	FPR Specialty Pharmacy, LLC
California Drug Compounding, LLC	6878 Beck Ave., North Hollywood, CA 91605	California Drug Compounding, LLC
Care Rx Pharmacy Group, LLC	1865 Woolbright Rd., Boynton Beach, FL 33426	Care Rx Pharmacy Group, LLC
Park and King Pharmacy, Inc.	4163 Oxford Ave., Jacksonville, FL 32210	Park and King Pharmacy, Inc.
Rapid Equine Solutions	31-A Mount Pleasant Dr., Aston, PA 19014	Rapid Equine Solutions, LLC
BriovaRx	1050 Patrol Rd., Jeffersonville, IN 47130	BriovaRx of Indiana, LLC
Insight Pharmaceutical Solutions, LLC	00 E. Township Line Rd., Suite LL2, Havertown, PA 19083	Insight Pharmaceutical Solutions, LLC
KV Supply, LLC	3190 N. Rd., David City, NE 68632	KV Supply, LLC
Precision Rx Compounding, LLC	10323-A Cross Creek, Tampa, FL 33647	Precision Rx Compounding, LLC
Complete Care Pharmacy	14 E. Washington St., Champaign, IL 61820	Independence Holding
Leiter's Compounding	17 Great Oaks Blvd., San Jose, CA 95119	Leiter's Enterprises, Inc.
JCB Laboratories	7335 W. 33 <sup>rd</sup> St. N, Wichita, KS 67205 (O)	Fargon Holdings USA, LLC
White Drug #61	706 38 <sup>th</sup> St. NW Unit D-E-F, Fargo, ND 58102	White Drug Co. of Jamestown, Inc.
SoBe Compounding Apothecary	13150 SW 134 <sup>th</sup> St., Miami, FL 33186	Budget Discount Sales Corp.
Compounding Facility	3845 Richmond Ave., Unit 2B, Staten Island, NY 10312	Robert Annichanco

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

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

Pharmacy	Location	Owner
Rancho Santa Fe Pharmacy	6056 El Tordo, Rancho Santa Fe, CA 92067	RSF Pharmacy, Inc.
Manifest Pharmacy	1018 S. Batesville Rd. Bldg. 4-A, Greer, SC 29650	Manifest Pharmacy
Stonybrook Pharmacy, LLC	13921 S. Plaza, Omaha, NE 68137	Central Medical, LLC
Physician RxSource, Inc.	118 West Market St., Athens, AL 35611	Physician RxSource, Inc.
SS Pharmacy	2919 Markum Dr., Haltom City, TX 75063	Shiva Shakthi, LLC
Medcart Specialty Pharmacy	32131 Industrial Rd., Livonia, MI 48150	Iyyad Abueida
Pinnacle Compounding , LLLP	1120 Kensington, SteE, Missoula, MT 59801	Chardeline Enterprises, LLC
AcariaHealth Pharmacy, Inc	2924 Telearstar Ct., Falls Church, VA 22042 (O)	AcariaHealth Pharmacy, Inc
Entracell Pharmacy	10435 Santa Monica Blvd., 1 <sup>st</sup> Floor, Los Angeles, CA 90025	Entracell Pharmacy, Inc
Rx Pro Pharmacy and Compounding	1485 Livingston Lane, Jackson, MS 39213	World Health Industries, Inc.
Precision Medical Pharmacy	726 South 400 East, Orem, UT 84097	Kerry Brown
Woods Pharmacy, LLC	151 Texas Rd., Old Bridge, NJ 08857	Woods Pharmacy, LLC
Professional Compounding Pharmacy	721 W. Whittier Blvd., Suite H, La Habra, CA 90631	Professional Compounding Pharmacy
Neighborhood Drugs of Coral Springs	2901 Coral Hills Dr., Coral Springs, FL 33065	Kare Pharmacy, Inc.
My Pharmacy	2920 Motley Dr. #200, Mesquite, TX 75150	My Pharmacy, LLC
IV Solutions of Lubbock	3706-A 20 <sup>th</sup> St., Lubbock, TX 79410 (O)	Maxor National Pharmacy Services, LLC
Maxor Correctional Pharmacy Services	416 Mary Lindsay Polk Dr., Ste 515, Franklin, TN 37067 (O)	Maxor National Pharmacy Services, LLC
Maxor Pharmacies	216 S. Polk St., Amarillo, TX 79101 (O)	Maxor National Pharmacy Services, LLC
Heartland Pharmacy	3250 E 17 <sup>th</sup> St., Ammon, ID 83406	PharmEase
Prescription Mart	6388 Folsom Dr., Beaumont, TX 77706	RPH Partners, LLC
Skip's Pharmacy	21000 Boca Rio Rd, Ste A-29, Boca Raton, FL 33433	Pharmaceutical Care Consultants of FL, Inc.
Lumicera Health Services, LLC	2601 W. Beltline, Madison, WI 53713	Lumicera Health Services, LLC

(O) = Ownership Change

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

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

Pharmacy	Location	Owner
Woodland Hills Pharmacy	23299 Ventura Blvd., Woodland Hills, CA 91364	Algunas, Inc.
Arriva Pharmacy	500 Eagles Landing Dr., Suite B, Lakeland, FL 33810	Arriva Medical, LLC
Taylor's Pharmacy	1021 W Fairbanks Ave., Winter Park, FL 32789	Florida Discount Drugs, Inc.
Boulevard Pharmacy	10771 Sherman Way, Sun Valley, CA 91352	Boulevard Pharmacy
Patient Direct Rx	159 Gibraltar Rd, Hersham, PA 19044	Eric Borell
Henry Ford Pharmacy Advantage Southfield	735 John R Rd., Suite 150, Troy, MI 48083	Henry Ford Pharmacy Advantage Southfield
Restore Rx, Inc.	5169 Brunswick Rd., Brunswick, TN 38014	Restore Rx, Inc.
Well Care Discount Pharmacy, LLC	542 S. Decatur Blvd., Las Vegas, NV 89107	Well Care Discount Pharmacy, LLC
Downing Labs, LLC	4001 McEwen Rd., Dallas, TX 75244	Downing Labs, LLC
Bolingbrook Compounding Pharmacy	402 W. Boughton Rd., Bolingbrook, IL 60440	John Singletary
The Compounding Shop	4000 Park Street N., St. Petersburg, FL 33709 (O)	Restore Holdings, LLC
Sterling Healthcare Services	808 Hunter St., Sikeston, MO 63801	BY Enterprises, Inc.
Rx Pro Pharmacy & Compounding, Inc.	936-32 W. Hallandale Beach Blvd., Hallandale, FL 33009	Rx Pro Pharmacy & Compounding, Inc.
Access Compounding Pharmacy	1450 Emerson Ave. #110, McLean, VA 22101	A&K Medical Supply, Inc.
Custom Prescriptions	1200 112 <sup>th</sup> Ave. NE, Ste A102, Bellevue, WA 98004	Sound Prescriptions, LLC
Noble Health Services, Inc.	6040 Tarbell Rd., Syracuse, NY 13206	Noble Health Services, Inc.
Premier Pharmacy Services	2657 Saturn St., Brea, CA 92821	Stephen Samuel
Ardon Health, LLC	11835 NE Glenn Widing Dr., Portland, OR 97220	PayLess Drug Pharmacy Group, LLC
PetMart Pharmacy, LLC	2207 E. Broadway Ave., Maryville, TN 37804	PetMart Pharmacy, LLC
Amber Enterprises, Inc.	10004 S. 152 <sup>nd</sup> St. A, Omaha, NE 68138	Amber Enterprises, Inc.
MobileCare Pharmacy	3918 Leeland St., Houston, TX 77003	MobileCare Pharmacy
Destrehan Discount Pharmacy	3001 Ormond Blvd., Suite A, Destrehan, LA 70047 (O)	Tarun Jolly

(O) = Ownership Change

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

##### NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
ArjoHuntleigh, Inc. (Full Service)	1202 N. 54 <sup>th</sup> Ave., Suite 101, Phoenix, AZ 85043	Getinge Group
Professional Hospital Supply, Inc. (Full Service)	2601 S. 37 <sup>th</sup> St., Ste 1, Phoenix, AZ 85034 (O)	Medline Industries, Inc
Wright Medical Technology, Inc. (Full Service)	2024 W. 1 <sup>st</sup> ., Suite101, Tempe, AZ 85281	Wright Medical Technology, Inc.

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

##### NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
IVESCO (Full Service)	910 Shaver St., Springdale, AR 72762 (O)	MWI Veterinary Supply Co.
IVESCO (Full Service)	3473 US Hwy 60, Hereford, TX 79045 (O)	MWI Veterinary Supply Co.
IVESCO (Full Service)	125 Kingwood Dr., Mankato, MN 56001 (O)	MWI Veterinary Supply Co.
Core-Mark Midcontinent, Inc. (Non-Prescription)	5600 2 <sup>nd</sup> St. NW, Albuquerque, NM 87107	Core-Mark Midcontinent, Inc.
Core-Mark Midcontinent, Inc. (Non-Prescription)	3950 W. Harmon, Las Vegas, NV 89103	Core-Mark Midcontinent, Inc.
Core-Mark Midcontinent, Inc. (Non-Prescription)	353 Meyer Circle, Corona, CA 92879	Core-Mark Midcontinent, Inc.
Core-Mark Midcontinent, Inc. (Non-Prescription)	1635 South 5070 West, Suite B, Salt Lake City, UT 84104	Core-Mark Midcontinent, Inc.
ArjoHuntleigh Inc. (Full Service)	7756 Trade St, Suites C & D, San Diego, CA 92121	Getinge Group
ArjoHuntleigh Inc. (Full Service)	50 N. Gray Ave., Unit A, Roselle, IL 60101	Getinge Group
Expert Med or First Veterinary Supply (Full Service)	5960 E. Shelby Dr., Memphis, TN 38141	The Harvard Drug Group, LLC
Nestle HealthCare Nutrition (Full Service)	12500 Whitewater Dr., Minnetonka, MN 55343	Nestle Health Science
IVESCO (Full Service)	161 Enschede St., Mauston, WI 53948 (O)	MWI Veterinary Supply Co.
Fisher Scientific Company, LLC (Full Service)	2775 Horizon Ridge, Suwanee, GA 30024	Fisher Scientific Company, LLC
J. Knipper and Company, Inc. (Full Service)	350 Starke Rd., Carlstadt, NJ 07072 (O)	J. Knipper and Company, Inc.
Professional Hospital Supply, Inc. (Full Service)	42500 Winchester Rd., Temecula, CA 92590 (O)	Medline Industries, Inc.

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

##### NON-RESIDENT WHOLESALER PERMITS

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Fresh & Easy (Non-Prescription)	14900 Innovation Dr., Riverside, CA 92518 (O)	Y-Opco, LLC
HyGen Pharmaceuticals, Inc. (Full Service)	8635 154 <sup>th</sup> Ave NE, Redmond, WA 98052	HyGen Pharmaceuticals, Inc.
Diversified Pharmaceutical Ingredients, LLC (Full Service)	5867 S. Garnett Rd., Tulsa, OK 74146	Diversified Pharmaceutical Ingredients, LLC
Twin Med, LLC (Full Service)	11333 Greenstone Ave., Santa Fe Spring, CA 90670	Twin Med, LLC
Ferndale Laboratories, Inc. (Full Service)	2773 John B, Warren, MI 48091	Ferndale Laboratories, Inc.
Epic Fulfillment, Inc. (Full Service)	8835 W. 116 <sup>th</sup> Circle, Broomfield, CO 80021	Epic Fulfillment, Inc.
McKesson Medical-Surgical, Inc. (Full Service)	140 Exchange Blvd., Glendale Heights, IL 60139	McKesson Medical-Surgical, Inc.
Samsung Electronics America, Inc. (Full Service)	85 Challenger Rd., Ridgefield Park, NJ 07660	Samsung Electronics America, Inc.
Sanofi-Aventis U.S., LLC (Full Service)	50 Stauffer Industrial Park, Taylor, PA 18517	Sanofi-Aventis U.S., LLC
Cascade Health Care Products, Inc. (Full Service)	1826 NW 18 <sup>th</sup> Ave., Portland, OR 97209	Cascade Health Care Products, Inc.
E.R. Squibb & Sons, LLC (Full Service)	5104 Eisenhower Blvd., Tampa, FL 33634	Bristol- Myers Squibb Company
Medline Industries Holdings, LP (Full Service)	501 Commerce Parkway, Katy, TX 77494	Medline Industries Holdings, LP
McKesson Medical-Surgical, Inc. (Full Service)	1005 Satellite Blvd., Swanee, GA 30024	McKesson Medical-Surgical, Inc.

(O) = Ownership Change

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

##### NON-RESIDENT MANUFACTURER PERMITS

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Apollo Endosurgery, Inc.	1120 S. Capital of Texas Highway, Building 1, Suite 300, Austin, TX 78746	Apollo Endosurgery, Inc.
UCYCLYD Pharma, Inc.	700 Route 202/206 North, Unit B, Bridgewater, NJ 08807 (O)	Valeant Pharmaceuticals International, Inc.
Emergent BioDefense Operations Lansing, LLC	3500 N. Martin Luther King Jr. Blvd., Lansing, MI 48906	Emergent Biosolutions, Inc.
Boston Scientific Corporation	55 Technology Dr., Lowell, MA 01851 (O)	Boston Scientific Corporation
Unichem Pharmaceuticals (USA) Inc.	201 W. Passic St., Suite 403, Rochelle Park, NJ 07662 (O)	Unichem Pharmaceuticals (USA) Inc.

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

##### NON-RESIDENT MANUFACTURER PERMITS

Manufacturer	Location	Owner
Medicis Pharmaceutical Corporation	700 Route 202/206 North, Unit C, Bridgewater, NJ 08807 (O)	Valeant Pharmaceuticals International, Inc.
MicroPort Orthopedics, Inc.	5677 Airline Rd, Arlington, TN 38002 (O)	MicroPort Orthopedics, Inc.

(O) = Ownership Change

#### 4. (6) – New Pharmacists – Schedule F

The Board approved the 106 New Pharmacist Licenses listed on the attachments.

#### 4. (7)– New Interns – Schedule G

The Board approved the 86 New Intern Licenses listed on the attachments.

#### 4. (8) – New Pharmacy Technicians – Schedule H

The Board approved the 1369 New Pharmacy Technicians listed on the attachments.

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

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

Brooke Abrahamson	Kanokwan Acosta	Kazra Allen
Sarah Allen	Cassandra Alvarez	Jose Amaya-Medina
Bridgette Andrade	Jesus Arvizo Jr.	Chris Aultman
Stephanie Avila	Lorraine Ballesteros	Timothy Barr
Dahgay Beney	Lindsay Berger	April Bertoline
Ismael Bonilla	Kristie Bowling	Brittany Bracy
Danielle Bradburn	Patti Byrd	Leydi Calero
Carlos Cancino	Valerie Canisales	William Casarez
Jayr Clark	Kaitlyn Claxton	Caleb Coberley
Ryan Cohen	Cristina Contreras	Linda Corral
Debra Counts	Eric Cullison	Sapphire Davis
Amaray De La Rosa	Tiffany Deal	Jaylena Dewakuku
Giang Doan	Arnisa Dobson	Cynthia Dominguez
Julie Dooley	Jessica Dulin	Jenny Edwards
Souzan El Sayed	Carolyn Ellis	Yolanda Farnum
Todd Feliciano-Shinpaugh	Maripi Frazier	Ann Gallego
Joseph Gamez	Patricia Gomez	Martha Gonzalez
Laurence Graves	Camilla Graw	Desiree Guerrero
Martha Guerrero	Arcacia Guevara	Michelle Gutierrez
Julie Haggard	Brandon Henderson	Addilene Hernandez
Ana Hernandez	Joshua Hernandez	Josh Hill
Kathryn Hinrichs	Kevin Holmes	Eric Hussey
Diep Huynh	Anissa Hyser	Hermegildo Isenia
Amy James	Malath Jamil	Amy Jaquette

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

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

Amanda Jaynes	Angela Jeffries	Ryan Jimenez
Xavier Jimenez	Jackie Kurtis	Pierce Lafferty
Catherine Lagle	Allison Laitsch	Adam Lane
Kassandra Limones	Long Lin	Amanda Lindsey
Jessica Lomas	Roque Lopez	Fabian Loya
Dustin Lynch	Jessica Macias Nava	Joe Macias
Monique Mahoney	Candice Martinez	Marchea Martinez
Bridget McWilliams	Duane Mecone	Richard Michitsch
Emmanuel Montalvo	Denise Montoya	Ciara Ohnesorgen
Robert Orach	Rosa Ortiz	Stephanie Ortiz
Erico Padilla	Sangita Parekh	Scaava Parker
Swathi Patel	Cathleen Perkins	Perla Pesqueira
Deanna Phagan	Courtney Poke	Melissa Pratt
Gregory Price	Vanessa Quach	Reva Quasula
Sally Quick	Rosaura Ramirez	Martin Ramos
Jeremy Rangel	Alexander Rayis	Janice Romero
Rowena Rooney	Sarah Ruiz	Jared Rutan
Shawn Sammartino	Sandra Saragosa	Katy Schlicker
Carlene Schonhardt	Eva Segal	Jonathan Sepulveda
Jennifer Sheldon	Celina Shoop	Batul Siddiky
Roxanne Smith	Esteban Solis	Mario Solis
Angel Soto	Jennette Soto	Kelly St. John
Jessica Steinberger	Laura Steiner	Adam Stertzer
Brianna Stevens	Triny Strongoli	Kimberly Stutler
Tyler Thorneycroft	Quann Townsel	Christopher Trent
Anne Garces	Alejandra Garcia	Diana Garcia
Richard Gerardin	Olivia Giammalva	Jyia Gilmer
Maria Gomez	Monica Montoya	Cristina Morin
Justin Muzzin	Josfef Najarro	Janelle Nez
Brittney Odell	Amanda Valenzuela	Elvira Vega Cruz
Quinton Warner Jr.	Maryviolet Weekley	Joshua Wilson
Leslie Woehlecke	Zareen Zeller	Lauren Naugle

**4. (10) – Consent Agreements – Schedule J**

The Board Members approved the following Consent Agreements:

1. Annette Palumbo - 14-0006-PHR
2. Ralph Troller - 14-0007-PHR
3. Joel Gomez - Non-Disciplinary Consent

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

The Board unanimously agreed to dismiss the following complaints and take no further action on the complaints:

1. Complaint #4272
2. Complaint #4273
3. Complaint #4276
4. Complaint #4288
5. Complaint #4298

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

##### **1. East Valley Children’s Hospital**

President Foy stated that representatives from East Valley Children’s Hospital (EVCH) were present to answer questions from Board Members.

**William Timmons, CEO, and Bonnie Graf, Pharmacist in Charge**, were present to answer questions from Board Members.

President Foy opened the discussion by asking the applicants why they were appearing in front of the Board.

Mr. Timmons opened the discussion by stating that the EVCH will be a 24 bed non-tertiary care hospital. Mr. Timmons stated that they are requesting a deviation for the required square footage of 500 square feet for a hospital pharmacy.

Mr. Van Hassel asked if there would be any filling of prescriptions at this site. Mr. Timmons stated that the pharmacy would not compound or dispense medications. Mr. Timmons stated that no pharmaceuticals would be stored in the pharmacy and all pharmaceuticals would be delivered on a daily basis by the medical supply companies.

Dr. Foy asked how many square feet are in the proposed pharmacy layout. Mr. Timmons stated that they are asking the Board to approve a pharmacy size of 300 square feet. Mr. Timmons stated that they anticipate using about 200 square feet and have added an additional 100 square feet for any changes that would necessitate additional space.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously approved the permit application for East Valley Children’s Hospital and the space deviation. The space deviation is for 300 square feet. If the hospital expands and the number of beds increases, then the hospital would need to return to the Board to discuss the continuation of the deviation.

##### **2. WellCare Pharmacy**

President Foy stated that a representative from WellCare Pharmacy was present to answer questions from Board Members.

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

President Foy opened the discussion by asking the applicant why he was appearing in front of the Board.

Mr. Rkein stated that he is opening an independent pharmacy and would be doing some non-sterile compounding.

Dr. Foy asked Mr. Rkein if he has ever owned a pharmacy. Mr. Rkein stated that he has owned a pharmacy in Michigan but this will be the first pharmacy that he has owned in Arizona.

Mr. Van Hassel asked Mr. Rkein about the products he would be compounding. Mr. Rkein stated that initially he would only be preparing non-sterile compounds.

Mr. Van Hassel asked Mr. Rkein if he plans on compounding sterile products. Mr. Rkein stated that he may consider compounding sterile products in the future. Mr. Rkein stated that he would be able to expand the current compounding room by using the storage room next to the compounding room.

Mr. Van Hassel asked Mr. Rkein if he is familiar with USP 797 requirements. Mr. Rkein stated that he is familiar with the regulations.

Dr. Foy suggested that Mr. Rkein may want to make the open access area in the front counter more secure.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously approved the permit application for WellCare Pharmacy.

### **3. Elements Compounding Pharmacy**

President Foy stated that a representative from Elements Compounding Pharmacy was present to answer questions from Board Members.

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

President Foy opened the discussion by asking the applicant why he was appearing in front of the Board.

Mr. Petrov stated that he would be opening a new pharmacy specializing in compounding.

Dr. Musil asked Mr. Petrov if he would be doing sterile compounding. Mr. Petrov stated that they would only be compounding non-sterile products.

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board unanimously approved

the permit application for Elements Compounding Pharmacy.

#### **4. Pharmatek**

President Foy stated that a representative from Pharmatek Pharmacy was present to answer questions from Board Members.

**Jeffrey Hannibal, Pharmacist in Charge**, was present to answer questions from Board Members.

President Foy opened the discussion by asking the applicant why he was appearing in front of the Board.

Mr. Hannibal stated that he would be opening a new independent pharmacy. Mr. Hannibal stated that the pharmacy would be approximately 800 square feet with a front end of 300 square feet.

Dr. Foy asked Mr. Hannibal if he has previously owned the pharmacy. Mr. Hannibal stated that he has not owned a pharmacy and he is the pharmacist in charge of this pharmacy and not an owner.

Dr. Musil asked Mr. Hannibal where the compounding area would be located. Mr. Hannibal stated that the compounding would be done in the back area of the pharmacy on the counter space located next to the sink.

Dr. Musil asked if the compounding area would be a self-contained unit. Mr. Hannibal stated no and that regular medications would be stored in the same area.

Dr. Musil told the applicant that a separate room would be the best practice to avoid cross contamination.

Dr. Foy asked if the owners are pharmacists. Mr. Hannibal replied that the owners are not pharmacists but do own a pharmacy with their family in California.

Dr. Foy asked if the owners would have access to the pharmacy. Mr. Hannibal stated that he would be the only person with a key to the pharmacy.

**On motion by Dr. Musil and seconded by Mr. Van Hassel** the Board unanimously approved the permit application for Pharmatek.

#### **5. Westgate Pharmacy**

President Foy stated that a representative from Westgate Pharmacy was present to answer questions from Board Members.

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

President Foy opened the discussion by asking the applicant why she was appearing in front of the Board.

Ms. Gold stated that she plans to open a full service pharmacy and would be compounding non-sterile products.

Dr. Foy asked Ms. Gold if she has previously owned a pharmacy. Ms. Gold replied no.

Dr. Foy asked Ms. Gold about the square footage of the pharmacy. Ms. Gold stated that the square footage is about 450 square feet. Ms. Gold stated that if she needed to expand the area she could expand to the area next to the present compounding area.

Dr. Musil asked about the counseling area. Ms. Gold stated that the counseling area is in the front and is a self-enclosed area that is totally private.

Mr. Van Hassel asked about the patients that she would be servicing. Ms. Gold stated that the pharmacy would service all walk-in patients and not just the patients from the clinic located in the building.

Mr. Van Hassel asked if the pharmacy would do mostly compounding or dispensing of medications. Ms. Gold stated that it would be a hybrid pharmacy. Ms. Gold stated that the area is underserved for compounding. Ms. Gold stated that there is a pharmacy located in the area but they do not do compounding.

Mr. Van Hassel asked Ms. Gold how many employees she planned to hire. Ms. Gold stated that she planned on hiring one technician and she would be the pharmacist.

Dr. Foy asked Ms. Gold if her pharmacy is located in the corner of the Urgent Care. Ms. Gold stated that they would be sharing the waiting area only.

Dr. Foy asked Ms. Gold if she planned to supply the Urgent Care with medications. Ms. Gold replied no.

Dr. Foy asked if any of the doctors at the Urgent Care are owners of the pharmacy. Ms. Gold replied no.

**On motion by Mr. Van Hassel and seconded by Mr. Francis** the Board unanimously approved the permit application for Westgate Pharmacy.

## **RESIDENT PHARMACY PERMITS**

The following resident pharmacy permits were approved and all applications are approved pending final inspection. The deviation request for East Valley Children's Hospital was approved.

## RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
East Valley Children's Hospital	610 W. Jerome, Mesa, AZ 85210	East Valley Children's Hospital
WellCare Pharmacy	1728 W. Glendale Ave., Phoenix, AZ 85021	WellCare Pharmacy
Elements Compounding Pharmacy	2110 E. Baseline Rd., Suite A5-6, Mesa, AZ 85204	Elements Compounding Pharmacy LLC
Pharmatek	10995-11001 N. 99 <sup>th</sup> Ave., #112, Peoria, AZ 85345	Pharmatek
Westgate Pharmacy	8914 N. 91 <sup>st</sup> Ave., Suite 100C, Peoria, AZ 85345	Laura Gold

**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 approve the Resident Pharmacy Permit listed below pending final inspection.

## RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
CVS/Pharmacy #10006	10650 N. Oracle Rd., Oro Valley, AZ 85737	German Dobson CVS, LLC

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

### NON-RESIDENT PHARMACY PERMITS

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

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

### NON-RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Express Scripts	1810 Lincoln Highway, North Versailles, PA 15137 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	100 Parsons Pond Dr., E1 PH1, Franklin Lakes, NJ 07417 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	One Millenium Dr., Willingboro, NJ 08046 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	15001 Trinity Blvd., Suite 300, Fort Worth, TX 76155 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	8111 Royal Ridge Parkway, Irving, TX 75063 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	23102 E. Appleway Ave., Liberty Lake, WA 99019 (O)	Express Scripts Pharmacy, Inc.

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

**On motion by Mr. Van Hassel and seconded by Dr. Musil,** the Board unanimously agreed to approve the following Non- Resident Pharmacy Permit.

**NON-RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Cystic Fibrosis Services	7472 Tucson Way, Suite 100D, Tampa, FL 33610	Cystic Fibrosis Services

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

**#1 Rebecca Shaw**

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

**Rebecca Shaw** appeared on her own behalf to request that the probation imposed on her Pharmacy technician license per Board Order 09-0052-PHR be terminated. Lisa Yates with the PAPA program was also present.

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

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

Ms. Yates stated that the Board has received letters from Ms. Shaw’s counselor and sponsor. Ms. Yates indicated that Ms. Shaw has been compliant.

Dr. Foy asked Ms. Shaw to describe her journey. Ms. Shaw indicated that she was caught diverting drugs on camera. Ms. Shaw stated that she attended an inpatient program and realized that she was not able to stop without help. Ms. Shaw stated that she remained sober and attended Nursing school. Ms. Shaw stated that she completed Nursing School and now is the Assistant Director of Nursing at Valley Hope helping addicts in recovery.

**On motion by Mr. Francis and seconded by Mr. Van Hassel,** the Board unanimously agreed to terminate the probation of Ms. Shaw’s pharmacy technician license per Board Order 09-0052-PHR.

**#2 Hyman Abramchick**

**Hyman Abramchick** appeared on his own behalf to request that the probation imposed on his Pharmacist license per Board Order 09-0010-PHR be terminated. Lisa Yates with the PAPA program was also present.

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

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

Dr. Foy asked Mr. Abramchick to discuss his journey. Mr. Abramchick stated that he has lots of gratitude for the PAPA program. Mr. Abramchick stated that he had been doing drugs off and on from his 20's. Mr. Abramchick stated that the PAPA program has changed his life. Mr. Abramchick stated that he found answers to his problems through rehab.

Mr. Wand asked Mr. Abramchick what was more valuable inpatient or outpatient treatment. Mr. Abramchick stated that he feels that inpatient treatment is necessary as the introduction to treatment.

Dr. Foy asked Mr. Abramchick if he is working. Mr. Abramchick stated that he has been working.

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously agreed to terminate the probation of Mr. Abramchick's pharmacist license per Board Order 09-0010-PHR.

### **#3 Jim Brown**

**Jim Brown** appeared on his own behalf to acknowledge that he completed his PAPA contract per Board Order 09-0046-PHR. Lisa Yates with the PAPA program was also present.

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

Mr. Brown stated that he came before the Board in 2009 asking the Board to give him a chance to become a pharmacist. Mr. Brown stated that he had lost his Pennsylvania pharmacist license due to alcohol and drug addiction. Mr. Brown stated that he left the practice of pharmacy due to public safety issues.

Mr. Brown stated that his sponsor told him after he had 10 years of sobriety he could then consider going back to pharmacy. Mr. Brown stated that he had left pharmacy and had another job since that time. Mr. Brown stated that he came in front of the Board in 2009 and the Board granted him a Graduate Intern license and required him to complete intern hours prior to taking the pharmacist exams. Mr. Brown stated that he also signed a 5-year PAPA contract. Mr. Brown stated that he completed the PAPA contract and due to circumstances was not able to find an Intern job, but did continue working at the company that he had worked for since leaving pharmacy.

Dr. Foy asked Mr. Brown if he had any special requests for the Board. Mr. Brown stated no. Mr. Brown stated that he wanted to thank the Board for the opportunity to try to become a pharmacist. Mr. Brown stated that he wanted to acknowledge that the PAPA program is a great recovery program for recovering professionals and he hopes to serve on the steering committee in the future.

#### #4 Mark McKee

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

**Mark McKee** appeared on his own behalf to request that the Board amend his Board Order 09-0043-PHR to remove the addendum that requires him to be monitored by PAPA as long as he is licensed by the Board. Lisa Yates with the PAPA program was also present.

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

Mr. McKee stated that he is requesting that the Board remove the lifetime monitoring by PAPA.

Dr. Foy asked Mr. McKee why the Board should remove the lifetime addendum since he had requested that his original consent be amended to include this requirement.

Mr. McKee stated that the request was put forth by his attorney. Mr. McKee stated that his attorney thought that this requirement was the best at that time. Mr. McKee stated that his probation would end next month.

Mr. McKee stated that he will still be an addict and it will not change because he is being monitored.

Mr. Wand indicated that an attorney may recommend this addendum so that his client would get a lighter sentence from the court.

Dr. Musil indicated that the consent that Mr. McKee signed states that the addendum shall be irrevocable. Dr. Musil asked Mr. McKee why the Board should change this addendum today.

Mr. McKee stated that he is in recovery for him and not because he is being monitored. Mr. McKee stated that recovery is not going to happen because he is not being monitored. Mr. McKee stated that other pharmacists that have completed the program and have come back into the program are not on lifetime contracts.

Mr. Wand stated that this is the first lifetime monitoring contract that was requested. Mr. Wand stated that one other individual had signed a lifetime contract but has since passed on.

Ms. Yates stated that PAPA would modify his contract to include minimal counseling, screens, and meeting attendance.

Dr. Foy indicated that both support letters indicated that Mr. McKee must continue to put his recovery first. Dr. Foy asked Mr. McKee what plans he has in place for his recovery.

Mr. McKee stated that he has a sponsor who is also a pharmacist. Mr. McKee stated that he sees his sponsor daily. Mr. McKee stated that early in his career he had no support plans in place.

Mr. McKee stated that he would take drugs to hide and mask his pain.

Mr. McKee stated that he is now treasurer at his home group. Mr. McKee stated that a lot of bad things have happened to him in the past and since that time. Mr. McKee stated that he has been divorced and declared bankruptcy. Mr. McKee stated that he got through tough situations by using the suggestions he got in PAPA. Mr. McKee stated that he would seek outside counseling if necessary. Mr. McKee stated that he does not need to be monitored that he can handle these situations. Mr. McKee stated that he would be coming back to the Board to have his probation removed probably at the next meeting.

Dr. Foy stated that he has concerns because Mr. McKee is treating this as a test to see if he can manage recovery for himself.

Mr. McAllister stated that he is hesitant to remove the addendum because Mr. McKee came to the Board requesting this addendum.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to deny Mr. McKee's request to modify his Board Order to remove the addendum that requires him to be monitored by PAPA as long as he is licensed by the Board.

#### **#5 Gerwyn Makai**

**Gerwyn Makai** appeared on his own behalf to request that the probation imposed on his Pharmacist license per Board Order 09-0044-PHR be terminated. Justin Holm, Legal Counsel for Mr. Makai, was also present.

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

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

Dr. Musil asked Mr. Makai to tell the Board about the PAPA program. Mr. Makai stated that he was discharged from the program. Mr. Makai stated that he learned that events in your personal life also affect your professional life. Mr. Makai stated that he is learning to define himself outside of pharmacy.

Dr. Musil asked Mr. Makai how he maintains sobriety. Mr. Makai stated that it is simple. Mr. Makai stated that you do not engage in the use of controlled substances and illegal substances. Mr. Makai stated that you need to have a belief in spirituality.

Dr. Musil asked Mr. Makai if he believes that he is an addict. Mr. Makai stated no and added that he does not meet the diagnosis for addiction.

Mr. McAllister asked Mr. Makai if he has worked as a pharmacist. Mr. Makai stated that he has not been able to find a job, but has worked as an auditor.

Mr. Van Hassel asked Mr. Makai if he is current on his CE requirements. Mr. Makai stated that his CE requirements are current and he has completed the Diabetes Certification program this year.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board approved Mr. Makai's request to terminate probation per Board Order 09-0044-PHR. There was one nay vote by Mr. Van Hassel.

## **#6 Newsha Sarmadnia**

**Newsha Sarmadnia** appeared on her own behalf to request to take the NAPLEX exam for the fourth time.

President Foy opened the discussion by asking Mr. Sarmadnia why she was appearing in front of the Board.

Ms. Sarmadnia stated that she is requesting that the Board allow her to take the NAPLEX exam for the fourth time. Ms. Sarmadnia stated that she is close to passing the exam.

Dr. Foy asked Ms. Sarmadnia about her past experiences in taking the exam. Ms. Sarmadnia stated that the first time she took the exam she was hungry and could not concentrate. Ms. Sarmadnia stated that she studied the material and thought she had passed the exam on her second attempt. Ms. Sarmadnia stated that prior to taking the exam for the third time she studied for four months and did not work. Ms. Sarmadnia stated that she took the RxPrep review course and scored high on the test. Ms. Sarmadnia stated that she also took the Pre-Naplex exam and scored well on that test. Ms. Sarmadnia stated that she felt confident that she was prepared for the exam. Ms. Sarmadnia stated that on her third attempt she had time management issues because she was able to answer the harder questions but barely had time to finish the exam.

Ms. Sarmadnia stated that she does have plans to study for the next exam. Ms. Sarmadnia stated that she has contacted people in class and will study with them. Ms. Sarmadnia stated that she does have a study partner. Ms. Sarmadnia stated that she plans to take the Kaplan course and retake the RxPrep course again.

Mr. McAllister stated that both colleges have a review course in the Spring. Ms. Sarmadnia stated that she took one of the review courses last year and did not like the course.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously agreed to allow Ms. Sarmadnia to take the NAPLEX exam for a fourth time after completing a NAPLEX review course and submitting the documentation of completion to the Board staff.

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

### **#1 Dorian Lange**

**Dorian Lange** appeared on his own behalf to request to proceed with reciprocity.

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

Mr. Lange stated that he has submitted an application for reciprocity and was asked to appear because he surrendered his license in California. Mr. Lange indicated that he was reprimanded in Michigan.

Mr. Lange stated that he was reprimanded in Michigan because a pharmacy he owned mislabeled an insulin prescription.

Mr. Lange stated that he was reprimanded in Michigan because a temporary pharmacist did not show up for work and a technician was left alone in the pharmacy.

Mr. Lange stated that his last reprimand in Michigan involved the reporting of his California action on his renewal form in September of last year and he was then reprimanded for not reporting the action.

Dr. Foy asked Mr. Lange to address the California surrender of his license. Mr. Lange stated that he went to California to sell a pharmacy. Mr. Lange stated that when he arrived in California he had a prescription filled at the pharmacy for Propecia for himself and a birth control prescription for his daughter. Mr. Lange stated that he did not realize that the pharmacy was not licensed as a retail pharmacy and could not fill prescriptions. Mr. Lange stated that the California Board took action against his license. Mr. Lange stated that he returned to Michigan where he was living at the time.

Mr. Lange stated that the California order stated that he had to work in California for at least forty hours a week a month. Mr. Lange stated that since he was living in Michigan he did not want to return to California to work each month since the order was for 3 years. Mr. Lange stated that he had not worked in a dispensing area for years. Mr. Lange stated that he surrendered his license instead of returning to California to work for 3 years.

Mr. Kennedy asked Mr. Lange if he had prescriptions for the products he removed from the pharmacy. Mr. Lange stated that he did have a prescription for the Propecia.

Dr. Foy asked Mr. Lange if he removed any other items from the pharmacy such as an eye drop. Mr. Lange stated the he did take some eye drops that were made available to employees. Mr. Lange stated that the eye drops were over the counter eye drops. Mr. Lange stated that he never took anything out of inventory.

Ms. Locnikar stated that the Board order indicated that he took Zithromax from the pharmacy. Mr. Lange stated that he had a sinus infection and took a Zithromax and then he replaced the pill he took with one of his own. Mr. Lange stated that the medication was unit dose at the pharmacy and the doctor had given him sample to take.

Mr. McAllister asked Mr. Lange if he thought it was appropriate to reintroduce drugs into inventory. Mr. Lange stated that he had a sample and felt he had an obligation to replace the medication he took.

Ms. Rosas asked Mr. Lange if he has worked as a pharmacist. Mr. Lange stated that he has worked per diem at a hospital in Michigan.

Ms. Rosas asked Mr. Lange if his CEs are current. Mr. Lange replied yes.

Dr. Foy asked Mr. Lange if he has ever been placed on probation by Michigan. Mr. Lange replied no.

Mr. Francis asked Mr. Lange about the Zithromax sample. Mr. Lange stated that it was a unit dose three pack. Mr. Lange stated that it was a sample pack that the drug representative had left for the physician.

Dr. Foy stated that the California order required Mr. Lange to take an ethics course. Dr. Foy asked Mr. Lange if he completed the ethics course. Mr. Lange stated that the ethics course and tolling are standard probation protocol in California. Mr. Lange stated that since he surrendered his license he did not have to complete the stipulations in the agreement, thus he did not complete the ethics course.

**On motion by Mr. Van Hassel and seconded by Ms. Rosas,** the Board denied Mr. Lange's pharmacist license application based on actions taken by the Michigan and California Board citing A.R.S § 32-1927 (S) & (A) (1), A.R.S § 32-1901.01 (B) (2) and A.R.S § 32-1901.01 (B) (16).

## **#2 Kaveh Askari**

**Kaveh Askari** appeared on his own behalf to request to proceed with reciprocity.

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

Mr. Askari stated that he has submitted an application for reciprocity and was asked to appear because he was reprimanded for minor infractions that occurred a long time ago.

Dr. Foy asked Mr. Askari to address the reprimands. Mr. Askari stated that the New York Board cited him for selling outdated medications. Mr. Askari stated that he dispensed a bottle of Crestor that had expired. Mr. Askari stated that when he placed the label on the bottle he did not check the expiration date.

Dr. Musil asked Mr. Askari to address the other reprimand. Mr. Askari stated that he was reprimanded because he did not sign the daily log. Mr. Askari stated that he allowed his brother to manage one of his pharmacies and he worked at that store sometimes. Mr. Askari stated that his license was also not on display. Mr. Askari stated that he did not work at the store regularly and his brother was the supervising pharmacist. Mr. Askari stated that he has cleaned up the infractions and removed his brother as the supervising pharmacist.

Mr. Askari stated that the Nebraska reprimand was for not reporting the New York reprimand in the required time.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to approve Mr. Askari's pharmacist license application

**Michael Peters** appeared on his own behalf to request to take the exams to be licensed as a pharmacist in Arizona.

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

Mr. Peters stated that he has submitted an application to take the exams in Arizona to become a pharmacist. Mr. Peters stated that his pharmacist license in California was revoked last September.

Dr. Foy asked Mr. Peters to address the revocation of his pharmacist license. Mr. Peters stated that he sold his pharmacy to a chain store. Mr. Peters stated that on the day the pharmacy was closing the State Board came for an inspection. Mr. Peters stated that he could not find all the paper work because they were closing. Mr. Peters stated that he was to fax over documents to determine the inventory. Mr. Peters stated that the Board did not receive his documents and he could not determine what sheets they had because he did not put a cover page on the transmittal which listed how many pages were being transmitted.

Mr. Francis noted that not being able to account for 146, 220 units is not a trivial matter. Mr. Peters stated that they had a break in at the pharmacy in March the year before they closed. Mr. Peters stated that he had a company come in and do an inventory at that time.

Mr. Francis asked if all these units disappeared in less than a year since the inventory was done in March. Mr. Peters stated that the calculations were lacking and it was because of the missing paperwork. Mr. Peters stated that at the hearing it was determined that not all NDC numbers were maintained.

Mr. Francis asked Mr. Peters if he did an inventory upon selling the pharmacy. Mr. Peters replied yes and it was one page long.

Mr. McAllister asked Mr. Peters what his duties were as a Pharmacist in Charge. Mr. Peters stated that he is responsible for the security of the pharmacy, the safety of the pharmacy, and the inventory.

Mr. McAllister what his duties were when he closed his pharmacy. Mr. Peters stated that he was responsible for the pre and post closing inventory. Mr. Peters stated that the Board claimed that they did not receive his paperwork.

Dr. Foy asked if the 222 forms were complete. Mr. Peters stated that the records were lost.

Dr. Foy asked Mr. Peters if he had no personal accountability in this situation. Mr. Peters stated that in the end everything comes down to him.

Mr. Kennedy asked Mr. Peters if he knew why there was a discrepancy. Mr. Peters stated that he cannot make that determination because he cannot get the paperwork from the company that purchased his pharmacy. Mr. Peters stated that all the files went to the acquiring pharmacy.

Mr. Kennedy asked Mr. Peters what happened to his closing inventory. Mr. Peters stated that he sent it to the Board.

Mr. Kennedy asked Mr. Peters how many Hydrocodone tablets he dispensed daily. Mr. Peters replied that they sold about 3,000 tablets daily.

Ms. Locnikar asked about the prescriptions that were taken back from patients. Mr. Peters stated that he took back about 20 to 30 prescriptions and had also taken back insulin syringes. Mr. Peters stated that it was not legal for him to take back those medications.

Dr. Foy asked Mr. Peters why he wanted an Arizona license. Mr. Peters stated that he wants to move to Arizona.

Mr. McAllister asked Mr. Peters how he got his prescriptions. Mr. Peters stated that his pharmacy was in a strip mall and the end occupant was a doctor group. Mr. Peters stated that the prescriptions were faxed in, called in, or walked in.

Mr. McAllister asked Mr. Peters about his prescription volume. Mr. Peters stated that he filled about 1,400 prescriptions weekly.

Ms. Locnikar asked Mr. Peters if he has reapplied to California. Mr. Peters stated that he is bitter and the situation is very humiliating and it is very difficult to deal with the Board. Mr. Peters stated that he was portrayed in a negative way.

Mr. Lee stated that the information submitted to the Board is the list of accusations. Mr. Lee suggested that the Board may want to request that the applicant submit a copy of the final board order and a copy of the transcript of the hearing.

**On motion by Mr. Van Hassel and seconded by Mr. Minkus**, the Board unanimously agreed to table the pharmacist application for Mr. Peters until he submits the documents from the hearing and the final order.

#### **#4 Brian Witmer**

**Brian Witmer** appeared on his own behalf to request to take the exams to be licensed as a pharmacist in Arizona.

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

Mr. Witmer stated that he graduated from the University of Wyoming and is licensed as a pharmacist in Wyoming. Mr. Witmer stated that he has not been licensed for a year and would have to take the exams in Arizona. Mr. Witmer stated that his Colorado Intern license had been suspended for his urine screens.

Mr. Witmer stated that he applied to pharmacy school and was accepted at the University of Wyoming. Mr. Witmer stated that he was monitored due to his background for DUIs. Mr. Witmer stated that one of his internships was in Colorado. Mr. Witmer stated that he applied for an Intern license in Colorado and was also monitored. Mr. Witmer stated that problems arose in Colorado when he had dilute urine screens. Mr. Witmer stated that he played rugby for the University of Wyoming and he drank lots of water while he was training and his urines were dilute upon screening. Mr. Witmer stated that his license was then suspended because of the screenings.

Dr. Foy asked Mr. Witmer if he has a substance abuse problem. Mr. Witmer stated that he did drink too much as an undergraduate. Mr. Witmer stated that he was on probation for two years.

Dr. Foy asked Mr. Witmer if he considers himself an addict. Mr. Witmer replied no. Mr. Witmer stated that he does not feel a need to have a drink. Mr. Witmer stated that after his Marijuana charge he changed his ways. Mr. Witmer stated that his family is very supportive.

Dr. Foy asked Mr. Witmer if he had concerns about the way the testing was conducted. Mr. Witmer stated that he was playing rugby and the physical requirements of the training required that he drink a lot of water so that he did not become dehydrated.

Dr. Foy asked Mr. Witmer if he drank a lot of fluids to mask the results. Mr. Witmer replied no.

**On motion by Mr. McAllister and seconded by Ms. Locnikar**, the Board approved Mr. Witmer's pharmacist license application. There was one nay vote by Dr. Foy.

#### **#5 Cassandra Teaq**

**Cassandra Teaq** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

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

Ms. Teaq stated that she is requesting to become a pharmacy technician trainee. Ms. Teaq stated that she has been charged with a felony offense.

Dr. Musil asked Ms. Teaq to address the felony. Ms. Teaq stated that she was charged with sexual exploitation of a minor due to internet pornography. Ms. Teaq stated that she is currently on probation and it is a lifetime probation at this time. Ms. Teaq stated that if she follows the correct path she should be able to get off probation in the future.

Mr. Van Hassel asked Ms. Teaq why she wants to be a technician. Ms. Teaq stated that she likes to help people. Ms. Teaq stated that she was training for a 911 operator. Ms. Teaq stated that she currently works at a telemarketing job and she does not really like the job.

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board approved Ms. Teaq's pharmacy technician trainee license application. A roll call vote was taken. ( Ms. Locnikar- nay, Mr. Francis – nay, Mr. Minkus – nay, Mr. Van Hassel – nay, Dr. Musil – aye, Ms. Rosas – aye, Mr. Kennedy – aye, Mr. McAllsiter – aye, and Dr. Foy – aye)

## **AGENDA ITEM 11– Reports**

### **Executive Director**

#### **Budget Issues**

Mr. Wand reviewed the financial reports with the Board Members.

#### **Personnel**

Mr. Wand introduced Jennifer Mitchell. Ms. Mitchell is the new Executive Administrative Assistant. Ms. Mitchell had previously worked at the Arizona Board of Technical Registration and the Arizona Chiropractic Board.

#### **Legislation**

Mr. Wand stated that the Board has two bills waiting to be approved by the legislature. Mr. Wand stated that the one bill requires fingerprinting and the other bill would eliminate the non-resident pharmacist in charge.

#### **Deputy Director Report**

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

During the months of January and February, the Compliance Staff issued letters for the following violations:

### **Pharmacy Violations**

1. Outdated medications – 1
2. Hot Water not working properly – 2

### **Controlled Substance Violations**

1. Controlled Substance Overage -10
2. Controlled Substance Shortage - 6
3. Controlled Substance annual inventory not available – 2
4. Controlled Substance inventory not complete upon change of Pharmacist in Charge – 1
5. DEA Forms not completed properly - 1

### **Documentation Violations**

1. Expired Immunization certificates - 1
2. Failure to have technician trainee training program and pharmacy technician compounding training program - 1

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

1. Controlled Substance record keeping – Availability of invoices

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

1. A Change in Pharmacist in Charge must be reported immediately
2. Counseling is required on new prescriptions
3. Controlled Substance Inventory must be completed on May 1.

### **PAPA Report – Schedule P**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-four (44) participants in the PAPA program. Ms. Yates stated that three participants have completed the program and three new participants have entered the program. Ms. Yates stated at this time there are no concerns.

### **AGENDA ITEM 10 – Conferences – Schedule Q**

#### **Conference 1– Complaint #4269**

The following individual was present to discuss the complaint:  
David Gortler – Pharmacist – Respondent

President Foy asked Ms. Frush to give a brief overview of the complaint. Ms. Frush stated that the complainant, a physician assistant, filed the complaint because a pharmacist was changing his prescriptions from Oxycodone 15 mg to Oxycodone 30mg and changing the dose. The changes were made by the pharmacist without contacting the complainant. The pharmacist stated that he dispensed different amounts without notifying the prescriber. The pharmacist stated that the strength of the dose was not changed nor was the total mg strength of the prescription changed. The pharmacist stated that he made the changes so that the patient

would get the medication needed without a delay.

President Foy asked Mr. Gortler to address the complaint. Mr. Gortler stated that he is licensed in several states and was not aware that he could not change the prescription. Mr. Gortler stated that other states allow you to change the prescription without contacting the physician.

Dr. Musil asked Mr. Gortler in what states he is licensed. Mr. Gortler stated that he has had licenses in New York, New Jersey, Connecticut, and Washington, DC.

Mr. Francis asked Mr. Gortler if his licenses are active in all those states. Mr. Gortler stated that he believes that his Connecticut and New Jersey licenses are active.

Mr. McAllister stated that he is concerned about patient safety and asked Mr. Gortler how he handled the interaction with the patient when he changed the prescription. Mr. Gortler stated that he would review the instructions on the bottle when he counseled the patient.

Dr. Foy asked Mr. Gortler if he had any conversations with the complainant. Mr. Gortler stated that he had talked with the complainant and he had agreed to withdraw the complaint but he did not withdraw the complaint. Mr. Gortler stated that the complainant had told him not to change his prescriptions again and Mr. Gortler told him that he would not change his prescriptions.

Mr. Kennedy asked Mr. Gortler why he did not call the doctor to change the prescription. Mr. Gortler stated that when he has called the doctors in the past he is humiliated because the doctors mock him on the phone saying it is fine to change because the patient is getting 30 mg whether it is one or two tablets.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board agreed to dismiss the complaint and take no further action on the complaint. There were two nay votes from Mr. Francis and Dr. Musil.

## **Conference 2– Complaint #4243**

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

The following individuals were present to discuss the complaint:

Chiraz Chamas – Pharmacist – Respondent  
Don Tartaglio – Pharmacy Supervisor - Witness  
Roger Morris – Legal Counsel

Vice President McAllister asked Mr. Haiber to give a brief overview of the complaint. Mr. Haiber stated that the complainant presented a prescription for Roxicet 5/325 #100 to the pharmacy on June 21, 2013. The prescription was filled and dispensed to the patient the next day on June 22, 2013. The complainant stated that she returned 15 minutes later because she received only 20 tablets. The pharmacist in charge stated that the vial that the complainant showed her was a 16 dram vial. The pharmacist in charge stated that the pharmacy video shows the medication was dispensed in a 40 dram vial. The pharmacist in charge stated that she

conducted an audit while the patient was there and determined that the inventory of the Roxicet was correct and the patient received the correct amount. The Compliance Officer conducted an audit at the pharmacy on 8/6/2013 and noted an overage of 181 tablets. The audit results could possibly indicate that the patient was shorted.

Mr. McAllister asked Ms. Chamas to address the complaint. Ms. Chamas stated that she dispensed the prescription for Roxicet 5/325mg for 100 tablets. Ms. Chamas stated that the patient returned approximately 15 minutes later showing her a prescription vial containing 20 tablets. Ms. Chamas stated that the complainant demanded the other 80 tablets. Ms. Chamas stated that she showed her a vial that contained 20 tablets and was dusty inside. Ms. Chamas stated that she told the complainant that she could call her doctor for the other 80 tablets, but her inventory was correct. Ms. Chamas stated that she got loss prevention involved at this point. Ms. Chamas stated that loss prevention reviewed the tape and stated that the correct quantity was dispensed and placed in a 40 dram vial. Ms. Chamas stated that she told the loss prevention person that she counts by 5's and he counted the number of strokes to determine that the correct quantity was dispensed.

Mr. Tartaglio stated that the security video is not available because the loss prevention person has left the company and the video cannot be obtained from his laptop.

Mr. McAllister asked Ms. Chamas if the Roxicet is stocked in bottles of 100. Ms. Chamas replied yes.

Mr. Van Hassel asked if the patient is a regular patient at the store. Ms. Chamas replied yes.

Mr. Van Hassel asked if they hand the bag to the patient or do they take the medication out of the bag. Ms. Chamas stated that the bag is handed to the patient. Ms. Chamas stated that when the patient brought back the bag the vial she presented was covered with dust. Ms. Chamas stated that the bottle did not look like a fresh bottle. Ms. Chamas stated that it looked like the label for the Roxicet was placed on a smaller bottle. Ms. Chamas stated that the patient had previously received Lisinopril that would have fit in that size bottle.

Mr. Van Hassel asked about the video. Mr. Tartaglio stated that the video is on a repetitive loop. Mr. Tartaglio stated that it can be pulled off if there is an issue. Mr. Tartaglio stated that the proper procedure was not followed.

Mr. Morris stated that they can pull any issues from the tape if there is a complaint within 30 days from the time the incident occurred. Mr. Morris stated that the loop is 30 days.

Dr. Musil asked if the pictures came from the patient. Mr. Haiber replied yes.

Ms. Locnikar stated that the images of the bottle do not show dust.

Dr. Musil asked if the medication was counted by hand or by machine. Ms. Chamas stated that the medication was counted by hand.

**On motion by Ms. Rosas and seconded by Mr. Kennedy**, the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**AGENDA ITEM 11– Consent Agreements – Schedule R**

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to accept the following consent agreement as presented in the meeting book and signed by the respondents. The consent agreement is listed below:

CBS Chem LTD - 14-0005-PHR

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

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

**Complaint #4265**

**On motion by Dr. Musil and seconded by Mr. Minkus**, the Board unanimously agreed to request that the pharmacy technician appear for a conference.

**Complaint #4267**

**On motion by Dr. Musil and seconded by Ms. Locnikar**, the Board unanimously agreed to request that the pharmacist appear for a conference.

**Complaint #4271 – Dr. Foy recused due to a conflict of interest.**

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to request that the pharmacy technician trainee appear for a conference.

**Complaint #4274**

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to offer the permit holder a consent agreement with the following terms: \$1,000 fine for pre-printed prescription blanks being distributed to physicians. The Board unanimously agreed to offer the pharmacist in charge a consent agreement for failure to control the practice with the following terms: \$500 fine and take and pass the MPJE exam within 6 months.

**Complaint #4275 – Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. Francis and seconded by Dr. Musil**, the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4277 – Mr. McAllister was recused due to a conflict of interest.**

The complainant was present to discuss the complaint with the Board Members. Dr. Foy explained that the complaint did not violate any pharmacy regulations.

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

#### **Complaint #4278**

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to issue an advisory letter to the verifying pharmacist concerning the checking of the data entry to ensure the data input is correct. The Board unanimously agreed to offer the counseling pharmacist a consent agreement with the following terms: \$500 fine and 12 hours of CE on patient counseling and/or medication administration. The CE is in addition to the required CE for license renewal.

**Complaint #4279 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

#### **Complaint #4280 & #4281**

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to offer the permit holder a consent agreement with the following terms: Two unannounced inspections within the next 12 months at the expense of the permit holder.

**Complaint #4282 – Dr. Foy and Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to issue a non-disciplinary letter requesting that both pharmacists complete 3 hours of CE on Arizona law within the next 90 days or attend the next Board Meeting in June to obtain 3 hours of law CE. (Attendance certificate to be turned into Board Office)

**Complaint #4283 – Mr. Kennedy was recused due to a conflict of interest.**

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

**Complaint #4284 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Mr. Kennedy and seconded by Ms. Rosas**, the Board agreed to dismiss the complaint and take no further action on the complaint. There was one nay vote by Dr. Musil.

**Complaint #4285 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. Francis,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4286 – 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 issue an advisory letter to the pharmacist concerning the changing of prescription information.

**Complaint #4287 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. Francis,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4289 – Dr. Musil was recused due to a conflict of interest.**

**On motion by Ms. Rosas and seconded by Mr. Van Hassel,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4290 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Dr. Musil and seconded by Mr. Van Hassel,** the Board unanimously agreed to request that the pharmacist appear for a conference.

**Complaint #4291 – Dr. Foy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy,** the Board unanimously agreed to request that the pharmacists appear for a conference.

**Complaint #4292 – Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Ms. Rosas,** the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the checking of the data entry for accuracy.

**Complaint #4293 – Mr. Kennedy recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. McAllister,** the Board unanimously agreed to table the decision on this complaint allowing staff to follow up on procedures.

**Complaint #4294**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy,** the Board unanimously agreed to issue an advisory letter to the pharmacist in charge concerning the proper procedure when changing the prescription label.

**Complaint #4295 – Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. McAllister and seconded by Mr. Van Hassel,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4296 – Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. McAllister and seconded by Mr. Van Hassel,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4297– Dr. Foy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. Francis,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4299 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Kennedy and seconded by Mr. Van Hassel,** the Board unanimously agreed to issue a non-disciplinary letter requesting that the pharmacist complete 3 hours of CE on law within the next 90 days.

**Complaint #4300 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy,** the Board unanimously agreed to request that the pharmacist appear for a conference.

**Complaint #4304 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Francis and seconded by Dr. Musil,** the Board unanimously agreed to issue a non-disciplinary letter requesting that the pharmacist complete 6 hours of CE on patient safety and/or error prevention within 90 days.

**Complaint #4305 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy,** the Board unanimously agreed to request that the pharmacist appear for a conference.

**Complaint #4306 – Mr. McAllister was recused due to a conflict of interest**

**On motion by Mr. Kennedy and seconded by Ms. Locnikar,** the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4307 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Ms. Rosas**, the Board agreed to issue a non-disciplinary letter requesting that all three pharmacists complete 6 hours of CE on patient safety and/or error prevention within 90 days. There was one nay vote by Mr. Kennedy.

**Complaint #4308 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to request that the pharmacist and the pharmacy technician appear for a conference.

**Complaint #4311– Mr. McAllister was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to dismiss the complaint and take no further action on the complaint.

**Complaint #4313 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously agreed to request that the pharmacist appear for a conference.

**Complaint #4314 – Dr. Foy was recused due to a conflict of interest**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously agreed to offer the pharmacist a consent agreement for a standard PAPA contract with the suspension time reduced for the amount of time the pharmacist has not worked.

**Complaint #4315**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously agreed to request that the pharmacist appear for a conference.

**Complaint #4315**

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board agreed to request that the pharmacy technician trainee appear for a conference. There was one nay vote by Mr. Van Hassel.

**AGENDA ITEM 13– Proposed Rules – Schedule T**

**#1 License and Permit Rules**

President Foy asked Ms. Sutcliffe to address this agenda item.

Ms. Sutcliffe stated this rule package contains new rules for Durable Medical Equipment and changes in the rules for other permits.

Ms. Sutcliffe stated that a public hearing was held on March 10, 2014 and no one attended the public hearing. Ms. Sutcliffe stated that written comments were received from Janet

Underwood, representing The Arizona Community Pharmacy Committee, voicing support for the rulemaking. The record was closed at 5:00 P.M. on March 10, 2014.

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

## **#2 Controlled Substance Prescription Monitoring Program Rules**

President Foy asked Mr. Wright to address this agenda item.

Mr. Wright stated that due to a mix up with the five-year review scheduled by the Governor's Regulatory Review Council for submission on August 31, 2013, the Board staff failed to meet the deadline and the rules were terminated.

Mr. Wright stated that a public hearing was held on April 7, 2014. Janet Underwood representing the Arizona Community Pharmacy Committee attended the public hearing and submitted written comment from the Arizona Community Pharmacy Committee voicing support for the rulemaking. No other comments were received.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

## **AGENDA ITEM 14 – Five Year Rule Review for Article 12**

President Foy 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 the review of Article 12 was due on December 31, 2013 and he requested a 120-day extension. Mr. Wright stated that the review is due by April 30, 2014.

Mr. Wright stated that the rules involve the Drug Donation program. Mr. Wright stated that there have been no requests by pharmacies to participate in the program. Mr. Wright stated that there are no proposed changes to Article 12.

**On motion by Mr. Francis and seconded by Ms. Rosas**, the Board unanimously approved the 2014 Five Year Rule Review for Article 12.

## **Agenda Item 15 – NABP Annual Meeting**

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

Mr. Wand stated that the NABP Annual Meeting will be held in Phoenix from May 17-20, 2014. Mr. Wand stated that Dr. Foy will welcome the audience on May 18, 2014. Mr. Wand stated that State Senator Barto will also speak at the meeting.

Mr. McAllister stated that Mr. Wand is running for NABP Treasurer at the Meeting.

**Agenda Item 16 – Request to write rules for pharmacists and pharmacy technicians working at a remote site**

President Foy asked Mr. McAllister to address this agenda item.

Mr. McAllister stated that the MTM industry is growing and many pharmacists are reviewing patient profiles and making recommendations. Mr. McAllister stated that he is concerned about pharmacists in other states that are working at home (not affiliated with a non-resident pharmacy) that are providing advice to Arizona patients and recommending changes in their therapy. Mr. McAllister noted that the pharmacist may not even be licensed in Arizona.

Mr. McAllister stated that it is a matter of protection of the public. Mr. McAllister stated that New Jersey is currently drafting rules.

**AGENDA ITEM 17– Call to the Public**

President Foy 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.

No one came forth.

**AGENDA ITEM 18 – Future Agenda Items**

Mr. Wand stated that the June Board Meeting is scheduled for one day at the AzPA convention at the Wigwam in Litchfield Park. Mr. Wand noted that since there are several conferences scheduled for the June Board Meeting the Board may want to schedule the conferences for Wednesday and hold that meeting at the Board Office and hold the rest of the meeting at the convention on Thursday. The Board Members agreed to hold the conferences on Wednesday at the Board Office and the rest of the meeting on Thursday at the AzPA convention.

Mr. Wand suggested that the Board review the rules on prescription blank advertising.

**AGENDA ITEM 19– Adjournment**

There being no further business to come before the Board, President Foy adjourned the meeting at 3:40 P.M.