



**Arizona State Board of Pharmacy**

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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING OCTOBER 22, 2014  
MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – October 22, 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, William Francis, Darren Kennedy, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Tom Van Hassel. The following Board Member was not present: Nona Rosas. The following staff members were present: Compliance Officers Tom Petersen, Sandra Sutcliffe, and Karol Hess, Drug Inspectors Melanie Thayer and Cesar Ramirez, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

**AGENDA ITEM 2– Declaration of Conflicts of Interest**

Due to having a “substantial interest” in the matter, Dr. Musil 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 Desert Pharmacy, LLC.

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 4, Schedule B, Non-Resident Pharmacy Permit for Accredo Health Group, Inc.

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 16, Schedule S, Complaint #4344.

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, Jacqueline Cavanagh- Case15-0012-PHR.

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 13, Phoenix Children’s Hospital Outpatient Pharmacy – Case 15-0004-PHR.

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 16, Schedule S, Complaint #4351.

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 #10147.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule M, Non-Resident Pharmacy Permit for CVS Caremark.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule O, Special Request for John Markus.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 11, Mark Placek – Case 14-0018-PHR.

### **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. Van Hassel**, the Board Members unanimously approved the minutes listed below:

1. August 27 and 28, 2014 – Regular Meeting
2. September 30, 2014 – Special Telephonic Meeting

### **AGENDA ITEM 4– Consent Agenda**

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

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

#### 4. (1) Resident Pharmacy Permits – Schedule A

##### RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
QoL Meds, LLC	1075 E Ft. Lowell Rd., Tucson, AZ 85719	Specialized Pharmaceuticals
QoL Meds, LLC	3347 N Windsong Dr, Prescott, AZ 86314 (O)	Specialized Pharmaceuticals
Wal-Mart Pharmacy #10-4275	7241 W. Thunderbird Rd., Peoria, AZ 85381	Wal-Mart Stores Inc.
Wal-Mart Pharmacy #10-6480	3460 W. Chandler Blvd., Chandler, AZ 85226	Wal-Mart Stores, Inc.
Black Canyon Pharmacy	19251 E. Oasis Dr., Black Canyon City, AZ 85324	S & G Pharmacy, Inc.
Cochise Regional Hospital	2174 West Oak Ave., Douglas, AZ 85607 (O)	Douglas Community Hospital, Inc.
APAC Customer Services, Inc.	20401 N. 29 <sup>th</sup> Ave. #110, Phoenix, AZ 85027	APAC Customer Services, Inc.
Diamondback Drugs	7631 E. Indian School Rd., Scottsdale, AZ 85251 (O)	Diamondback Drugs of Delaware, LLC

(O) = Ownership Change

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

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

Pharmacy	Location	Owner
LHC Group Pharmaceutical Services, LLC	1602 W. Pinhook Rd., Suite 101, Lafayette, LA 70508	LHC Group, Inc.
MidSouth Medical Specialties, LLC	1433 Goodman Rd., Horn Lake, MS 38637	Super Drugs
Triad Compounding Pharmacy	11090 E. Artesia Blvd., Suite H, Cerritos, CA 90703	Ron Miller
Physician Specialty Pharmacy, LLC	6258 N.W. Street, Pensacola, FL 32505	Hydra Medical Ventures, LLC
Brookhaven Specialty Pharmacy	3750 W. Robinson, Suite 150, Norman, OK 73072	Lee Ross
Praxis Specialty Pharmacy, LLC	5455 West Waters Ave., Ste. 214, Tampa, FL 33634	NIFE Holdings, LLC
Center City Pharmacy, Inc.	416 Clematis St., West Palm Beach, FL 33401	Center City Pharmacy, Inc.
Scripte Corporation	2907 W. Empire Ave., Glendale, CA 91504	Scripte Corporation
Isomeric Pharmacy Solutions, LLC	510 S 600 E., Salt Lake City, UT 84102	Maui Alii LLC, The W. Richardson Utah 101 Trust, The R. Cruz UT 101 Trust

(O) = Ownership Change

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

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

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Factor Support Network Pharmacy, Inc.	900 Avenida Acaso, Suite A, Camarillo, CA 93012 (O)	Factor Support Network Pharmacy, Inc.
MedWorx Compounding LLC	950 E. County Line Rd., Suite A, Ridgeland, MS 39157	MedWorx Compounding LLC
MedCare Choice Pharmacy, Inc.	3570 Consumer St., #8, Riviera Beach, FL 33404	MedCare Choice Pharmacy, Inc.
Petscriptions	2815 Watterson Tr., Louisville, KY 40299 (O)	Pet360 Inc.
Pharmacy Resources, Inc.	5290 E. Yale Circle, Suite 101, Denver, CO 80222	Pharmacy Resources, Inc.
Marian Respiratory Care, Inc.	28691 US Hwy 98, Ste. D1, Daphne, AL 36526	Marian Respiratory Care, Inc.
Triad Rx Inc.	26258 Pollard Rd., Daphne, AL 36526	Triad Rx Inc.
MEDtown Rx, Inc.	213 N. Orange St. #C, Glendale, CA 91203	MEDtown Rx, Inc.
Greywell Pharmacy, Inc	10672 Riverside Dr., Hollywood, CA 91602	Greywell Pharmacy, Inc.
NowScript Pharmacy	38300 Van Dyke Ave., Suite 102, Sterling Heights, MI 48312	Ziad Khader
Partell Specialty Pharmacy	8751 W. Charleston Blvd., #120, Las Vegas, NV 89117	Robert Sigler
Rx Pro of Alabama, LLC	2355 Hartford Hwy., Ste. 6, Dothan, AL 36305	Rx Pro of Alabama, LLC
American Service and Product, Inc.	16612 107 <sup>th</sup> Court, Orland Park, IL 60467	American Service and Product, Inc.
Sun City Compounding, LLC	720 Arizona Ave. El Paso, TX 79902	Sun City Holdings, LLC
Apothecary by Design Specialty and Retail, LLC	141 Pebble St., Portland, ME 04101	Apothecary by Design Specialty and Retail, LLC
Glades Drugs	109 South Lake Ave., Pahokee, FL 33476	Jack P. Herick, Inc
Accredo Health Group, Inc.	505 E. Capovilla Ave., Ste. 103, Las Vegas, NV 89119	Accredo Health Group, Inc
Best Pet Rx	207 East 94 <sup>th</sup> St., 4 <sup>th</sup> Floor, New York, NY 10128	Eastside Pharmacy, Inc.
Remedium Pharmacy, LLC	3957 Pender Dr., Ste #104, Fairfax, VA 22030	Remedium Pharmacy, LLC
Pharmacy Specialty Group, LLC	1250 Linda St., #101, Rocky River, OH 44116	Pharmacy Specialty Group, LLC

**(O) = Ownership Change**

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

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

Pharmacy	Location	Owner
Anderson Compounding Pharmacy	310 Bluff City Highway, Bristol, TN 37620	Anderson Compounding Pharmacy, Inc.
Medenvios Healthcare	7415 Corporate Center Dr., Suite B, Miami, FL 33126	Real Time Pharmacy Services, Inc.
Biomed Pharmaceuticals	721 S. Glasgow Ave., Suite C, Inglewood, CA 90301	Biomed Health Holding, Inc.
Med-Care Pharmacy	1052 S. Powerline Rd., Deerfield Beach, FL 33442	Amgad Girgis
Designer Drugs	7204 Jarnigan Rd., Chattanooga, TN 37421	The Wellness Center Pharmacy, Inc.
Hospice Pharmacia	512 Elmwood Ave., Sharon Hill, DE 19079 (O)	ExcelleRx, Inc.
PBM Plus Mail Service Pharmacy	300 Technecenter Dr., Suite C, Milford, OH 45150 (O)	PBM Plus Mail Service
ExcelleRx Inc.	2525 Horizon Lake Dr., Memphis, TN 38133 (O)	ExcelleRx, Inc.
Central Admixture Pharmacy Services Inc. (CAPS)	4061 W. Arby Ave., #100, Las Vegas, NV 89113	B. Braun of America, Inc.
Halsted Pharmacy	1460 N. Halsted St., Suite 101, Chicago, IL 60642	Halsted Pharmacy, Inc.
PMOA Inc.	676 S. University Blvd., Mobile, AL 36609	PMOA, Inc.
Rite Care Pharmacy	7560 Greenville Ave., Dallas, TX 75321	Syed Zulfiqar
Pet Rescue Rx, Inc.	13760 Indian Falls Rd., Akron, NY 14001	Pet Rescue Rx, Inc.
PJ's Prescription Shoppe	3405 Kenyon St. #107, San Diego, CA 92110	Mary Holtgrave
Destrehan Pharmacy, Inc.	3001 Ormond Blvd., Suite A-1, Destrehan, LA 70047	Destrehan Pharmacy, Inc.
Executive Pharmacy	4300 North University Dr., Suite E200, Lauderhill, FL 33351	Executive Pharmacy, LLC
Entirely Pets Pharmacy, LLC	34571 7 <sup>th</sup> St., Union City, CA 94587	Entirely Pets Pharmacy, LLC
Precision Rx Compounding, LLC	10323- A Cross Creek Blvd., Tampa, FL 33647 (O)	Precision Rx Compounding, LLC
Premier Pharmacy Labs, Inc.	8265 Commercial Way, Weeki Wachee, FL 34613	Premier Pharmacy Labs, Inc.
Amerita, Inc.	2446 S. Progress Dr., Salt Lake City, UT 84119	Amerita, Inc.
Trucare Pharmacy	1875 California Ave., Corona, CA 92881	Egyptian, Inc.

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

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

Pharmacy	Location	Owner
Freedom Pharmacy & Wellness Center	3901 E. Colonial Dr., Suite C , Orlando, FL 32803	Freedom Pharmacy & Wellness Center
4-Care Pharmacy	109 W Gentile St., Layton, UT 84041	Centurion Holdings, LLC

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

##### RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
Vitasurplus (Full Service)	12630 N. 103 <sup>rd</sup> Ave., Sun City, AZ 85351	Mel Dog LLC
TAIGA Distribution LLC (Full Service)	4340 W. Chandler Blvd. #5, Chandler, AZ 85007	TAIGA Distribution LLC
Diamondback Drugs (Full Service)	7631 E. Indian School Rd., Scottsdale, AZ 85251 (O)	Diamondback Drugs of Delaware, LLC

(O) = Ownership Change

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

##### NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
Independent Pharmaceutical LLC (Full Service)	854 E. Crescentville Rd., West Chester, OH 45246	Independent Pharmaceutical, LLC
Martek Pharmcal Co (Full Service)	575 Prospect St., Lakewood, NJ 08701	Martek Pharmcal Co
Ozburn Hessey Logistics LLC (OHL) (Full Service)	1101 Whitaker Rd., Plainfield, IN 46168	Ozburn Hessey Holding Company, LLC
Premium Pharmacy Ingredients LLC (Full Service)	1100 Dexter Ave. North, Suite 100, Seattle, WA 98109	Premium Pharmacy Ingredients, LLC
Pharmaceutical Credit Company, LLC (Full Service)	130 Seaboard Lane, Suite A-6, Franklin, TN 37067	Pharmaceutical Credit Company, LLC
Smith Medical Partners (Full Service)	840 Lively Blvd., Wood Dale, IL 60191	H.D. Smith, LLC

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

##### NON-RESIDENT WHOLESALER PERMITS

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Smith Medical Partners LLC (Full Service)	950 Lively Blvd., Wood Dale, IL 60191	H.D. Smith, LLC
Hi-Tech Pharmacal Co. Inc. (Full Service)	13 Edison St. East, Amityville, NY 11701	Akorn Inc.
Wright Medical Technology, Inc. (Full Service)	356 State Place, Escondido, CA 92029	Wright Medical Technology, Inc.
Centurion Medical Products (Full Service)	804 East Mill St., San Bernadino, CA 92408	Centurion Medical Products
Cook Medical LLC (Full Service)	400 Daniels Way, Bloomington, IN 47404	Cook Medical LLC
Bluegrass Distributions (Full Service)	3175 Custer Dr., Suite 100, Lexington, KY 40517	Bluegrass Distributions
Veterinary Service Inc. (Full Service)	1731 W. 16 <sup>th</sup> St., Merced, CA 95348	Veterinary Services, Inc.

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

##### NON-RESIDENT MANUFACTURER PERMITS

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Haemonetics Corporation	549 Aldi Blvd., Mount Juliet, TN 37122	Haemonetics Corporation
AccessClosure, Inc.	5452 Betsy Ross Dr., Santa Clara, CA 95054	Cardinal Health 200, LLC
Exela Pharma Sciences LLC	1245 Blowing Rock Blvd., Lenoir, NC 28645	Exela Pharma Sciences LLC
Proficient Rx LP	3607 Old Conejo Rd., Thousand Oaks, CA 91320	Proficient Rx LP
Sun Pharmaceuticals Industries, Inc.	270 Prospect Plains Rd., Cranbury, NJ 08512	Sun Pharmaceuticals Industries, Inc
Sigma-Tau PharmSource, Inc.	69265 Gulon Rd., Indianapolis, IN 46268	Sigma-Tau PharmSource, Inc.

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

The Board approved the 219 New Pharmacist Licenses listed on the attachments.

#### 4. (7)– New Interns – Schedule G

The Board approved the 104 New Intern Licenses listed on the attachments.

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

The Board approved the 868 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.

Syed Abedin	Nadia Alvarez	Michael Argenziano
Brenda Barajas	Lisa Billiman	Imari Bishop
Danielle Blain	Bryan Blickern	Lauren Briggs
Aubree Brown	Nancy Bui	Lindsay Calderon
Aida Cervantes	Yescenia Chavez	Robert Chilcoat
Robert Clifford	Christina Conklin	Christine Corbo
Mandee Cowden	Christopher Daugherty	Amanda Dennis
Susan DiGiulio	Angelica Dominguez	Patrick Doyle
Andrea Encinas	Serena Figueroa	Katherine Fisher
Adrian Flota	Livea Garcia	Elizabeth Gonzalez
Maria Gonzalez	Marissa Greenhaigh	Alexandra Grigorosita
Emanuel Grigorosita	Tracy Guerrero	Austin Hamilton
Ashley Hanna	Joshua Harris	Christopher Hernandez
Krystian Islava	Ashley Jacquez	Fatuma Kalil
Jhanevie Licas	Amanda Lopez	Sandra Lopez
Kasharra Loughrey	Herlinda Marsh	Adam Martinez
Stephanie McKerchie	Joanna Medina	Ashley Mendez
Nicole Minor-Clark	Katie Montani	Iliana Morales
Gerhardus Mostert	Trinity Olsen-Galeal	Marissa Orozco
Adrian Ortega	Arleth Pacheco	Zachary Peterson
Lizette Puig	Nicole Racz	Gilbert Ramirez
Kellie Ramsey	Charles Resendez	Diana Roa
Thelma Robles	Paola Rodriguez	Megan Salgado
Alicia Sawicki	Kristal Serna	Carlo Sicoy
Kristen Stegina	Chivonne Stephens	Erin Talayumptewa
Edward Torrence	Lindsey Tsosie	Inez Villa
Sarah VIng	Nicole Walker	Teresa Wible
Amelia Ybanez	Jessica Zastera	Christopher Thirkill
Sydney Rodriguez		

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

The Board Members approved the following Consent Agreements:

1. PharMerica - 14-0011-PHR
2. Lyle Brauher - 15-0003-PHR
3. Rx Formulations - 15-0005-PHR

#### 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:

Complaint #4347	Complaint #4349	Complaint #4350	Complaint #4356
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**AGENDA ITEM 5– Resident Pharmacy Permits – Schedule L**

**1. CVS/Pharmacy #10147**

**Dr. Foy 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 Resident Pharmacy Permit listed below pending final inspection.

**RESIDENT PHARMACY PERMIT**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
CVS/Pharmacy #10147	901 Willow Lake Rd., Prescott, AZ 86301	German Dobson CVS, LLC

**2. The Medicine Shoppe**

President Foy stated that representatives from The Medicine Shoppe Pharmacy were present to answer questions from Board Members.

The following individuals were present to answer questions from Board Members:

1. Richard Trepanier – Owner and Pharmacist in Charge
2. Marla Trepanier – Owner and Pharmacist
3. David Ruiz – Pharmacy Technician
4. Roby Miller – TelePharm Telepharmacy Systems

President Foy opened the discussion by asking Mr. Trepanier to describe his business and their request to use telepharmacy services.

Mr. Trepanier stated that he and his wife own two independent pharmacies in Southeastern Arizona. Mr. Trepanier stated that one pharmacy is located in Benson and the other pharmacy is located in Willcox. Mr. Trepanier stated that there is a community about 30 minutes from both towns called Pearce-Sunsites. Mr. Trepanier stated that there is a doctor’s office and a dentist’s office in town but there is no pharmacy. Mr. Trepanier stated that they have been asked by residents of the town to open a pharmacy in Pearce. Mr. Trepanier stated that at a recent Cardinal Health Trade Show they saw a concept that would allow them to have a pharmacy in Pearce and service about 2,000 people. Mr. Trepanier stated that they hope to obtain board approval to install the TelePharm system which would allow them to provide telepharmacy services from their Benson or Willcox site. Mr. Trepanier stated that a pharmacy technician would be working at the Pearce site.

Dr. Foy asked about the increase in volume and the ability to check the prescriptions at the Benson store.

Ms. Trepanier stated that the Benson pharmacy fills about 200 prescriptions a day and the Willcox pharmacy fills about 110 prescriptions a day. Ms. Trepanier stated that the extra volume could be handled at the Benson store.

Mr. Van Hassel asked how many of the patients in Pearce currently come to either the Benson or Willcox store.

Ms. Trepanier stated that currently the number of prescriptions filled for patients from the Pearce area constitutes about 10-20% of the Willcox prescription volume and 10-15% of the Benson prescription volume. Ms. Trepanier stated that they are looking to obtain prescription business from other competing pharmacies. Ms. Trepanier stated that they anticipate filling 50 to 75 prescriptions daily at the Pearce site.

Mr. Van Hassel asked about the layout of the pharmacy because it appears to resemble a conventional pharmacy.

Mr. Trepanier stated that they plan to provide full pharmacy services. Mr. Trepanier stated that a patient can talk to him at the Benson pharmacy via a voice link.

Mr. Trepanier stated that when a patient comes to the pharmacy the patient will give their prescription to the pharmacy technician. Mr. Trepanier stated that the technician would image the prescription, fill the prescription, and label the bottle. Mr. Trepanier stated that he would verify the prescription via a video link. Mr. Trepanier stated that through a voice link he would be able to speak with the patient.

Mr. Wand asked if there are both audio and visual links. Mr. Trepanier replied yes.

Mr. McAllister asked if emergency services would be available after hours. Mr. Trepanier stated that his phone number would be posted for after hour emergencies and he would be able to be at the Pearce pharmacy within 35 minutes. Mr. Trepanier stated that after hours one of the pharmacists would be available for questions. Ms. Trepanier stated that after hours the pharmacy technician would not be allowed in the pharmacy.

Mr. McAllister asked Mr. Trepanier how they would monitor the inventory and the pharmacy site. Mr. Trepanier stated that they would have cameras in the pharmacy watching the pharmacy and the pharmacy technician. Mr. Trepanier stated that their computer system constantly maintains the inventory count. Mr. Trepanier stated that a pharmacist would visit the pharmacy once a month.

Dr. Foy asked if they would be dispensing controlled substances at this site. Mr. Trepanier replied yes.

Mr. Kennedy asked who would be tracking the controlled substances at this site. Ms. Trepanier replied that the technician would check in the order and the pharmacist would be maintaining the counts at the pharmacy. Ms. Trepanier stated that the pharmacist can see any changes made in the inventory system by the technician.

Dr. Foy asked Mr. Trepanier to describe the prescription checking process. Mr. Trepanier stated that he would be able to see the prescription image. Mr. Trepanier stated that he would be shown the tablets in the bottle cap and there would be a reference picture of the medication on his screen to help identify the medication. Mr. Trepanier stated that there is a link with First Data Bank which provides OCR bar codes with expiration dates.

Dr. Musil asked about the security of the pharmacy. Mr. Trepanier stated that the pharmacist and pharmacy technician would have a key to the pharmacy. Mr. Trepanier stated that the cabinets for controlled substances are fingerprint controlled. Mr. Trepanier stated that if there was an issue with security at the pharmacy the Cochise County police would be contacted.

Mr. Wand asked if the technician lived in area. Mr. Trepanier stated that two technicians live in the area.

Dr. Foy asked Mr. Trepanier if he would be able to manage both pharmacies. Mr. Miller stated that both pharmacies (Benson and Willcox) could log into the system. Mr. Trepanier stated that all pharmacists at both locations would have the ability to log into the system. Mr. Trepanier stated that the system does not limit him to being the only pharmacist that could check the prescriptions.

Dr. Foy asked about the technician giving a prescription to the patient and counseling is required on the prescription. Mr. Miller stated that the technician would initiate the tablet and the technician cannot ring up the patient's prescription until the prescription is approved by the pharmacist. Mr. Miller stated that the pharmacist can log into the system and reject a prescription and document the rejection type. The technician can call the pharmacist if he has any questions about the prescription.

Dr. Foy asked what would happen if controlled substances were missing from the site. Mr. Trepanier stated that the technicians are licensed and would be reported to the Board.

Dr. Musil asked if the data is sent by satellite. Mr. Miller stated that the data is encrypted.

Dr. Musil asked what would happen if there was a service interruption. Mr. Trepanier stated that they would need to wait until the service is restored.

Dr. Musil asked about servicing the patients in the area. Ms. Trepanier stated that they would synchronize the prescriptions for the patient. Ms. Trepanier stated that most patients that they serve have chronic conditions.

Mr. McAllister asked about counseling. Mr. Trepanier stated that the pharmacist would take the denial for counseling. Mr. Trepanier stated that signage would be posted for counseling. Mr.

Trepanier stated that counseling would be documented in the system. Mr. Miller stated that in most pharmacies that use the system every patient is counseled on new and refill prescriptions.

Mr. Kennedy stated that he does not have issues with the technology but is concerned about the security and oversight of the pharmacy. Mr. Trepanier stated that he has seven technicians with over 10 years of experience. Mr. Trepanier stated that the technicians live within the community.

Dr. Foy stated that there are many waivers that would be need. Dr. Foy stated that he is concerned about the security of the operation and the ability to manage the operation.

Mr. McAllister stated that the North Dakota telepharmacy rules involve the use of a dispensing kiosk. Mr. McAllister stated that the kiosk provides better security in terms of theft, robbery, and counseling. Mr. McAllister stated that he does not feel an Ipad provides adequate security.

Dr. Foy asked if every state allows CII medications to be dispensed in this fashion. Mr. Miller replied yes.

**On motion by Mr. Francis and seconded by Mr. Kennedy,** the Board unanimously agreed to table the application and directed the Board Staff to work with the pharmacy to establish the waivers that would be required.

Mr. McAllister stated that he would like the writing of telepharmacy rules to be placed on a future agenda.

### **3. Sarouja Gilbert Pharmacy Corp.**

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

**Sam Alnajjar, Owner,** was present to answer questions from Board Members.

President Foy opened the discussion by asking Mr. Alnajjar why he wants to open a pharmacy. Mr. Alnajjar stated that he is a physician and practices as an ICU physician. Mr. Alnajjar stated that he would not be writing any prescriptions to be filled at the pharmacy. Mr. Alnajjar stated that the pharmacy would be located in Gilbert and the area is a booming area. Mr. Alnajjar stated that the pharmacy would be owned by him and his mother.

Mr. Alnajjar stated that the pharmacy would be a 1,500 square foot pharmacy. Mr. Alnajjar stated that the pharmacy would be a regular pharmacy and would be open from 10 to 6 on weekdays and from 10 to 2 on weekends. Mr. Alnajjar stated that he would employ a pharmacist and a technician. Mr. Alnajjar stated that the pharmacy would occupy 600 square feet.

Mr. Alnajjar stated that the pharmacy would be locked with fingerprint technology and only the pharmacist would have access to open the pharmacy.

Mr. Alnajjar stated that there would be no internet prescribing.

Dr. Foy asked Mr. Alnajjar if he ever owned or operated a pharmacy. Mr. Alnajjar replied no.

Mr. Van Hassel asked Mr. Alnajjar if he plans to do any sterile compounding. Mr. Alnajjar replied that he does not plan to do any sterile compounding. Mr. Alnajjar stated that the pharmacy may compound dermatological products depending on the pharmacist hired.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously approved the resident pharmacy permit for Sarouja Gilbert Pharmacy Corp.

#### **4. Desert Pharmacy, LLC**

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

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

**Salvatore Augone, Owner**, was present to answer questions from Board Members.

Dr. Foy asked Mr. Augone why he wanted to open a pharmacy. Mr. Augone stated that the company owns several medical practices and they would like to offer pharmacy services to improve the quality of care.

Dr. Foy asked if they are purchasing an existing pharmacy. Mr. Augone stated that they are buying an existing pharmacy.

Mr. Van Hassel asked if the pharmacy is a full service pharmacy and the patients would be a member of their medical groups. Mr. Augone replied yes.

Mr. Van Hassel asked if the patient must go to this pharmacy. Mr. Augone stated that the patient has a choice and does not have to go to this pharmacy. Mr. Augone stated that they are attempting to make it convenient for the patient to go this pharmacy by offering delivery services to the facilities valley wide in the future.

Mr. Van Hassel asked Mr. Augone if they plan to do mail order or internet prescriptions. Mr. Augone replied no.

Dr. Foy asked if the patients would be given a choice or directed to the pharmacy. Mr. Augone stated that the patient would be allowed to go to the pharmacy of their choice. Mr. Augone stated that they are offering pharmaceutical services to help manage their patients.

Dr. Foy asked if this is the first pharmacy that they are operating. Mr. Augone replied yes.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously approved the resident pharmacy permit for Desert Pharmacy, LLC.

## **5. Red Mountain Compounding Pharmacy**

### **Dr. Foy recused himself during the discussion due to a conflict of interest**

President Foy stated that representatives from Red Mountain Compounding Pharmacy were present to answer questions from Board Members.

The following individuals were present to answer questions from Board Members:

1. Dawn Hoang – Owner and Pharmacist in Charge
2. John Loeffler – Pharmacy Technician

President Foy opened the discussion by asking Ms. Hoang if she is applying for a new permit for a pharmacy that she currently owns.

Ms. Hoang stated that she currently owns Red Mountain Pharmacy and she has applied for a new permit because she has decided to take the pharmacy in a new direction. Ms. Hoang stated that she transferred her non-compounding prescription files to CVS and retained the compounding prescription files.

President Foy recused himself at this point due to a conflict of interest.

Dr. Musil asked if they would be changing the layout of the pharmacy. Mr. Loeffler indicated that they currently have a positive pressure room.

Dr. Musil asked if they would be preparing any products that are considered hazardous under USP 800 or any sterile compounding. Mr. Loeffler indicated that they would be preparing products included in USP 800.

Dr. Musil asked if they would be submitting new floor plans. Mr. Loeffler stated that they would submit new floor plans for the proposed changes. Mr. Loeffler stated that they would be adding clean room modules. Mr. Loeffler stated that they would have a positive pressure room, a negative pressure room, and an ante room.

Dr. Musil asked where they would be preparing the USP 800 products. Mr. Loeffler stated that they would be making the products in the negative pressure room.

Dr. Musil reminded the applicants that they must have a storage area in the negative pressure area to store the compounded products.

Mr. Wand asked if the application for the new pharmacy was due to the disciplinary action that was recently taken against the pharmacy. Ms. Hoang replied that the new application is a result of her selling her prescription files.

Mr. Van Hassel asked if they would dispense additional medications that are not compounded.

Ms. Hoang stated that they would not be dispensing other medications and would refer the patients to other pharmacies.

Mr. Van Hassel asked what patients Ms. Hoang would be retaining. Ms. Hoang stated that she plans to keep the patients that require compounded medications. Ms. Hoang stated that she plans to expand into sterile compounding.

Dr. Musil asked Ms. Hoang if she plans to compound medications for Doctor's offices. Ms. Hoang stated that she would only be preparing patient specific medications.

**On motion by Mr. Kennedy and seconded by Ms. Locnikar**, the Board unanimously approved the resident pharmacy permit for Red Mountain Compounding Pharmacy.

## **6. Arizona Custom Compounding Pharmacy**

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

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

President Foy opened the discussion by asking Ms. Jones about her business model for the pharmacy.

Ms. Jones stated that she is requesting a pharmacy permit for a retail pharmacy that would prepare sterile and non-sterile compounds.

Dr. Foy asked Ms. Jones if she currently compounds medications. Ms. Jones stated that she does non-sterile compounding only at her current pharmacy.

Dr. Musil asked Ms. Jones if she anticipates compounding any NIOSH compounds. Ms. Jones stated that she plans to prepare hormones and antibiotics that are on the NIOSH list.

Dr. Musil asked Ms. Jones where she plans to store the NIOSH compounds once prepared. Ms. Jones stated that she would store the products in the area but is waiting for final guidelines to be approved prior to designing the area.

Dr. Musil asked Ms. Jones where she plans to prepare non-sterile products. Ms. Jones stated that the compounds would be made on the room on the right. Dr. Musil noted that both rooms were labeled as negative pressure rooms.

Mr. Van Hassel stated that the rooms for compounding the various products must meet the standards and should be built to meet the standards.

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to table the resident pharmacy permit for Arizona Custom Compounding Pharmacy until new floor plans are submitted and approved by the Board.

## RESIDENT PHARMACY PERMITS

The following resident pharmacy applications listed below were approved by the Board pending final inspection.

### RESIDENT PHARMACY PERMITS – Schedule L

Pharmacy	Location	Owner
Sarouja Gilbert Pharmacy Corp.	3570 S. Val Vista Dr., Gilbert, AZ 85297	Sarouja Gilbert Pharmacy Corp.
Desert Pharmacy, LLC	2450 E. Guadalupe Rd., Suite 110, Gilbert, AZ 85324	Desert Pharmacy, LLC
Red Mountain Compounding Pharmacy	6828 E. Brown Rd., #101, Mesa, AZ 85207	Dawn Hoang

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

#### NON-RESIDENT PHARMACY PERMITS

##### 1. CVS Caremark

**Dr. Foy 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 Non- Resident Pharmacy Permit.

#### NON-RESIDENT PHARMACY PERMIT

Pharmacy	Location	Owner
CVS Caremark	6950 Alamo Downs Pky, San Antonio, TX 78238	CaremarkPCS Health, LLC

##### 2. Park Compounding Pharmacy

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

**Dennis Saadeh, Owner,** was present to answer questions from Board Members.

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

Mr. Saadeh stated that he was requested to appear due to disciplinary actions taken against him. Mr. Saadeh stated that 10 years ago he began to self-medicate without a valid prescription. Mr. Saadeh stated that he was involved in a DUI. Mr. Saadeh stated that he was convicted for driving while under the influence and possession of narcotics without a prescription in May of 2004.

Mr. Saadeh stated that he went to inpatient treatment and was monitored by the California Board of Pharmacy. Mr. Saadeh stated that he had to appear for random urine screens during his probation.

Mr. Saadeh stated that his pharmacist license was placed on probation for 5 years and because he was pharmacist in charge the pharmacy was placed on probation.

Mr. Saadeh stated that his wife is currently the Pharmacist in Charge. Mr. Saadeh stated that the pharmacy does sterile and non-sterile compounding. Mr. Saadeh stated that they have received pharmacy licensure in multiple states.

Dr. Foy asked Mr. Saadeh if he is currently participating in any addiction treatment. Mr. Saadeh replied no.

Dr. Musil asked when he was placed on probation. Mr. Saadeh stated that the incident took place in 2004 but he was not placed on probation by the Board until 2008. Mr. Saadeh stated that he was on probation from 2008 to 2013.

Dr. Musil asked Mr. Saadeh to describe his recovery program. Mr. Saadeh stated that he was required to attend meetings. Mr. Saadeh stated that he attended NA and AA meetings.

Mr. Van Hassel asked why Hawaii and Idaho denied their license request. Mr. Saadeh stated that their license request was denied because they were on probation. Mr. Saadeh stated that they have since been licensed in Hawaii.

Dr. Musil asked if they compound sterile or non-sterile products. Mr. Saadeh stated that they compound both sterile and non-sterile products.

Dr. Musil asked if they provide sterile products to doctor's offices. Mr. Saadeh stated that they only compound patient-specific prescriptions.

Mr. McAllister asked when the California Board conducted a sterile compounding inspection at the pharmacy. Mr. Saadeh stated that they were inspected in March with no issues.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously approved the non-resident pharmacy permit for Park Compounding Pharmacy.

## **AGENDA ITEM 7– Non- Resident Wholesale Permits – Schedule N**

### **1. H & H Wholesale Services, Inc.**

President Foy stated that a representative from H& H Wholesale Services, Inc. was present to answer questions from Board Members.

**Jason Urichs, Legal Counsel for H & H Wholesale Services, Inc.** was present to answer questions from Board Members.

Dr. Foy asked Mr. Urichs why he was appearing in front of the Board.

Mr. Urichs stated that they are licensed in 36 states and sell only generic pharmaceuticals. Mr. Urichs stated that they purchase the products from the manufacturer.

Mr. Urichs indicated that they had issues regarding diabetic test strips with the FDA. Mr. Urichs stated that Michigan has inspected the facility last year and found no issues with the distribution. Mr. Urichs stated that they reviewed their policies and procedures.

Dr. Foy asked if there were any consent agreements or disciplinary actions taken against the company. Mr. Urichs stated no that it was a civil litigation case.

Mr. Van Hassel asked if the pharmaceutical medications are domestic or foreign. Mr. Urichs stated that the products are domestic.

Dr. Musil asked if all the products are domestic. Mr. Urichs stated that all pharmaceutical products are domestic and non-pharmaceutical products may be foreign. Mr. Urichs stated that Michigan law does not allow the mixing of pharmaceutical products with non-pharmaceutical products in the same space.

**On motion by Dr. Musil and seconded by Mr. Van Hassel**, the Board unanimously approved the non-resident wholesale permit for H & H Wholesale Services, Inc.

President Foy stated that Ms. Nguyen's agent sent a request to the Board requesting that the Board allow Ms. Nguyen to take the NAPLEX exam for the fourth time.

Mr. Van Hassel noted that the applicant's scores were low and he would like to talk to the applicant to discuss what actions she has taken to study for the exam.

**On motion by Mr. Francis and seconded by Mr. Minkus**, the Board unanimously agreed to table Ms. Nguyen's request until she can appear in front of the Board via a personal appearance either in person or via Skype or other method.

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

### **#1 Kenneth Volpato**

**Kenneth Volpato** appeared on his own behalf to request that he not be required to complete 400 hours of Internship due to not being actively engaged in the practice of pharmacy for over one year.

President Foy asked Mr. Volpato why he was appearing in front of the Board. Mr. Volpato stated that he has not worked 400 hours in a pharmacy in the last year. Mr. Volpato stated that he has been a pharmacist for 46 years. Mr. Volpato stated that he has worked in retail pharmacies and hospital pharmacies. Mr. Volpato stated that he had owned his own pharmacy. Mr. Volpato stated that he has completed at least 20 hours of CE every year. Mr. Volpato stated that he is

retired and would like to work part-time. Mr. Volpato stated that he is asking the Board to waive the 400 hours so that he may reciprocate his license.

Dr. Foy asked Mr. Volpato how many hours he worked in 2014. Mr. Volpato stated that he did not work any hours in 2014.

Dr. Foy asked Mr. Volpato how many hours he worked in 2013. Mr. Volpato stated that he worked several relief jobs. Mr. Volpato stated that he worked 10 days for 10 hours several times. Mr. Volpato stated that he worked about 400 hours that year.

Dr. Musil asked Mr. Volpato if he maintained his New Mexico license. Mr. Volpato replied yes. Mr. Volpato stated that he is currently updating his Colorado license.

**On motion by Dr. Musil and seconded by Mr. Kennedy,** the Board unanimously approved Mr. Volpato's request to waive the 400 hours of Internship and proceed with reciprocity.

Mr. McAllister asked that this rule be placed on a future agenda to discuss revision of the rule.

## **#2 Randy Rodriguez Jones**

**Randy Rodriguez Jones** appeared on his own behalf to request to proceed with reciprocity.

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

Mr. Jones stated that he would like to proceed with reciprocity. Mr. Jones stated that he is licensed as a pharmacist in Ohio.

Mr. Jones stated that he was charged with aggravated assault (felony of the third degree) in 1997. Mr. Jones stated that he was charged with lying on his application because he did not report the charges when he applied for an Intern license or pharmacist license. Mr. Jones stated that he was told by an attorney that the felony could be expunged and he did not report the charges on his application. Mr. Jones stated that he learned a felony could not be expunged. Mr. Jones stated that he learned his lesson and had to accept responsibility and move on.

Mr. Jones stated that he was placed on probation by the Ohio Board and was issued a pharmacist license.

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

## **#3 Grissel Hernandez**

**Grissel Hernandez** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

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

Ms. Hernandez stated that she has applied for a pharmacy technician trainee license but had to appear because she was charged with a felony that has now been reduced to a misdemeanor.

Dr. Foy asked Ms. Hernandez why she wanted to be a pharmacy technician. Ms. Hernandez stated that she wants a better job so that she is able to provide for her children.

Mr. McAllister asked Ms. Hernandez if she has had any other arrests or convictions. Ms. Hernandez replied no.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously approved Ms. Hernandez's pharmacy technician trainee license application.

#### **#4 Leticia Lopez**

**Leticia Lopez** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

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

Ms. Lopez stated that she had been charged with a felony about 14 years ago. Ms. Lopez stated that she had spent 18 months in a prison camp. Ms. Lopez stated that she had spoken with an attorney and she thought that her felony charge had been expunged.

Ms. Lopez stated that when she applied for a job in the pharmacy field she found out that the charges were not expunged. Ms. Lopez stated that is when she learned that her charges could not be expunged.

Dr. Foy asked Ms. Lopez why she wants to work in a pharmacy. Ms. Lopez stated that she likes helping people.

Ms. Lopez stated that she has graduated as a medical assistant and continues to take classes in English and writing.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously approved Ms. Lopez's pharmacy technician trainee license application.

#### **AGENDA ITEM 10 – Humana RightSource Pharmacy Deviation Request**

President Foy stated that representatives from Humana RightSource were present to discuss a possible deviation request for R4-23-402 regarding the Pharmacist Final Check for an automated unit of use dispensing machine.

The following representatives were present to answer questions from Board Members:

1. Michael Kuratko – Pharmacist in Charge
2. Jeffrey Althoff – Quality Assurance Pharmacist

President Foy opened the discussion by asking the representatives to describe their deviation request.

Mr. Kuratko stated that they are asking for a deviation from the final check.

Dr. Foy asked Mr. Kuratko to give a brief overview of the process. Mr. Kuratko stated that the deviation involves the use of a unit of use machine that would label products dispensed from the channels. Mr. Kuratko stated that products, such as eye drops and inhalers, would be placed in channels on the machine. The channels are customized for the product with an image of the product on the channel. Mr. Kuratko stated that there is a check of the barcode and there is photo imaging of the product to insure that everything matches. If there is an issue with the product and everything does not match, the tote would be routed to an exception station. If everything matches then the product would be sent to a pharmacist for a final check. Mr. Kuratko stated that they are asking for a reduced number being checked by the pharmacist or have the pharmacist check a sample size for accuracy. Mr. Kuratko stated that they could send a sample to the pharmacist every time a product is replenished.

Dr. Foy asked how they would know if the right eye drop is placed in the right channel. Mr. Kuratko stated that the technician puts the product in the channel according to numerical tags. Mr. Kuratko stated that there is a magnet attached to the channel showing a picture of the product. Mr. Kuratko stated that if it is an exact match it goes to barcode reading at the end.

Mr. McAllister asked what would happen if there was a mismatch. Mr. Kuratko stated that the product would be sent to a pharmacist for a check. Mr. Kuratko stated that the product would not be labeled.

Dr. Musil asked if a certain percentage of prescriptions would be sent to the pharmacist. Mr. Althoff stated that any percentage of products could be sent to the pharmacist or a combination of products could be sent to the pharmacist

Mr. Van Hassel asked who checks the expiration date of the products. Mr. Kuratko stated that the inventory team checks expiration dates monthly and short dated products are noted. Mr. Kuratko stated that outdated products should be pulled prior to loading the product in the machine.

Dr. Foy asked what happens to the personal health information on the product if the prescription is not mailed out to the patient. Mr. Kuratko stated that since the label is a flag label the label with the personal information can be removed.

**On motion by Mr. McAllister and seconded by Mr. Francis**, the Board unanimously approved the deviation request made by Humana RightSource based on experimentation and technologic advancements.

## **AGENDA ITEM 11 – Mark Placek – Case 14-0018-PHR**

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

Vice President McAllister stated that Mr. Placek was present to ask the Board to reconsider the Board's decision concerning Case 14-0018-PHR.

Mark Placek, Pharmacist, and Gordon Bueler, Legal Counsel for Mr. Placek, were present to discuss Mr. Placek's request for the Board to reconsider the Board's decision.

Mr. McAllister asked Mr. Placek to discuss his request. Mr. Placek stated that he is asking the Board to remove the probation part of the Consent Agreement that was offered to him.

Mr. McAllister stated that if Mr. Placek signed the Consent Agreement he has accepted the terms of the Consent.

Mr. Bueler stated that the Board did not take into consideration the other factors. Mr. Bueler stated that Mr. Placek is willing to complete the CE and pay the fine.

Mr. Bueler stated that Mr. Placek's work conditions should be considered. Mr. Bueler stated that Mr. Placek was under stress. Mr. Bueler stated that the mistakes were relatively small mistakes and no patient harm resulted.

Mr. Bueler stated that they asking for the probation to be removed.

Mr. Francis stated that he read the letter and probation is not placed in the order to ensure that the other terms of the agreement are completed.

Mr. Bueler stated that the Board stated that he must remain on probation until he completes the CE and pays the fine. Mr. Bueler stated that the probation is included to ensure Mr. Placek complies with the other terms.

Mr. Minkus stated that he signed the consent and should live by what he signed.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to deny Mr. Placek's request for the Board to reconsider his request to remove probation and offer Mr. Placek the Consent Agreement offered by the Board.

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously agreed to accept the Consent Agreement (14-0018-PHR) signed by Mr. Placek.

## **AGENDA ITEM 12– Jacqueline Cavanagh – Case 15-0012-PHR**

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

Christine Cassetta, Legal Counsel, for Ms. Cavanagh was present to address her request to reconsider the Board's Decision concerning Case 15-0012-PHR.

President Foy asked Ms. Casseta to address the changes. Ms. Cassetta stated that they are requesting that the Findings of Fact be changed to indicate that Ms. Cavanagh voluntarily informed the Compliance Officers that based on instructions from the Pharmacist in Charge that on some occasions she did not verify compounds prepared by the technicians.

Ms. Cassetta stated that she has combined sections 3 and 4 in the Conclusions of Law.

Ms. Cassetta stated that they are requesting that the probation be terminated upon completion of the compounding course and payment of the fine.

Mr. Van Hassel stated that he is not willing to change the Findings of Fact because Ms. Cavanagh admitted several times that she did not check the compounds.

Dr. Foy stated that the Board asked Ms. Cavanagh to appear to ensure no other issues occurred.

Ms. Cassetta stated that she does not know why she needs to appear because she will be taking the course and paying the fine as requested by the Board.

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to accept the amended consent, except the Findings of Fact will remain the same as offered. Upon completion of the compounding course and payment of the fine, the probation will be terminated. The Conclusions of Law will combine paragraphs 3 and 4. A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil-aye, Mr. Francis- aye, Mr. Van Hassel – aye, Mr. Minkus- aye, Mr. Kennedy – aye, and Dr. Foy – aye)

### **AGENDA ITEM 13– Phoenix Children's Hospital Outpatient Pharmacy – Case 15-0004-PHR**

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

Roger Morris and Christine Cassetta, Legal Counsel, for Phoenix Children's Hospital Outpatient Pharmacy (PCH) were present to address the permit holder's request to reconsider the Board's Decision concerning Case 15-0004-PHR.

President Foy asked the Mr. Morris and Ms. Cassetta to address PCH's request to reconsider the Board's decision concerning Case 15-0004-PHR.

Mr. Morris stated that PCH hired a reputable company to manage their outpatient pharmacy. Mr. Morris stated that the Maxor hired a Pharmacist in Charge who was responsible for the operation of the pharmacy. Mr. Morris stated that suspension is too harsh of a penalty and it could negatively affect PCH's funding for both the inpatient and outpatient pharmacies. Mr. Morris stated that if the Board does not reconsider the stayed suspension they are willing to take the case to a higher court in the State.

Dr. Musil stated that it is unfortunate that Maxor is not the permit holder. Dr. Musil stated that PCH did allow Maxor to manage the pharmacy and PCH has a responsibility to ensure the pharmacy is being managed appropriately. Dr. Musil stated that a stayed suspension does not create an issue but may affect reimbursement.

Mr. Francis stated that everyone wants to be a pharmacist in charge. Mr. Francis stated that PCH is the delegator of its authority. Mr. Francis stated that the hospital failed to create oversight for the pharmacy for which they held a permit.

Mr. Morris stated that a pharmacy operates through their personnel. Mr. Morris stated that the Pharmacist in Charge runs the pharmacy and was subsequently disciplined.

Dr. Foy asked if probation would have fewer implications. Mr. Morris stated that probation may have lesser consequences.

Mr. Minkus stated that if things were done right at the pharmacy they would not be in front of the Board.

Mr. Van Hassel asked if the alternate Consent is asking for a verbal reprimand, a fine of \$10,000, and 2 additional inspections. Mr. Morris replied that is correct and it is more consistent with other Board actions.

**On motion by Dr. Musil and seconded by Mr. Kennedy,** the Board agreed to deny the reconsideration and offer a new consent agreement. The new Consent Agreement would have the following terms:

1. \$5, 000 civil penalty
2. 2 year probation
3. 2 random unannounced inspections within the first year
4. May appear within 90 days of the end of the probation to ask that the probation be terminated.

A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil-aye, Mr. Francis- aye, Mr. Van Hassel – aye, Mr. Minkus- aye, Mr. Kennedy – aye, and Dr. Foy – aye)

## **AGENDA ITEM 14– Reports**

### **Executive Director**

### **Budget**

Mr. Wand reviewed the Budget with the Board Members. Mr. Wand stated that the Board will be getting a new OSPB analyst.

### **Personnel Issues - Succession**

Mr. Wand stated that he is planning to retire in May of 2015. It was decided that the Board would serve as the succession committee. Mr. Wand stated that they could meet with the state HR representative. It was decided that Mr. Wand, the President, and the Vice President would meet with the HR representative.

## **Renewals**

Mr. Wand stated that the state has a new vendor processing the online renewals and there have been several issues. Mr. Wand stated that the online licenses are not being e-mailed to licensees who renewed online. Mr. Wand stated that a temporary assistant has been employed on a contract basis to help e-mail the licenses when the Board is notified that someone has not received their license.

## **Deputy Director Report**

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

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

### **Pharmacy Violations**

1. Outdated medications –1
2. Water not working properly – 6
3. Pharmacy technician trainee compounding – 1
4. Pharmacist delegating immunization authority to a nurse - 1

### **Controlled Substance Violations**

1. Controlled Substance Overage -13
2. Controlled Substance Shortage -4
3. Controlled Substance Inventory Not Complete - 1

### **Documentation Violations**

1. Expired Immunization certificates - 2
2. Failure to document counseling – 2
3. Failure to document the validation of a mechanical counting device – 1

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

1. Maintaining of mechanical counting device and automated dispensing device

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

1. Hydrocodone products are now Schedule II as of October 6, 2014. Prescriptions written prior to October 6, 2014 may be filled as Schedule III.
2. No Transfers on Hydrocodone prescriptions.
3. No Updating of Hydrocodone prescriptions.
4. Legislation passed this session allows Naturopathic Physicians to continue to write for Hydrocodone products. (Naturopathic Physicians can write for the following CII products: Morphine and Hydrocodone.

## **PAPA Report – Schedule Q**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-three (43) participants in the PAPA program. Ms. Yates stated that two new participants have entered the program and one pending contract. Ms. Yates stated that there is still concerns with the participant that appeared in front of the Board for a telephonic meeting.

## **AGENDA ITEM 15 – Conferences – Schedule R**

### **Conference 1– Complaint #4319**

The following individuals were present to discuss the complaint:

1. Soheila Soraya – Pharmacist- Respondent
2. Ahmad Golchin – Co - Owner

President Foy asked Mr. Sutcliffe to give a brief overview of the complaint.

Ms. Sutcliffe stated that the consumer complaint was received from the Arizona Department of Health Services. The complainant alleges that a nurse administered an immunization to her 6 month old daughter without changing her gloves between patients. The flu shot was administered by the nurse at Ranch Pharmacy. The Compliance Officer made several attempts to obtain the immunization records at the pharmacy. The Compliance Officer finally obtained the immunization records which included the complainant's immunization. The pharmacist was asked if she knew that she could not delegate her authority to administer immunizations to another healthcare professional. The pharmacist stated that she had several standing orders and thought the nurse could give the immunizations. A copy of the complainant's receipt indicates the lot number and expiration date of the vaccine provided and all reports indicate SS as the pharmacist. Ms. Sutcliffe stated that the pharmacist was told on two previous inspections that she could not delegate her authority to other individuals to administer immunizations with her billing for the immunizations. The issue was discussed with her on one inspection and a violation letter was issued on a subsequent inspection.

President Foy asked Ms. Soraya why she continued to delegate her authority to others if she was told that she could not delegate her authority on two previous inspections. Ms. Soraya stated that she did not delegate her authority.

Ms. Sutcliffe stated that the complainant's immunization was rung up through the pharmacy.

Dr. Foy asked if the nurse gave the immunization. Ms. Soraya stated that she had an arrangement with a doctor's office to give immunizations at her pharmacy. Ms. Soraya stated that the doctor later stopped the practice of giving immunizations at the pharmacy. Ms. Soraya stated that they adopted standing orders from a national template. Ms. Soraya stated that the standing order states that all pharmacists and nurses are qualified and trained to give immunizations under the doctor's protocol. Ms. Soraya stated at the time she was not certified to administer immunizations.

Dr. Foy asked Ms. Soraya who paid the nurse. Ms. Soraya stated that the pharmacy paid the nurse.

Mr. Kennedy asked if the immunizations were billed to a third party. Ms. Soraya stated that some immunizations were billed to insurances.

Mr. Kennedy asked what NPI number was used as the provider to bill the insurance companies. Ms. Soraya stated that her pharmacist NPI number was used to bill the insurance. Mr. Golchin stated that they never charged for anything that the nurse administered. Ms. Soraya stated that the nurse had been at the pharmacy under a different protocol and she did not know that they could not bill for the immunizations. Ms. Soraya stated that they now have their own protocol and no nurse is involved anymore.

Mr. Kennedy asked Ms. Sutcliffe when the violation was issued for allowing the nurse to administer immunizations. Ms. Sutcliffe stated that the violation was issued in January of 2013.

Mr. Kennedy asked Ms. Soraya why she did not change her practice at that time. Ms. Soraya stated that she did obtain her immunization certification.

Mr. Kennedy noted that even though Ms. Soraya was certified to administer immunizations in 2013 she did not change her practice because the nurse was still giving immunizations in 2014.

Mr. Van Hassel asked Ms. Soraya when she stopped using the nurse to give immunizations because her current webpage indicates that a nurse is available to give immunizations. Ms. Soraya stated that she was not aware that it was still on the webpage and she would consider changing the webpage. Mr. Golchin stated that the webpage was created several years ago.

Dr. Musil noted that in 2013 the nurse was giving immunizations and a violation letter was issued. Dr. Musil stated that Ms. Soraya replied that she would have the doctor do their own billing if the nurse gave an immunization. Dr. Musil noted that one year later the nurse was still giving immunizations that were billed under the pharmacy. Ms. Soraya stated that she made a mistake.

Dr. Foy asked why the Consent roster was not being signed. Ms. Soraya stated that the information for the patients was already in their system.

Dr. Foy asked Ms. Soraya if they had the patient sign the Consent form to receive the immunizations. Ms. Soraya stated that the nurse asked the patients questions prior to giving shots.

Dr. Foy asked if there were any consents signed for the immunizations. Mr. Golchin stated that the nurse screened the patients. Dr. Foy asked if the owner could prove that the nurse screened the patients. Mr. Golchin stated that they had some written consents but could not produce one for this patient.

Mr. McAllister asked Ms. Soraya when the pharmacy got paid by the plan if any of the money was given to the physician's office. Ms. Soraya replied yes.

Mr. McAllister stated that the pharmacy was fraudulently charging a fee for services that they did not provide.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously agreed to offer Ms. Soraya a Consent Agreement with the following terms:

1. Accept the findings of fact with a total of 5 violations. A fine of \$1000 for each violation.
2. Take the MPJE exam within 90 days.
3. An inspection of the pharmacy at the permit holder's expense to ensure practices have changed.

A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil-aye, Mr. Francis- aye, Mr. Van Hassel – aye, Mr. Minkus- aye, Mr. Kennedy – aye, and Dr. Foy – aye)

### **AGENDA ITEM 16– Complaint Review – Consideration of Complaints on Schedule R**

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

#### **Complaint #4344**

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

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

#### **Complaint #4351**

**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.

### **AGENDA ITEM 17 – Proposed Statute Changes**

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

Ms. Sutcliffe stated that the first statutory change updates the Controlled Substance Statutes. The proposed changes would remove Hydrocodone combination products from Schedule III and place them in Schedule II, add Tramadol to Schedule IV, and update sections for compliance with 21 CFR part 1308.

Ms. Sutcliffe stated that the second statutory change would include the revision and addition of statutes due to the Drug Quality and Security Act and implementation of the Secure and Responsible Drug Disposal Act.

Ms. Sutcliffe stated that permits, fees, and statutes would be added for outsourcing facilities, reverse distributors, and third party logistics providers.

Ms. Sutcliffe asked the Board Members what they would like to do concerning medications compounded for office use.

Dr. Musil indicated that he feels that resident pharmacies should be able to compound medications for doctor's offices.

Dr. Musil stated that non-resident pharmacies should only be able to send patient-specific medications into the state.

Ms. Sutcliffe asked what level of office use compounding would be appropriate. Dr. Musil stated that he felt that 5% of total prescription sales would be appropriate.

Ms. Sutcliffe stated that she would revise the office use compounding section.

**On motion by Dr. Foy and seconded by Mr. Kennedy,** the Board unanimously authorized Ms. Sutcliffe to proceed with the statutory changes.

### **AGENDA ITEM 18 – Wells Pharmacy Network – Case 14-0019-PHR**

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

Ms. Sutcliffe stated that she and Mr. Waggoner conducted an inspection at the Florida facility at the request of the Board.

Ms. Sutcliffe stated that the personnel were cordial and were willing to work with them. Ms. Sutcliffe stated that they were taken on a tour of the facility.

Ms. Sutcliffe stated that they observed that the pharmacist did not verify each step during the compounding process.

Ms. Sutcliffe stated that they had 10 random prescriptions/orders pulled from the Arizona report. Ms. Sutcliffe stated that there were issues with Beyond Use Dates (BUD). Ms. Sutcliffe stated that there appeared to be issues with the BUD for Trimix. Ms. Sutcliffe stated that they were placing a 6 month date on Trimix when it was frozen but should have a 1 month date if refrigerated. Ms. Sutcliffe stated that there was no indication of a BUD recommendation for the individual components prior to compounding, as Trimix.

Ms. Sutcliffe stated that their sterility testing policies indicate that they follow USP 71. Ms. Sutcliffe stated that is not what they found when looking at the compounds. Sterility sampling was not compliant for number of containers/total volume tested.

Ms. Sutcliffe stated that they were inconsistencies in all 10 Arizona records pulled.

Ms. Sutcliffe stated that they looked at the Last FDA 483 letter and noted violations. Ms. Sutcliffe stated that they also noted that the sampling plan is not compliant with USP 71 requirements. Ms. Sutcliffe stated that there was a breach of ante room protocol.

Ms. Sutcliffe stated that additional records were obtained and they also contained missing or incomplete information.

Ms. Sutcliffe stated that the Pharmacy must have an NABP inspection in order to renew their Texas license. Ms. Sutcliffe indicated that they would be sending a copy of the inspection to the Board Office.

Dr. Musil asked if they had a current non-resident permit. Ms. Sutcliffe replied yes. Ms. Sutcliffe stated that a new Pharmacist in Charge started in August. Ms. Sutcliffe stated that the new pharmacist in charge is aware of the issues but has not been able to implement changes yet.

Mr. McAllister stated that the Board could wait for the NABP inspection or the Board could take action based on the Compliance Officer's inspection.

Mr. Kennedy asked how long it would take to schedule the NABP inspection. Mr. McAllister stated that it could take up to 8 weeks.

Mr. Van Hassel stated that he felt that we should offer a consent based on our findings.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to offer Wells Pharmacy Network a Consent Agreement with the following terms:

1. Reimburse the Board for the Compliance Officer's trip
2. A civil penalty of \$1, 000 dollars for each violation – 9 violations
3. Probation for 1 year. The probation can be ended by passing an inspection by an Arizona Compliance Officer. The inspection and related costs will be paid by the Pharmacy. The pharmacy must pass the inspection and then they can petition the Board for removal of the probation.

A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil-aye, Mr. Francis- aye, Mr. Van Hassel – aye, Mr. Minkus- aye, Mr. Kennedy – aye, Mr. McAllister – aye, and Dr. Foy – aye)

Mr. Lee suggested that the Board may also want to offer the Pharmacy a Consent Agreement for Voluntary Surrender of their license and the Pharmacy could choose which agreement they would like to sign.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to also offer the Pharmacy a Consent Agreement for Voluntary Surrender of their license. A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil-aye, Mr. Francis- aye, Mr. Van Hassel – aye, Mr. Minkus- aye, Mr. Kennedy – aye, Mr. McAllister – aye, and Dr. Foy – aye)

### **AGENDA ITEM 19 – Probation Termination Request**

President Foy stated that at the last Board Meeting it was requested that this item be placed on a future agenda.

The Board Members decided that a respondent could ask to be placed on the agenda if the termination of their probation occurred between Board Meetings and the Board could terminate their probation on the date indicated on the Consent Agreement.

### **AGENDA ITEM 20– 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.

Christine Cassetta came forth to express her views and possible changes for the proposed statutory changes.

Lou Caldwell came forth as a representative of the Arizona Pharmacy Association and informed everyone that the Association offers many certification programs.

### **AGENDA ITEM 21 – Future Agenda Items**

The Board Members stated that they would like the following items placed on a future agenda:

1. Telepharmacy Rules
2. Removal of 400 hours of Internship if a pharmacist has not worked 400 hours in the last year

### **AGENDA ITEM 22– Adjournment**

There being no further business to come before the Board, President Foy adjourned the meeting at 2:58 P.M.