



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JANUARY 28, 2015
MINUTES FOR REGULAR MEETING**

AGENDA ITEM 1 – Call to Order – January 28, 2015

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, Kyra Locnikar, Reuben Minkus, John Musil, Nona Rosas, and Tom Van Hassel. The following Board Members were not present: William Francis and Darren Kennedy. The following staff members were present: Compliance Officers Tom Petersen, Sandra Sutcliffe, Karol Hess, Steve Haiber, and Dennis Waggoner, Drug Inspectors Melanie Thayer and Cesar Ramirez, CSPMP Director Dean Wright, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2– Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Dr. 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 Alani Vaioleti.

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 13, Case 15-0009-PHR for Carrie Gioia.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Consent Agreements for Stacy Hays, Jennifer Stout, and David Ornelas.

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 Ms. Rosas**, the Board Members unanimously approved the minutes for the December 10, 2014 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 Mr. Van Hassel and seconded by Dr. Musil**, 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
Banner Family Pharmacy-Baywood	6644 E. Baywood Ave., Mesa, AZ 85206	Banner Health

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
OHM Pharmacy Services, Inc.	301 Havendale Blvd. , Auburndale, FL 33823	OHM Pharmacy Services, Inc.
Boca Raton Pharmacy	625 NE Spanish River Blvd. #106, Boca Raton, FL 33431	JPPD Inc.
Choice Compounding Pharmacy	4201 Torrance Blvd., Ste. 120, Torrance, CA 90503	Johnathan Yamamoto, Anna Yamamoto
AMOP Pharmacy	23290 Schoenherr, Warren, MI 48089	Samuel Awada
Solutions Pharmacy	17036 Collins Ave., Sunny Isles, FL 33160	Nutra Pharm
Sanford Pharmacy Broadway	737 Broadway, Fargo, ND 58102	Sandford Health
Heritage Therapeutics, LLC	2173 Macdade Blvd., Holmes, PA 19043	Heritage Therapeutics, LLC
Alero Health	5 Cedar Brook Drive, Cranbury, NJ 08512	Kirti Patel, Bhavini Patel
Town and Country Compounding and Consultation Services	106 Prospect St., Ridgewood, NJ 08512	Town and Country Compounding and Consultation Services
Encino Pharmacy	17071 Ventura Blvd., Suite 100 Encino, CA 91316	Massoud Makhani
National Specialty Pharmacy, LLC	2970 Saint Rose Parkway, Henderson, NV 89052	National Specialty Pharmacy, LLC
Atlantic Pharmacy and Compounding	1000 E. Atlantic Blvd. Pompano Beach, FL 33060	Serge Francois
Family Pharmacy	3230 W. Broward Blvd., Fort Lauderdale, FL 33312	Louis Soto
Compound One	12560 Reed Rd. #300, Sugar Land, TX 77478	Millennium Rx, LLC

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
Stoney Creek Pharmacy	2831 Rockfish Valley Hwy., Kellysford, VA 22958	Stoney Creek Pharmacy
Doctors Foster and Smith Pharmacy	2253 Air Park Rd., Rhinelander, WI 54501 (O)	Petco Wellness, LLC
Meijer Pharmacy #463	1515 Profit Dr., Fort Wayne, IN 46808	Meijer Stores Limited Partnership
PSG of Sarasota, LLC	11880 28 th North, Suite 100, St. Petersburg, FL 33716	PSG of Sarasota, LLC
Soleo Health, Inc.	655 W. Grand Ave., Suite 240, Elmhurst, IL 60126	Soleo Health, Inc.
Luea Pharmacy, Inc.	8021 Miller Rd., Swartz Creek, MI 48473	Luea Pharmacy, Inc.
Little York Pharmacy	7404 Airline Dr., Ste E, Houston, TX 77076	Little York Pharmacy
United Pharmacy Services LLC	700 E. Townshipline Rd., Ste. 205, Havertown, PA 19083	United Pharmacy Services LLC
Quick Care Pharmacy, Inc.	9397 Haven Ave., Rancho Cucamonga, CA 91730 (O)	Quick Care Pharmacy, Inc.
LogiMedix	15851 NW 41 ST St., Ste.700, Davie, FL 33331	Hollywood Healthcare Corp.
Talon Compounding Pharmacy	2950 Thousand Oaks Dr., Ste. 25 San Antonio, TX 78247	Talon Compounding Pharmacy
Medpoint Pharmacy	2000 W. Golf Rd., Rolling Meadows, IL. 60008	Medpoint Healthcare, LLC
AuroPharmacy	7801 N. Lamar Blvd., D-99, Austin, TX 78752	AuroPharmacy
Hill's Compounding Pharmacy	931 State Route 28, Milford, OH 45150	Jeffrey Hill
FARMA Pharmaceuticals, Inc.	5240 San Fernando Rd. Glendale, CA 91203	FARMA Pharmaceuticals, Inc.
Hope Specialty Pharmacy	1480 Colorado Blvd, Suite 100, Los Angeles, CA 90041	Sarkis Jarakin
Alpha Pharmacy	8787 N. MacArthur Blvd. #120, Irving, TX 75063	Dena Group, Inc
Pinnacle Compounding Pharmacy	4445 S. Eastern, Suite B, Las Vegas, NV 89119	PCPLV, LLC
Axium Healthcare Pharmacy West	1821 Kaiser Ave., Irvine, CA 92614	Axium Healthcare Pharmacy, Inc.
Absolute Pharmacy LLC	16011 B. Nebraska Ave., Suite 103, Lutz, FL 33549	Absolute Pharmacy, LLC
Carlisle Medical, Inc.	509 Boulevard Park E, Mobile, AL 36609	Carlisle Medical, Inc.
Kroger Columbus Central Fill	2270 Rickenbacker Pkwy., Columbus, OH 43217	The Kroger Co.

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
CompreCare	1308 Fourth Ave. Huntington, WV 25701	Pharmacy Associates, Inc.
Campbell's Compounding Pharmacy, Inc.	4760 Sweetwater Blvd., Suite 103, Sugar Land, TX 77479	Campbell's Compounding Pharmacy, Inc.
Topical RX Pharmacy	2565 Capital Medical Blvd., Tallahassee, FL 32308	Total Care Medical
American Specialty Pharmacy	10 Medical Parkway , Suite 105, Farmers Branch, TX 75234	Pareek, Inc.
PJ's Pharmacy & Compounding	3405 Kenyon St., #107, San Diego, CA 92110 (O)	Marjolein Legge-Beekman
Atlantic Medical LLC	1068 Thousand Oaks Dr., Ste. B, Hernando, MS 38632	Atlantic Medical, LLC

(O) = Ownership Change

4. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
SWPT Anesthesia PC (Full Service-Mobile Anesthesia)	14301 N. 87 th St., Scottsdale, AZ 85260	SWPT Anesthesia, PC

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

NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
PIMD International, LLC (Full Service)	8280 NW 27 th St., Ste. 506, Doral, FL 33122	PIMD International, LLC
Profounda, Inc. (Non-Prescription)	5790 Hoffner Ave., Suite 507, Orlando, FL 32822	Profounda, Inc.
H.D. Smith, LLC. (Full Service)	1370 E. Victoria St., Carson, CA 90746 (O)	H.D. Smith Holdings, LLC
H.D. Smith, LLC. (Full Service)	4650 Industrial Dr., Springfield, IL 62703 (O)	H.D. Smith Holdings, LLC
Ceva Animal Health, LLC (Full Service)	8600 NE Underground Dr., Pillar #303, Kansas City, MO 64161	Ceva US Holdings
Den-Mat Holdings, LLC (Full Service)	1017 W. Central Ave., Lompoc, CA 93436	Den-Mat Holdings, LLC
Fenwal, Inc. (Full Service)	8640 Nail Rd., Suite 115, Olive Branch, MS 38654	Fenwal, Inc.

(O) = Ownership Change

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

NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
Orchard Pharmaceutical Services, LLC (Full Service)	7835 Freedom Ave NW, North Canton, OH 44720	Orchard Pharmaceutical Services, LLC
Focus Health Group (Full Service)	5802 Kingston Pike, Knoxville, TN 37919	Focus Health Group, LLC
OHL (Non-Prescription)	548 Aldi Blvd., Mt. Juliet, TN 37122	Ozburn-Hessey Holding Company, LLC
ProPharma Distribution, LLC (Full Service)	6531 W. 56 th Ave., #31, Arvada, CO 80002	ProPharma Distribution, LLC
Impax Laboratories, Inc. (Full Service)	121 New Britain Blvd., Chalfont, PA 18914	Impax Laboratories, Inc.
AcariaHealth Solutions, Inc. (Full Service)	6610 W. Sam Houston Pkwy N #330, Houston, TX 77041	AcariaHealth Solutions, Inc.
Lakeway Pharma Wholesale, Inc. (Full Service)	317 Ranch Rd. 620 South Ste., 100D, Lakeway, TX 78734	Lakeway Pharma Wholesale, Inc.
Henry Schein Animal Health (Full Service)	920 Citation Blvd., Lexington, KY 40511	Butler Animal Supply, LLC
Omnis Health, LLC (Non-Prescription)	505 Airpark Center Dr., Nashville, TN 37217	Omnis Health , LLC
MedSupply	5850 E. Shields Ave., Suite 105, Fresno, CA 93727	MedSupply
Fenwal, Inc. (Full Service)	4551 E. Philadelphia St., Ontario, CA 91761	Fenwal, Inc.

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

NON-RESIDENT MANUFACTURER PERMITS

Manufacturer	Location	Owner
Veloxis Pharmaceuticals, Inc.	499 Thornall St, 3 rd Floor, Edison, NJ 08837	Veloxis Pharmaceuticals, Inc.
Smiths Medical ASD, Inc.	2649 Causeway Center Dr., Tampa, FL 33619	Smiths Medical ASD, Inc
Allermed Laboratories, Inc.	7293 Convoy Ct., San Diego, CA 92111	Allermed Laboratories, Inc.
DPT Lakewood, LLC	745 Airport Road, Lakewood, NJ 08701	DPT Lakewood, LLC
Medisca, Inc.	6641 N. Belt Line Rd., Suite 130, Irving, TX 75063	Medisca, Inc.
Vapotherm, Inc.	22 Industrial Dr., Exeter, NH 03833	Vapotherm, Inc

4. (6) – New Pharmacists – Schedule F

The Board approved the 32 New Pharmacist Licenses listed on the attachments.

4. (7)– New Interns – Schedule G

The Board approved the 13 New Intern Licenses listed on the attachments.

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

The Board approved the 381New 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.

Zenorina Amrezaga	Rebecca Angove	Karen Argueta
Ruben Arvizu	Miki Avalos	Denise Badillo
Shelby Bishop	Roberto Bolivar	Alytza Crockwell
Suzann Culp	Muktar Djama	Yessenia Dorame
Jessica Eller	Eileen Eulano	Laree Ewer
Alexandra Fernandez	Robert Fitzsimmons	David Gill
Amanda Gomez	Artincia Gorman	Jeanette Granillo
Javier Guarderas	AlejandroGuevara	Robert Hamilton
Shahizada Hassan	Keisha Havermale	Joan Hoeffel
Heather Holden	Kyle Johnson	Carmelila Kline
Nile Lester	Audra Loper	Jaron Lovely
Ryan Lowe	Noemi Marquez	Daniel Mendoza
Brianna Moreno	Jesus Navarro	Tiara Nimmons
Chad Ohmert	Yanet Rangel	Adyana Rivas
Daniel Rosales	Yadira Ruiz	Audra Ryan
Shawna Samarjian	Anthony Sanders	Denaille Schullo
Frank Sewa	Alexander Shreder	Natalie Smith
Kirsten Valcic	Rosalinda West	Jennifer Wood
Daniel Wu		

4. (10) – Approval of Colleges and Schools of Pharmacy – Schedule J

The Board unanimously approved the ACPE accredited programs of Colleges and Schools of Pharmacy.

4. (11) – Approval of Exams for Licensure – Schedule K

The Board unanimously approved the following exams for Licensure:

1. NAPLEX
2. MPJE
3. FPGEEC
4. PTCB

4. (12) – Approval of Designee Duties – Schedule L

The Board unanimously approved the Designee Duties as listed in the Board attachments.

AGENDA ITEM 5 – Update on Selection Process for Executive Recruitment

Kelly Hutchison and Susan Laurence, Recruiters with the Arizona Department of Administration, were present to discuss the selection process for executive recruitment for the Executive Director of the Board.

The Board Members decided to hold a meeting on February 17, 2015 at 10:00 A.M. to select candidates to be interviewed for the Executive Director position.

AGENDA ITEM 6– Resident Pharmacy Permits – Schedule M

1. Sun Valley Pharmacy

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

Valerie Coronado, Pharmacist in Charge, was present to answer questions from Board Members.

President Foy opened the discussion by asking Ms. Coronado to describe the business model for the pharmacy.

Ms. Coronado stated that she is currently the owner of Valley of the Sun pharmacy and is selling the pharmacy. Ms. Coronado stated that she would remain as the Pharmacist in Charge at the pharmacy.

Dr. Musil noted that the new owners own pharmacies in Canada and India. Dr. Musil asked Ms. Coronado if there is any ability to obtain drugs from other countries.

Ms. Coronado stated that there would be no importing of drugs. Ms. Coronado stated that the business model would stay the same.

RESIDENT PHARMACY PERMITS

On motion by Dr. Musil and seconded by Mr. Van Hassel, the Board unanimously approved the following resident pharmacy applications listed below pending final inspection.

RESIDENT PHARMACY PERMITS – Schedule M

Pharmacy	Location	Owner
Valley of the Sun Pharmacy	15600 N. Black Canyon Hwy., Suite B135, Phoenix, AZ 85053 (O)	Jeremy Charney & Viraj Gandhi

(O) = Ownership Change

AGENDA ITEM 7– Non- Resident Pharmacy Permits – Schedule N

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

NON-RESIDENT PHARMACY PERMIT Requests- Schedule O

#1 Alani Vaioleti

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

Alani Vaioleti appeared on his own behalf to request to take the NAPLEX exam for the fifth time.

Vice President McAllister opened the discussion by asking Mr. Vaioleti why he was appearing in front of the Board. Mr. Vaioleti indicated that he is asking the Board's permission to take the NAPLEX exam for the fifth time.

Mr. McAllister asked Mr. Vaioleti what he has done to prepare to take the exam for the fifth time. Mr. Vaioleti stated that he has prepared a worksheet to track his study progress. Mr. Vaioleti stated that he has taken a review course. Mr. Vaioleti stated that he plans to take the exam in March.

Mr. Vaioleti stated that according to his study track that he would not be ready to take the exam until March. Mr. Vaioleti stated that at the end of February he would be taking the test from his study course. Mr. Vaioleti stated that he would also be taking the Pre-NAPLEX exam. Mr. Vaioleti stated that between the Pre-NAPLEX exam and his study tests he would be able to identify any deficiencies.

Mr. McAllister asked Mr. Vaioleti if he finished school on time. Mr. Vaioleti stated that he did take extra time to finish school.

Mr. McAllister asked Mr. Vaioleti if he has identified his areas of deficiency. Mr. Vaioleti stated that he has problems with drug-drug interactions. Mr. Vaioleti stated that in previous attempts he would answer the questions methodically and would often rush through the questions. Mr. Vaioleti stated that this time he wants to be confident and well prepared to take the exam.

Mr. McAllister stated that the Board is responsible for ensuring the public safety and ensuring that Mr. Vaioleti is able to practice safely. Mr. Vaioleti stated that he has worked with different pharmacists and has learned from the pharmacists. Mr. Vaioleti stated that patient care and safety is his first priority.

Mr. Van Hassel asked Mr. Vaioleti what he has done since September when he last appeared in front of the Board. Mr. Vaioleti stated that he has cut back his work hours to 30 hours a week. Mr. Vaioleti stated that he studies in the morning and works during the evening hours. Mr. Vaioleti stated that he is taking the RxPrep course.

Ms. Rosas asked Mr. Vaioleti if he works as an Intern or Pharmacy Technician. Mr. Vaioleti stated that he works as a Pharmacy Technician because his Intern license expired.

On motion by Dr. Musil and seconded by Ms. Rosas, the Board unanimously agreed to allow Mr. Vaioleti to take the NAPLEX exam for the fifth time in the next six months.

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

#1 Carmen Bailey

Carmen Bailey appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Foy opened the discussion by asking Ms. Bailey why she was appearing in front of the Board. Ms. Bailey stated that she is applying for an Arizona pharmacy technician trainee license. Ms. Bailey stated that she is a single mother. Ms. Bailey stated that she is attending Pima College to become a technician. Ms. Bailey stated that she was married and in a bad relationship and had charges brought against her. Ms. Bailey stated that she was put on pre-termination and the charges are in the process of being expunged.

Mr. Lee stated that it appears that Ms. Bailey's charges were placed on deferred prosecution. Mr. Lee stated that if the terms are met then there would be no convictions. Mr. Lee stated that the issue is that Ms. Bailey did not disclose the charges against her on her application.

Ms. Bailey stated that her understanding was that upon completion of the requirements she was not liable to bring up her charges according to Florida state law.

Mr. Minkus told Ms. Bailey that he has issues with her not telling the truth on her application. Mr. Minkus stated that the application asks if you have ever been charged.

Mr. McAllister asked Ms. Bailey about her past jobs. Ms. Bailey stated that she worked at restaurants and was always involved in management. Ms. Bailey stated that currently she works at the staffing desk at a Call Center.

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Mr. McAllister asked Ms. Bailey if she disclosed her charges to her employers. Ms. Bailey stated that she never disclosed her charges because she could provide proof that she was not convicted.

Mr. McAllister asked Ms. Bailey if she had ever been released from a job due to dishonesty. Ms. Bailey replied no.

Dr. Musil asked Ms. Bailey if she was required to disclose the charges to the school. Ms. Bailey stated that she did not disclose any charges because she was not convicted. Ms. Bailey stated that she looked at the website about reporting convictions and she did not realize that she was to report charges. Ms. Bailey stated that she was not convicted of any drug charges.

On motion by Mr. Van Hassel and seconded by Mr. Minkus, the Board unanimously agreed to deny Ms. Bailey's pharmacy technician trainee application citing A.R.S. § 32-1901.01(C) (13) which states that the board may deny a license based on unprofessional conduct when an applicant knowingly files with the Board any application, renewal, or other document that contains false or misleading information.

Ms. Locknikar asked when Ms. Bailey could apply again. Mr. Lee stated that Ms. Bailey could apply again documenting her charges and explanation of the charges.

#2 Aaron White

Aaron White requested to be placed on the agenda to proceed with Pharmacy Technician Trainee licensure.

President Foy called Mr. White's name to come forth to speak with the Board. Mr. White was not present.

Mr. Van Hassel noted that Mr. White failed to disclose his criminal history on his application.

On motion by Mr. Van Hassel and seconded by Mr. Minkus, the Board unanimously agreed to deny Mr. White's pharmacy technician trainee application citing A.R.S. § 32-1901.01(C) (13) which states that the board may deny a license based on unprofessional conduct when an applicant knowingly files with the Board any application, renewal, or other document that contains false or misleading information.

#3 Christopher Cadger

Christopher Cadger appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Foy opened the discussion by asking Mr. Cadger why he was appearing in front of the Board. Mr. Cadger stated that he is applying for an Arizona pharmacy technician trainee

Mr. Cadger stated that he was asked to appear because he has a felony charge. Mr. Cadger stated that in 2005 he was involved in a DUI accident and was negligent and there was a death. Mr. Cadger stated that he agreed to a plea bargain and was incarcerated for 9 years with the Department of Corrections. Mr. Cadger stated that during that time he chose to become a better person and completed his AA degree. Mr. Cadger stated that he wants to return to school to obtain his Bachelor's Degree. Mr. Cadger stated that he was released in November. Mr. Cadger stated that he is currently working at Walgreens and hopes to become a Store Manager. Mr. Cadger stated that he currently works in the front area of the store and is applying for a pharmacy technician trainee license so that he can help in the pharmacy.

Dr. Foy asked why he needs a pharmacy technician license if his career would be in the front end of the store. Mr. Cadger stated that the company requires their managers to be licensed as a pharmacy technician so that they may assist in the pharmacy.

Mr. McAllister asked Mr. Cadger about his recovery work while incarcerated. Mr. Cadger stated that he attended NA and AA meetings. Mr. Cadger stated that he has certificates to show his completion of programs. Mr. Cadger stated that he has remained sober and plans to stay sober. Mr. Cadger stated that he has strong family support and wants to start a career. Mr. Cadger stated that he has participated in the impact panel through MADD.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to approve Mr. Cadger's pharmacy technician trainee application.

#4 Iyonna Smith

Iyonna Smith requested to be placed on the agenda to proceed with Pharmacy Technician Trainee licensure.

President Foy stated that Ms. Smith has asked for a postponement of her appearance

Mr. Van Hassel noted that Ms. Smith failed to disclose her pending felony drug charges.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously agreed to deny Ms. Smith's pharmacy technician trainee application citing A.R.S. § 32-1901.01(C) (13) which states that the board may deny a license based on unprofessional conduct when an applicant knowingly files with the Board any application, renewal, or other document that contains false or misleading information.

AGENDA ITEM 10– Banner Health/MedAvail Request for the Board to approve the Placement of an Automated Dispensing Machine in the Emergency Department and Approval of possible deviation requests.

President Foy stated that individuals from Banner Health and MedAvail are present to answer questions from Board Members concerning their deviation requests.

The following individuals were present: Michael Young (Banner Health), Sunny Lalli (MedAvail Technologies, Inc.) and Ed Rickert (Quarles & Brady).

A video was shown explaining how the MedAvail machine works.

President Foy asked the individuals to address their deviation request. Mr. Young stated that they would like to place the MedAvail MedCenter (Automated Medication System) in the Emergency Room area at Good Samaritan Hospital. Mr. Young stated that the MedCenter provides an opportunity to offer patients access to prescription medication and pharmacy services after hours. Mr. Young stated that the closest 24-hour pharmacy is located 3 miles away.

Mr. Young stated that the pharmacy is located on the first floor and the ER department is located one floor up. Mr. Young stated that they are asking for a waiver for the location because the current regulations require that the automated system be located within, adjacent to, or within 20 feet of a properly licensed pharmacy.

Ms. Rosas asked where the machine would be located in reference to the ER. Mr. Young stated that it would be located in a hall off to the side of the emergency room and other patients would not be able to hear the conversations.

Ms. Rosas asked if the area was secure. Mr. Young stated that the area is monitored and security guards are present in the area.

Ms. Rosas asked if there would be any controlled substances in the machine. Mr. Rickert stated that the Board is awaiting an opinion from the DEA if controlled substances could be dispensed from the machine. Mr. Rickert stated that initially no controlled substances would be dispensed from the machine.

Ms. Rosas asked who would perform the counseling after hours. Mr. Young stated that the Banner Call Center in Chandler would be performing the counseling.

Dr. Foy asked if the machine would be available overnight with counseling provided by the Chandler call center. Mr. Young replied yes.

Mr. Rickert stated that studies indicate that by getting the medication into the patient's hands and having the pharmacist involved there is a better compliance and adherence rate.

Dr. Foy asked what type of pain killer would be placed in the machine. Mr. Young stated that initially there would be no controlled substances in the machine and the patient would need to take that prescription elsewhere to be filled.

Dr. Foy asked if they would be able to bill different insurance plans. Mr. Young stated that Banner uses McKesson software system and they have the ability to process claims with many insurance plans.

Dr. Foy asked if the medications in the machine are unit of use packages. Mr. Young replied that they are unit of use packages.

Mr. Lalli stated that MedAvail works with the prescribers and the package sizes are in quantities that are prescribed.

Dr. Foy asked if the patient has the option to go the pharmacy of their choice. Mr. Young stated that the patient does have a choice and the pharmacist can transfer the prescription for the patient.

Mr. McAllister asked why the hospital does not open the family pharmacy as a 24 hour pharmacy. Mr. Young stated that it would be too expensive to open the pharmacy.

Mr. Van Hassel asked if only Banner patients could fill prescriptions at the machine. Mr. Young stated that anyone can use the machine. Mr. Young stated that the machine would be located adjacent to the emergency department.

Mr. Van Hassel asked if a patient could only fill new prescriptions at the machine. Mr. Young stated that a patient could refill a prescription at the machine if the drug is in the machine.

Mr. Van Hassel asked what would happen if there was a machine failure. Mr. Lalli stated that local field service is available to fix the machine. Mr. Lalli stated that the pharmacist would not release any medications to the patient unless the pharmacist has checked the medication.

Mr. Van Hassel asked what would happen if the doctor wrote for a quantity that was not stocked in the machine. Mr. Young stated that the pharmacist would contact the ER doctor and obtain approval to change the quantity. Mr. Young stated that the prescription would not be filled if the doctor did not agree to the quantity change.

Mr. Young stated that prior to stocking the machine they would look at the quantities that are prescribed and what would be the best size to stock in the machine.

Mr. Van Hassel asked how close the machine is to the outside door. Mr. Young stated that the machine would be very close the main door coming into the ER.

Mr. Lalli stated that the machine would be monitored by security on site and remotely for access to the machine. Mr. Lalli stated that the machine is bolted to the ground.

Dr. Musil asked if the machine could be used to process refills. Mr. Young replied yes. Mr. Rickert stated that their other deviation request is to allow first fills to be dispensed from the machine. Mr. Rickert stated that the current rule states that only prescriptions not requiring counseling could be dispensed from the machine. Mr. Rickert stated that since this would be the first fill counseling would be required.

Dr. Musil asked if the prescriptions could be sent to the machine electronically. Mr. Young stated that the prescriptions would be sent to the dispensing software and the pharmacist would be able to view the electronic prescription.

Mr. Lalli stated that the patient would submit their name at the machine and their prescription could be called up for the pharmacist to review.

Dr. Musil asked if MedAvail or Banner personnel would be performing the counseling. Mr. Young stated that all reviews and counseling would be done by pharmacists at the Banner Call Center.

Dr. Musil asked if the machine would be available 24 hours a day or just after the pharmacy closes. Mr. Young stated that the machine would be available 24 hours.

Ms. Rosas asked who would repack the medications. Mr. Lalli stated that the products would be commercially available or would be repacked by Banner.

Ms. Rosas asked about the safety for the person filling the machine since the machine is close to the door. Mr. Lalli stated that access to the machine is tracked.

Mr. McAllister asked if pediatric medications that need reconstituted would be stocked in the machine. Mr. Young stated that they would not be able to stock those medications in the machine.

Dr. Foy asked about the recordkeeping. Mr. Young stated that the pharmacist that reviews the prescription would be the pharmacist on record and responsible for errors.

Dr. Foy asked how a refusal of counseling is documented. Mr. Lalli stated that there is a signature acknowledgement screen and the refusal would be documented on that screen.

Ms. Locnikar asked if a patient could get their prescription back if they changed their mind and did not want the prescription filled. Mr. Lalli replied yes.

Mr. Van Hassel asked how outdates are tracked in the machine. Mr. Lalli stated that there is an inventory management application that tracks the dates by a coded label on the bottle.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the use of the MedAvail MedCenter machine in the Banner ER provided the counseling is performed by a local Arizona pharmacist. The deviations for location and for dispensing first fill as listed in the book are also approved.

AGENDA ITEM 11– Reports

Executive Director

Budget

Mr. Wand reviewed the Budget with the Board Members.

Personnel

Mr. Wand discussed his succession and stated that the Board would meet to pick the applicants to interview.

Legislation

Mr. Wand stated that SB1039 concerning our compounding regulations has two amendments.

Mr. McAllister asked about having meetings at the schools. Mr. Wand stated that the would check on the possibility but there are some insurance issues.

Deputy Director Report

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

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

Controlled Substance Violations

1. Controlled Substance Overage -2
2. Controlled Substance Shortage - 7
3. Controlled Substance Inventory not available - 2
4. Invoices not readily retrievable – 1
5. Hydrocodone products not inventoried - 1

Documentation Violations

1. Failure to document counseling – 1
2. Immunization sheet not faxed to Primary Care Physician – 2
3. Mechanical counting device documentation – 1
4. Sig log not signed - 3

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

1. Counseling documentation

Areas outside the inspection reports that may be of interest:

1. Pharmacy Technicians cannot offer counseling.
2. Address changes and employment changes need to be reported within 10 days.
3. Verify that all pharmacy personnel licenses are current.

PAPA Report – Schedule Q

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty (40) participants in the PAPA program. Ms. Yates stated that four participants have completed the program. Ms. Yates stated that there was one termination of contract. Ms. Yates stated that there was one concern.

AGENDA ITEM 12 – MOTIONS TO DEEM/HEARINGS – Schedule R

1. Kelly Downing

President Foy opened the discussion by stating that this is the time and place for Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Kelly Downing, Pharmacy Technician, T007378, Case 15-0010-PHR.

President Foy asked if the licensee (Kelly Downing) was present. The licensee (Kelly Downing) was not present.

President Foy asked if the Assistant Attorney General would like to address the Motion To Deem. Mr. Lee did not address the Motion to Deem.

President Foy asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

On motion by Mr. McAllister and seconded by Ms. Rosas, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

On motion by Dr. Musil and seconded by Mr. McAllister the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact.

On motion by Ms. Rosas and seconded by Dr. Musil, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law.

President Foy asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Mr. Lee stated that Mr. Downing has violated his Consent Agreement. Mr. Lee stated that Mr. Downing failed to submit to the random urine screens and did not submit the results to the Board. Mr. Lee stated that Mr. Downing failed to present a copy of the Consent Agreement to his employer as required in his Consent Agreement. Mr. Lee stated that the State recommends that Mr. Downing not be allowed to continue as a Pharmacy Technician because he is not able to comply with his Consent Agreement. Mr. Lee stated that Mr. Downing has not learned to abide by the law to protect the public.

On motion by Dr. Musil and seconded by Mr. Van Hassel, the Board unanimously agreed to revoke the Pharmacy Technician license T007378 issued to Kelly Downing. A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil – aye, Mr. Minkus – aye, Mr. Van Hassel – aye, Ms. Rosas – aye, Mr. McAllister-aye, and Dr. Foy – aye)

AGENDA ITEM 13 – Carrie Gioia – Case 15-0009-PHR

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

Vice President McAllister opened the discussion by stating that this is the time and place for Consideration of the Findings of Public Emergency and Order of Summary Suspension in the Case of Carrie Gioia, Pharmacist, S013712, Case15-0009-PHR.

Vice President McAllister asked if the licensee (Carrie Gioia) was present. The licensee (Carrie Gioia) was not present.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously accepted the order of summary suspension. A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil – aye, Mr. Minkus – aye, Mr. Van Hassel – aye, Ms. Rosas – aye, and Mr. McAllister-aye)

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously accepted the Findings of Fact, the Conclusions of Law, and the Findings of Public Emergency and Order.

On motion by Dr. Musil and Ms. Rosas, the Board unanimously agreed to move Case15-0009-PHR against Carrie Gioia to Formal Hearing.

AGENDA ITEM 14 – Consent Agreements – Schedule S

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

On motion by Dr. Musil and seconded by Ms. Locnikar, the Board unanimously agreed to accept the following Consent Agreements:

1. Stacey Hays - 15-0012-PHR
2. Jennifer Stout - 15-0016-PHR

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 amend the following consent setting the Suspension period from February 1st to March 1st, pending a satisfactory PAPA report and then the licensee would be on probation for the remainder of the five years.

1. David Ornelas - 15-0017-PHR

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to accept the following Consent Agreement:

1. Amber Graves - 15-0014-PHR

AGENDA ITEM 15 – Conferences – Schedule T

Conference 1– Complaint #4366

The following individuals were present to discuss the complaint:

1. Roger Magga – Pharmacist- Respondent
2. Lisa Troutman – Pharmacy Technician – Respondent
3. Lee Ellershaw – Pharmacy Supervisor – Witness
4. Stephanie Wernsman – Pharmacy Supervisor - Witness

President Foy asked Mr. Haiber to give a brief overview of the complaint. Mr. Haiber stated that a prescription for the complainant's daughter for Seroquel 100mg was filled with Sertaline 100mg. The patient was a child who consumed at least one dose of the wrong medication and experienced tremors and difficulty walking. The complainant stated that her child is no longer experiencing any negative effects of the incorrectly consumed medications. Mr. Haiber stated that the prescription was entered incorrectly by the pharmacy technician and the pharmacist did

not catch the error during verification. There was conflicting information in the computer concerning the performance of counseling.

Mr. Ellershaw stated that he investigated the complaint. Mr. Ellershaw stated that he did speak with the patient's mother. Mr. Ellershaw stated that he spoke with Ms. Troutman concerning the error.

Mr. Ellershaw stated that the best practice when entering a prescription is to type in the first 5 letters of the drug name. Mr. Ellershaw stated that Ms. Troutman had typed in the first 3 letters of the drug name and selected the wrong drug. Mr. Ellershaw stated that the error was not detected when the pharmacist checked the prescription.

Mr. Ellershaw stated that the mother had declined counseling but it was documented that counseling occurred.

Dr. Foy asked if a copy of the hard copy appears on the same screen as the prescription data entry. Mr. Magga stated that the prescription comes up on the screen.

Ms. Wernsman stated that the prescription and the data entry are on the screen side by side and it can be compared with the label contents.

Dr. Foy asked Mr. Magga about verifying the prescription. Mr. Magga stated that he reviews each prescription the same way. Mr. Magga stated that he may have been busy and tried to hurry. Mr. Magga stated that he was supervising 4 pharmacy technicians. Mr. Magga stated that he called the patient and apologized for the error. Mr. Magga stated that he has decided to retire.

Dr. Musil asked if this was an urgent prescription. Mr. Magga stated that the prescription was picked up the next day.

Dr. Musil asked how it is determined if a prescription is an urgent prescription. Ms. Wernsman stated that the prescriptions are queued by pick up time.

Dr. Musil asked the respondents how the process has changed to prevent this error from occurring again.

Ms. Troutman stated that she types more than three letters of the drug name. Ms. Troutman stated that she matches the drug name to the original prescription. Ms. Troutman stated that she has completed CE on patient error and safety. Ms. Troutman stated that she avoids abbreviations. Ms. Troutman stated that she is more focused.

Mr. Magga stated that he takes the back label and places the label in a notebook. Mr. Magga stated that he then circles all the information to ensure everything is correct. Mr. Magga stated that he has also completed CE units on errors.

Mr. McAllister asked Mr. Magga if he plans to keep his license active. Mr. Magga stated that he plans to keep his license active if he decides to work again but at this time he does not plan to work.

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

Conference 2– Complaint #4369

President Foy stated that the respondents are not present for the conference and have asked the Board Members to review a letter submitted by their legal counsel.

President Foy asked Mr. Haiber to come forth and address the complaint investigation. Mr. Haiber stated that there were allegations about an incorrect compounding base being used to compound prescriptions. Mr. Haiber stated that there was an actual misfill where a patient received K-Phos instead of Sodium Phosphate and consumed the medication for 18 days.

Ms. Cassetta, Legal Counsel for Phoenix Children’s Hospital, came forth to address the Board. Ms. Cassetta stated that it shows that the error occurred at the same time as the other issues.

Mr. Van Hassel stated that they wanted the pharmacist in charge to appear because the Board wanted to see that policies were being developed and changes were occurring.

The Board Members asked that the Compliance Staff conduct an inspection of the site prior to the next Board Meeting and the conference would be postponed until the next Board Meeting.

AGENDA ITEM 16– Complaint Review – Consideration of Complaints on Schedule U

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

Complaint #4371

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 #4373

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 #4382

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to ask the pharmacist to appear for a conference.

Complaint #4394

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 #4395

On motion by Dr. Musil and seconded by Ms. Rosas, the Board authorized Mr. Wand to issue a letter requiring Mr. Gerber to have an evaluation by one of three psychologists recommended by the Board Staff. The psychologist should specialize in substance abuse. Dr. Musil also asked that Mr. Gerber submit documentation prior to his conference showing the he has appeared for drug testing through his IOP counseling.

Dr. Foy asked if Mr. Gerber's license is still in good standing. Mr. Wand stated that the license is in good standing until the Board takes action.

Mr. Wand indicated that Mr. Gerber is working at the MTM center at the University of Arizona. Mr. Wand stated that there are no drugs at the center.

Mr. McAllister stated that he has concerns that the respondent indicated that he took Nyquil which would violate his contract.

AGENDA ITEM 17– Update on Controlled Substance Prescription Monitoring Program (CSPMP) – Dean Wright – CSPMP Director

President Foy opened the discussion by asking Mr. Wright, Director of the CSPMP program, to address this agenda item.

Mr. Wright discussed the various changes that have occurred in the monitoring program since the program began in 2008.

Mr. Wright noted as of July 24, 2014 there was a statutory change that allowed the program to give access to delegates. Also, all dispensers are now required to report on a daily basis instead of weekly.

Mr. Wright discussed the number of individuals authorized to access the system. Mr. Wright discussed the reports requested by various entities.

Mr. Wright discussed the prescription drug initiative and its various strategies.

AGENDA ITEM 18– Election of Officers for 2015

President Foy opened the discussion by stating that the Board Members would now elect Officers for the next year

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously elected Mr. McAllister as President for 2015.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously elected Dr. Musil as Vice President for 2015.

AGENDA ITEM 19– 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.

Rebecca Sheehan came forth to express concerns about the statute changes for compounded medications. Ms. Sheehan had concerns about the 5% limitation. Ms. Sheehan asked that the Board consider licensing veterinary pharmacies as a separate entity. Ms. Sheehan stated that outsourcing does not apply to veterinary medicine.

Kelly Ridgeway, Executive Director at the Arizona Pharmacy Association, came forth to invite the Board and audience members to Pharmacy Day at the Capitol on January 29, 2015.

AGENDA ITEM 20 – Future Agenda Items

There were no requests for future agenda items.

AGENDA ITEM 21– Adjournment

There being no further business to come before the Board, President Foy adjourned the meeting at 1:40 P.M.