



**Arizona State Board of Pharmacy**

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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING MARCH 25 & 26, 2015  
MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – March 25, 2015**

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

The following Board Members were present: President Dennis McAllister, Vice President John Musil, Darren Kennedy, Kyra Locnikar, Reuben Minkus, Nona Rosas, Tom Van Hassel, and Michael Blaire. The following staff members were present: Compliance Officers Tom Petersen, Sandra Sutcliffe, Karol Hess, Steve Haiber, and Dennis Waggoner, Drug Inspector Melanie Thayer, CSPMP Director Dean Wright, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

William Francis joined the meeting at 10:00 A.M.

President McAllister introduced Michael Blaire as the newly appointed Board Member replacing Dr. Foy.

Mr. Blaire gave a brief overview of his background. Mr. Blaire is the CEO of Diamondback Drug.

President McAllister announced that Ms. Locnikar, a public member, has been reappointed for another 5 year term.

President McAllister thanked Ms. Rosas for her service on the Board. Ms. Rosas has served as the Pharmacy Technician Member on the Board. Ms. Rosas has been replaced by Kristen Snair.

President McAllister announced that Mr. Wand and Mr. Lee would be retiring in May.

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

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule N, License Application for Tanya Worthen.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Walgreens Deviation Request for Physician Notification Letters for Arizona Administered Immunizations required to be available within 48 hours.

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 15, Schedule Q, Conferences for Complaint #4382 and Complaint #4379.

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, Complaints #4387, #4391, #4398, #4401, and #4407.

## **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. Kennedy**, the Board Members unanimously approved the minutes for the Regular Meeting held on January 28, 2015 and the Executive Director Search Committee held on February 17, 2015.

## **AGENDA ITEM 4 – Consent Agreement**

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**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Genoa, a QoL Healthcare Company, LLC	2851 S. Ave B. #1102, Yuma, AZ 85364 (O)	Genoa, a QoL Healthcare Company, LLC
Surgical Specialty Hospital of Arizona, LLC	6501 B. 19 <sup>th</sup> Ave., Phoenix, AZ 85015 (O)	Surgical Specialty Hospital of Arizona, LLC
Banner Family Pharmacy – Gateway	1900 N. Higley Rd., Gilbert, AZ 85234	Banner Pharmacy Services, LLC

**(O) = Ownership Change**

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

##### RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Cornerstone Hospital SE AZ	7220 E. Rosewood St., Tucson, AZ 85710 (O)	CHG Hospital Tucson, LLC
Genoa, a QoL Healthcare Company, LLC	1210 E. Pennsylvania St., Tucson, AZ 85714 (O)	Genoa, a QoL Healthcare Company, LLC
Haggen Pharmacy #2196	34442 N. Scottsdale Rd., Scottsdale, AZ 85262 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2219	11475 E. Via Linda, Scottsdale AZ 85259 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2217	1980 McCulloch Blvd., Lake Havasu City, AZ 86403 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2220	1350 N. Silverbell Rd., Tucson, AZ 85745 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2221	3655 W. Anthem Way, Anthem, AZ 85086 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2223	7450 E. Hwy 69., Prescott Valley, AZ 86314 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2222	1416 E. Route 66., Flagstaff, AZ 85745 (O)	Haggen Opco South, LLC
Haggen Pharmacy #2197	10380 E. Broadway., Tucson, AZ 85748 (O)	Haggen Opco South, LLC

(O) = Ownership Change

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

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

Pharmacy	Location	Owner
Brand Direct Health, LLC	68397 Tammany Trace, Mandeville, LA 70471	Nestle Health Science Pamlab, Inc.
Prescription Health Resources, LLC	7339 Airport Freeway, Fort Worth, TX 76118	Prescription Health Resources, LLC
Park Compounding	9257 Research Dr., Irvine, CA 92618 (O)	South Coast Specialty Compounding, Inc.
Pharma Rexpress	1321 N.W. 14 Street, Suite 100, Miami, FL 33125	Pharma Management Group
A & W Pharmacy, PLLC	435 El Dorado Blvd., Ste. 6, Webster, TX 77598	A & W Pharmacy, PLLC
MedCore Pharmacy	2600 N. Stemmons Fwy., Suite 176, Dallas, TX 75207	Bekim Veseli
Soleo Health, Inc.	1324 W. Winton Ave., Hayward, CA 94545	Soleo Health, Inc.
Guardian Pharmacy Services	7920 Elmbrook Dr., #108, Dallas, TX 75427	Jack Munn

(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>
Palm Beach Pharma Corp.	235 Peruvian Ave. #3, Palm Beach, FL 33480	Palm Beach Pharma Corp.
Script Shop Miami, LLC	1680 Michigan Ave., Suite 800, Miami Beach, FL 33139	Script Shop Miami, LLC
Econo Pharmacy Inc.	20320 Northwest Freeway, Suite 300, Houston, TX 77065	Econo Pharmacy Inc.
Preckshot Professional Pharmacy	4450 Prospect Rd., Suite 4, Fort Lauderdale, FL 33312	Jennifer Siefert
Doctor's Specialty Pharmacy, LLC	9101 N. Central Expwy, Suite 565, Dallas, TX 75231	Doctor's Specialty Pharmacy, LLC
Leiter's Compounding	17 Great Oaks Blvd., San Jose, CA 95119	Leiter's Enterprises
Diamond Pharmacy Services	625 Kolter Dr., Suite 2, Indiana, PA 15701	Mark Zilner
Quality Home Infusion	212 W. Magnolia Blvd., Burbank, CA 91506	PMKM, LLC
Intermountain Home Delivery Pharmacy	7268 S. Bingham Junction Blvd., Midvale, UT 84047	IHC Health Services, Inc.
Global Pharmacy, LLC	922 20 <sup>th</sup> St., Haleyville, AL 35565	Global Pharmacy, LLC
Prescription Care Pharmacy, LLC	5820 Stirling Rd., Hollywood, FL 33021	Prescription Care Pharmacy, LLC
All About Your Health Family Pharmacy	1704 E. Greenville St., Suite 1D, Anderson, SC 29621	All About Your Health, Inc.
Alliance Allergy Solutions, LLC	1318 20 <sup>th</sup> St. South, Birmingham, AL 35025	Alliance Allergy Solutions, LLC
Owl Specialty Pharmacy	1011 W. San Bernardino Rd., Covina, CA 91722	Maged Gindi
Ashland Health Pharmacy	12 N. Catherine Ave., La Grange, IL 60525	Nick Wright
AmeriCare Infusion Centers, LLC	15800 Dooley Rd. #185, Addison, TX 75001	AmeriCare Infusion Centers, LLC
Shavano Oaks Pharmacy	3603 Paesanos Pkwy., Ste. #102, San Antonio, TX 78231	Dennis Karasek
Heartland Medical, LLC	7955 Flint St., Lenexa, KS 66214	Midwestern Holdings, LLC
Quality Home Infusion	801 S. Rancho Dr. #E7, Las Vegas, NV 8910	Phillip Montano
Total Vein Pharmacy	2428 Yale St., Suite B, Houston, TX 77008	Total Vein Pharmacy, LLC
Family L.T.C. Pharmacy, Inc.	1049 –B Brookdale St., Martinsville, VA 24112	Family L.T.C. Pharmacy, Inc.
My Health South Pharmacy	22948 Miramar Pkwy., Miramar, FL 33025	Dennis Bonneau
Alvarez Pharmacy and Discount, Inc	2645 E. Millbrook Rd., Raleigh, NC 27604	Alvarez Pharmacy and Discount, Inc

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

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

Pharmacy	Location	Owner
Palm Beach Pharma Corp.	235 Peruvian Ave. #3, Palm Beach, FL 33480	Palm Beach Pharma Corp.
Script Shop Miami, LLC	1680 Michigan Ave., Suite 800, Miami Beach, FL 33139	Script Shop Miami, LLC
Safeway Pharmacy #4702	4550 B Atlantic Ave., Long Beach, CA 90807	AB Acquisition, LLC
The Pharmacompoundia	6101 Windhaven Parkway, Suite 120, Plano, TX 75093	Kazim Oyenuga
Reliable Pharmacy	1757 San Marco Rd. #B, Marco Island, FL 34145	Howard Frank
Middletown Pharmacy & Gift Shop	436 E. Main St., Middletown, PA 17057	CK/KC
OSO Home Care Pharmacy	17175 Gillette Ave., Irvine, CA 92614	Randy Bohart
Eagle Pharmacy, Inc.	2200 Riverchase Ctr., Suite 675, Birmingham, AL 35244 (O)	Eagle Pharmacy, Inc.
Advance Healing Solutions of Houston	5740 W. Little York, Houston, TX 77091	Richardson Hunter Enterprises, Inc.
Buy-Rite Drugs, Inc.	401 Corsbie St. NW, Hartselle, AL 35640	Buy-Rite Drugs, Inc.
JJ Trinity Compounding Pharmacy	23838 Valencia Blvd. Ste. 105, Valencia, CA 91355	Dina Atalla-Mikhal
PAC Shores Pharmacy, LLC	9416 NE 2 <sup>nd</sup> Ave. , Miami Shores, FL 3318	PAC Shores Pharmacy, LLC
Campbell's Compounding, Inc.	6603 Kirby Drive, Houston, TX 77005	Campbell's Compounding , Inc.
Mission Pharmacy	3267 Roosevelt Ave., San Antonio, TX 78214	Mission Specialty Pharmacy, LLC
NuFACTOR, Inc.	1601 Old Greensboro Rd., Kernersville, NC 27284	NuFACTOR, Inc.
Thrift Pharmacy, Inc.	94 E McNab Rd., Pompano Beach, FL 33060	Thrift Pharmacy, Inc.
Diabetes Specialty Center	3744 S. Second St., Ste. A, Salt Lake City, UT 84115	Clinical Care Services, LLC

(O) = Ownership Change

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

##### RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
PROformance Vend USA (Non-Prescription)	14301 N. 87 <sup>th</sup> St., Scottsdale, AZ 85260	PROformance Vend USA
AZ Price Line, Inc. (Non- Prescription)	4018 N. 33 <sup>rd</sup> Ave., Phoenix, AZ 85017 (O)	AZ Price Line, Inc.
Boss Medical and Office, LLC (Full Service)	7047 E. Greenway Rd., Scottsdale, AZ 85254	Boss Medical and Office, LLC

(O) = Ownership Change

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

##### NON-RESIDENT WHOLESALER PERMITS

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Wholesalers Group, Inc. (Full Service)	3h18 Calle Girasol, Lomas Verde, Bayamon, PR 00956	Mohammad Salemi
The Proctor And Gamble Distributing, LLC (Non-Prescription)	1800 Union Airpark Blvd. Union, OH 45377	The Proctor And Gamble Distributing, LLC
The Proctor And Gamble Distributing, LLC (Non-Prescription)	101 Mars. Rd. Wilmer, TX 75152	The Proctor And Gamble Distributing, LLC
The Proctor And Gamble Distributing, LLC (Non-Prescription)	6720 Oakley Industrial Blvd. Union City, GA 30291	The Proctor And Gamble Distributing, LLC
The Proctor And Gamble Distributing, LLC (Non-Prescription)	6105 Corporate Park Dr, Suite 102, Browns Summit, NC 27214	The Proctor And Gamble Distributing, LLC
EXP Pharmaceutical Services Corp. (Full Service)	48021 Warm Springs Blvd., Fremont, CA 94539 (O)	EXP Pharmaceutical Services, Corp
Dr. Reddy's Laboratories, Inc. (Full Service)	107 College Rd. East, Princeton, NJ 08540	Dr. Reddy's Laboratories, Inc.
Veoil ES Technical Solutions, LLC (Full Service)	W124 N9451 Boundary Rd., Menomonee Falls, WI 53051	Veiola ES Technical Solutions, LLC
Genco I, Inc (Full Service)	1600 Ruffin Mill Rd., Colonial Heights, VA 23834 (O)	Genco I, Inc.
Genco I, Inc. (Full Service)	1704 Mid Park Rd., Knoxville, TN 37921 (O)	Genco I, Inc.
Argon Medical Devices, Inc. (Full Service)	1445 Flat Creek, Athens, TX 75751	Argon Medical Devices, Inc.
TheraCom, LLC (Full Service)	1195 Trademark Dr. #102-C, Reno. NV 89521	TheraCom, LLC

(O) = Ownership Change

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

##### NON-RESIDENT WHOLESALER PERMITS

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Integrated Commercialization Solutions, Inc. (Full Service)	1195 Trademark Dr. #102-B , Reno, NV 89521	Integrated Commercialization Solutions, Inc.
ASD Specialty Healthcare, Inc. (Full Service)	1195 Trademark Dr., #102-A, Reno, NV 89521	ASD Specialty Healthcare, Inc.
MD Pharmaceutical Supply, LLC (Full Service)	11 Carlisle St., Hanover, PA 17331	MD Pharmaceutical Supply, LLC
Enteral Products, LLC (Full Service)	11333 Greenstone Ave. #A, Santa Fe Springs, CA 90670	Enteral Products, LLC
INO Therapeutics, LLC (Full Service)	875 W. Sandy Lake Rd., Coppell, TX 75019	INO Therapeutics, LLC
Rockwell Medical Supply, Inc. (Full Service)	1950 E. 220 <sup>th</sup> St., Long Beach, CA 90810	Rockwell Medical Supply, Inc.
Cypress Medical Products, LLC (Non-Prescription)	20951 W. Walter Strawn Dr., Elwood, IL 60421 (O)	Cypress Medical Products, LLC
Top Rx, LLC (Full Service)	2950 Brother Blvd., Bartlett, TN 38133 (O)	Top Rx, LLC
American Pharmaceutical Ingredients, LLC (Full Service)	4800 N. Federal Hwy., Suite 305, Boca Raton, FL 33431	American Pharmaceutical Ingredients, LLC
Patterson Dental Supply, Inc. (Full Service)	106 E. Old Settlers Blvd., Suite 150, Round Rock, TX 78664	Patterson Dental Supply, Inc.
Dental Health Products, Inc. (Full Service)	2614 N. Sugar Bush Rd., New Franken, WI 54229	Dental Health Products, Inc.
Mechanical Servants, LLC (Non-Prescription)	2755 W. Thomas St., Melrose Park, IL 60160	Mechanical Servants, LLC

(O) = Ownership Change

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

##### NON-RESIDENT MANUFACTURER PERMITS

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Innovative Therapies, Inc.	3770 Park Central Blvd, North, Pompano Beach, FL 33064	Innovative Therapies, Inc.
Haemonetics Corporation	12046 Lone Peak Parkway, Draper, UT 84020	Haemonetics Corporation
Baxter Healthcare Corporation	1700 Rancho Conejo Blvd., Thousand Oaks, CA 91320	Baxter Healthcare Corporation
Baxter Healthcare Corporation	4501 Colorado Blvd., Los Angeles, CA 90039	Baxter Healthcare Corporation
KRS Global Biotechnology, Inc.	791 Park of Commerce Blvd., Boca Raton, FL 33487	KRS Global Biotechnology, Inc.

**(6) – New Pharmacists – Schedule F**

The Board approved the 59 New Pharmacist Licenses listed on the attachments.

**4. (7) – New Interns – Schedule G**

The Board approved the 53 New Intern Licenses listed on the attachments.

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

The Board approved the 968 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.

Olgeanna Abodu	Benjamin Acker	Arnaldo Alanis
Brandi Allgood	Audra Amons	Jeanne Anderson
Luis Araiza	Christian Armendariz	Erica Armendariz
Marilyn Aronova	Joseph Astudillo	Ayla Ather
Carla Bainter	Janella Benavidez	Sharmistha Bhattacharyya
Antonio Bonfil	Philara Brown	Rose Brown
Taylor Brown	Coraima Cano	James Carle
Clayton Carrell	Andrew Castillo	Sarah Chantland-Simmons
Adam Chavez	Richard Clinton Jr.	Shayne Clinkscale
Steven Craig	Luisa Cuero Batalalla	Ylicia De La Garza
Juan De Leon	Alma Dicochea	Shirley Dorfman
Jonathan Driggers	Cheryl Eckenroth	Carrie Esplain
Ariane Estrada Leguen	Laura Fiorentino	Myranda Frear
Sarah Friedenberg	Inez Gomez	Sergio Gomez
Brittany Goddell	Erica Gresham	Tiffany Guzman
Angelica Hernandez	Marco Hernandez	Josue Hernandez Rodriguez
Marisa Hertzog	Justine Hisel	Jessica Hobbs
Karrie Hoke	Brent Hutchinson	Iriana Iriqui
Jamie Jaffe	Jeffrey Jay	Tina Justus
Courtney Kartak	Marnie Kenyon	Gita Kothari
Lisa Kuhn	Farhana Kumkum	Desiree Landeros
Maria Lopez Davila	Ryan Lowry	Francisco Lucas
Vicky Lugo	Marco Lujan Torres	Angelica Luna
Johnny Luna	Danielle Malleo	Arlene Marquez
Jose Martinez	Marisela Martinez	Michael Masch
Brian Matuszewski	Yolanda Maxwell	Shirley McHale
Yolanda Mendoza	Sherri Mills	Rosalinda Miranda
Bension Mirzakan	Elena Montano	Nathan Morgan
James Myers	Yesenia Neal	Tilea Nez
Christy Nihopali	Elenura Nila	Kenneth Odell
Fatima Oros	Krishnan Padmanabhan	Dipul Patel
Mruga Patel	Benjamin Patz	Janova Paz
Annabel Pitts	Amanda Pollock	Nafisa Quresh
Melissa Rael-Carrillo	Colton Reeves	Joshua Rich
Paula Scapulo	Teresa Salaz	Heather Sanchez
Marissa Sanchez	Shirin Sani	Alex Sapon

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

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

Altaf Shaik	Katherine Silberschlag	Diane Smith
Jennifer Smith	Pearce Solomon	Ashlee Soto
Andrew Sourathathone	Adina Spies	Joseph Stephens
William Stone	Devi Tamang	James Thurkill
Colleen Tran	Lorraine Valdez	Aaron Valencia
Astria Valenzuela	Tyler Van Dyken	Nina Vega
Patrice Webb	James Whetten	Christopher Williamson
Pamela Wrinkle-Howitt	Paige Wrublevski	

**4. (10) – Complaints with No Violations – Schedule J**

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

Complaint #4393	Complaint #4399
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**AGENDA ITEM 5– Resident Pharmacy Permits – Schedule K**

**1. Green Valley Hospital**

President McAllister stated that a representative from Green Valley Hospital was present to answer questions from Board Members.

**Robert Swendrzynski, Pharmacist in Charge**, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Swendrzynski to address the application.

Mr. Swendrzynski stated that the hospital will be a 50 bed hospital. Mr. Swendrzynski stated that there are 44 regular beds and 6 ICU beds. Mr. Swendrzynski stated that they plan to open in May and have a census of 22 beds.

Mr. Swendrzynski stated that they will open with 3 staff members. Mr. Swendrzynski stated that they would have a pharmacist in charge, a staff pharmacist, and a pharmacy technician. Mr. Swendrzynski stated that the pharmacy would be open from 8 to 4:30. Mr. Swendrzynski stated that they anticipate that the census would increase to 32 beds in a few months and they anticipate having a staff of 7 full time employees.

Mr. Swendrzynski stated that the pharmacists would be on call initially and would switch to an after-hours service after the hospital business expands.

Mr. Swendrzynski stated that the clean room would have a barrier isolator and 2 hoods. One hood would be a positive hood and the second hood would be a negative hood.

Mr. Van Hassel asked Mr. Swendrzynski if he was familiar with USP 797 and USP 800. Mr. Swendrzynski stated that he was familiar with both USP 797 and 800.

Dr. Musil asked if they had a separate storage room for their NIOSH products. Mr. Swendrzynski stated that they have a room in the basement that could be used for that purpose. Mr. Swendrzynski stated that that room is roughly 400 square feet.

Mr. Van Hassel discussed the unpacking of hazardous drugs in the hood area.

## **2. McKesson Patient Relationship Solutions**

Postponement requested until the May meeting

## **3. LLC Patient Services, Inc.**

President McAllister stated that representatives from LLC Patient Services were present to answer questions from Board Members.

**Shanna Nyberg, Pharmacist in Charge, Brock Nyberg, Staff Pharmacist, and Clarence Mulligan, Owner**, were present to answer questions from Board Members. James Taylor, Legal Counsel, for the permit holder was also present.

Mr. McAllister asked the applicants to describe their pharmacy business. Ms. Nyberg stated that the pharmacy is a non-sterile compounding pharmacy preparing sublingual allergy drops for patients. Ms. Nyberg stated that the prescriptions are patient specific. Ms. Nyberg stated that the prescriptions are mailed to the patient or to the doctor's office for the patient.

Dr. Musil asked about the beyond use date. Ms. Nyberg stated that the extracts have a long shelf life. Ms. Nyberg stated that they give the products a six month date.

Dr. Musil asked what product is used to dilute the allergy extracts. Ms. Nyberg stated that they use glycerin.

Mr. Van Hassel asked who prepares the extracts. Ms. Nyberg replied she does and they have one certified technician.

Mr. Van Hassel asked about the training that the technician receives. Ms. Nyberg stated that the technicians were trained prior to her starting.

Mr. Van Hassel asked Ms. Nyberg if she validated their training. Ms. Nyberg stated that she has watched the technicians to be sure they were following policies and procedures.

Mr. Van Hassel reminded Ms. Nyberg that she is responsible for the training since she is the pharmacist in charge.

Dr. Musil asked if the training of the employees was available on the day that Ms. Sutcliffe had inspected the pharmacy. Ms. Nyberg stated that she had been at the pharmacy for 4 days and did not have the training documents available.

Mr. Van Hassel asked about the test kits that were being prepared. Ms. Nyberg stated that the test kits would be patient specific at this point.

Mr. Van Hassel asked if everyone gets the same test kit would they be preparing batches. Ms. Nyberg stated that they would be preparing a few extra kits. Mr. Van Hassel reminded Ms. Nyberg that the storage must meet FDA guidelines.

Dr. Musil asked if the structural barrier was completed. Ms. Sutcliffe replied yes.

## **RESIDENT PHARMACY PERMITS**

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board unanimously approved the following resident pharmacy applications listed below pending final inspection.

### **RESIDENT PHARMACY PERMITS – Schedule K**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Green Valley Hospital	4455 S. I-19 Frontage Rd., Green Valley, AZ 85614	Green Valley Management, LLC
LLC Patient Services, Inc.	1829 W. Drake Dr., Ste. 101, Tempe, AZ 85283	LLC Patient Services, Inc.

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

### **1. Rx Unlimited LLC**

President McAllister stated that representatives from Rx Unlimited were present to answer questions from Board Members.

**Brian Goldstein, Owner, and Tony Parks, Legal Counsel for Rx Unlimited**, were present to answer questions from Board Members.

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

Mr. Parks stated that they were asked to appear due to a pending hearing in California. Mr. Parks stated that on a 2012 Inspection by the California Board they found deficiencies. Mr. Parks stated that one particular batch of Tri-Mix was involved. Mr. Parks stated that the Board decided to take enforcement action.

Mr. Parks stated that they are working with the Board to reach a settlement. Mr. Parks stated that they hope to reach that agreement within the next three months.

Mr. McAllister asked if the facility has been inspected since that time. Mr. Parks stated that they have relocated to a new facility. Mr. Parks stated that they received approval to move and have had clean inspections since that time.

Mr. Parks stated that the pharmacy would ship no sterile products into Arizona. Mr. Parks stated that they would anticipate shipping some non-sterile compounded medications and the products would be patient specific.

Mr. Kennedy asked if they anticipate shipping a large amount of sterile products into Arizona. Mr. Goldstein stated that there is potential business in Arizona.

Dr. Musil asked if the issues were solely limited to Tri-Mix. Mr. Parks replied yes. Dr. Musil stated that the case notice lists several compounds.

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to table the application pending the outcome of the California Board's decision.

### **AGENDA ITEM 7 - Special Requests- Schedule M**

#### **#1 Thomas Dayton**

**Thomas Dayton** appeared on his own behalf to request to terminate his probation per Board Order 10-0047-PHR.

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

Mr. Dayton stated that he is requesting that his probation be terminated. Mr. Dayton stated that it has been a long five years and the PAPA program is not easy. Mr. Dayton stated that volunteering provides a great reward.

Ms. Yates indicated that Mr. Dayton had followed the program and has been compliant.

Dr. Musil asked Mr. Dayton if he is currently working. Mr. Dayton stated that he is currently working.

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy**, the Board unanimously approved Mr. Dayton's request to terminate his probation per Board Order 10-0047-PHR.

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

#### **#1 Carmen Bailey**

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

President McAllister asked Ms. Bailey to address the Board concerning her application. Ms. Bailey stated that she had attended the last Board meeting and her application was denied because she did not list her charges because they were dismissed. Ms. Bailey stated that she had reapplied listing the charges and indicating that they were dismissed. Ms. Bailey stated that she submitted her paperwork showing that she had completed a diversion program as part of her pre-trial intervention and the case is being returned to the state to dismiss the charges.

Dr. Musil asked Ms. Bailey if she talked to anyone at the school she is attending. Ms. Bailey stated that she was able to sign up for her externships. Ms. Bailey stated that she told her classmates that if they have any charges to please call the Board to see if the Board would allow them to be licensed. Ms. Bailey stated that she plans to speak to her advisor about the issue and letting students know to contact the Board if they have charges.

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board unanimously agreed to approve Ms. Bailey's pharmacy technician trainee application.

## **#2 Rebecca Adams**

President McAllister asked Ms. Adams to come forth to address the Board. Ms. Adams was not present.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to deny the application submitted by Ms. Adams citing A.R.S. 32-1927.01 (S) and (A) (1) which states the Board may deny an applicant that has committed an act of unprofessional conduct.

## **#3 Melissa Sweeney**

**Melissa Sweeney** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President McAllister asked Ms. Sweeney why she was appearing in front of the Board. Ms. Sweeney stated that she was asked to appear because of charges.

Mr. McAllister stated that Ms. Sweeney did not report the charges on her application and the charges were discovered when her fingerprints were returned.

Mr. McAllister asked Ms. Sweeney about her charges. Ms. Sweeney stated that she was working at a skilled nursing facility and was taking care of an elderly lady. Ms. Sweeney stated that the patient gave her a visa card as a thank you gift. Ms. Sweeney stated that the patient kept insisting that she take the visa card. Ms. Sweeney stated that she asked her supervisor if she could use the card since she could not find any policies or procedures concerning gifts. Ms. Sweeney stated that her supervisor told her yes. Ms. Sweeney stated that she used that card and brought the card and receipt back to the patient. Ms. Sweeney stated that she got notification from the courts that there was an issue and she tried to explain what happened to the courts. Ms. Sweeney stated that she agreed to a plea agreement so that she could continue working.

Mr. McAllister asked Ms. Sweeney if she was on probation. Ms. Sweeney stated that she made a plea agreement and was placed on 2 years unsupervised probation.

Mr. McAllister asked Ms. Sweeney why she had marked on her application that she had no charges. Ms. Sweeney stated that she thought she had marked yes. Ms. Sweeney stated that she had filled out two applications and was sure that she mailed the one that indicated that she had charges. Ms. Sweeney stated that the healthcare field is her life.

Mr. McAllister asked Ms. Sweeney if she has any other licenses. Ms. Sweeney stated that she has a medication technician and caregiver license.

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to deny the application submitted by Ms. Sweeney citing A.R.S. 32-1901.01 (C) (13) which states the Board may deny an applicant who knowingly has filed with the Board any application, renewal, or other document that contains false or misleading information.

#### **#4 Morgan Diaz**

**Morgan Diaz** appeared on her own behalf to request to proceed with Pharmacy Technician licensure.

President McAllister asked Ms. Diaz why she was appearing in front of the Board. Ms. Diaz stated that she is applying for a Pharmacy Technician license.

Ms. Diaz stated that her pharmacy technician license was surrendered in California. Ms. Diaz stated that she had been licensed in California for at least 5 years prior to the Board taking action against her for multiple DUI charges. Ms. Diaz stated that she had just moved to Colorado when she was notified that the Board was taking action against her license. Ms. Diaz stated that she surrendered her technician license in California.

Mr. McAllister asked Ms. Diaz if she was working in Colorado. Ms. Diaz replied yes and she had a job offer in Arizona with Humana. Ms. Diaz stated that she is not sure if the job offer is still available and if not she would be looking for another job in Arizona.

Ms. Diaz stated that she has changed since that time when she had the DUI charges from 2007 to 2010. Ms. Diaz stated that the charges were all misdemeanors.

Ms. Locnikar asked if Ms. Diaz has paid her fines. Ms. Diaz stated that she surrendered her license and does not have to pay the fines unless she returns to California and applies to have her license reinstated.

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board approved the application submitted by Ms. Diaz for pharmacy technician licensure. There were three nay votes by Ms. Locnikar, Mr. Minkus, and Mr. Van Hassel.

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## **#5 Tanya Worthen**

**Tanya Worthen** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President McAllister asked Ms. Worthen why she was appearing in front of the Board. Ms. Worthen stated that she applied for a pharmacy technician trainee license and was told that she would have to appear because of her charges. Ms. Worthen stated that she works at Walgreens and wants to pursue a management path but must have a pharmacy technician license in case she is asked to help in the pharmacy. Ms. Worthen stated that she made a gross error in judgment. Ms. Worthen stated that she was arrested for drug possession and paraphernalia because they were left in her car. Ms. Worthen stated that the original prosecuting attorney left and there is now a new attorney. Ms. Worthen stated that she has a court date for the 30<sup>th</sup> of March.

Mr. McAllister asked Ms. Worthen if she would like to withdraw her application until her court case is decided.

Mr. McAllister stated that a felony charge would impact her license. Mr. McAllister stated that she could re-submit her application after the charges were cleared.

Ms. Worthen stated that she would like to withdraw her application at this point.

**On motion by Dr. Musil and seconded by Mr. Van Hassel**, the Board unanimously agreed to allow Ms. Worthen to withdraw her pharmacy technician trainee application.

## **#6 Aaron White**

President McAllister asked Mr. White to come forth to address the Board. Mr. White was not present.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to deny the application submitted by Mr. White citing A.R.S. 32-1927.01 (S) and (A) (1) which states the Board may deny an applicant that has committed an act of unprofessional conduct.

## **AGENDA ITEM 10 – Walgreens Deviation Request for Physician Notification Letters for Arizona Administered Immunizations required to be available within 48 hours.**

President McAllister stated that a representative from Walgreens was present to address their deviation request.

**Dan Luce, National Director of Pharmacy Affairs at Walgreens**, was present to ask for a deviation for R4-23-411 (F) (2). Mr. Luce stated that they are requesting that the Board allow Walgreens to utilize the automated Physician Notification Letter (PNL) instead of using the manual process that takes place in the store.

Mr. Luce stated that with the proposed automated system the completed forms notifying the physician that an immunization was administered at the pharmacy would be sent out centrally and stored centrally. Mr. Luce stated that the Arizona rule states that a report must be sent to the patient's physician within 48 hours after the immunization. Mr. Luce indicated that their automated process could take up to 72 hours to complete and the records would be stored centrally. Mr. Luce stated that the letters would be generated at night centrally.

Mr. Van Hassel asked when the documentation that the letter was sent would be available. Mr. Luce indicated that the letter would not be available for 72 hours.

Dr. Musil asked how often a primary care provider is not able to be contacted. Mr. Luce stated that the occurrence is very low and is less than 1%. Mr. Luce stated that within 24 hours the process is started. Mr. Luce stated that they first try to send the letter electronically to the physician. If they are unable to send the letter electronically, they then try to fax the letter to the physician. If the fax fails three times, then a letter is mailed to the physician.

**On motion by Mr. Francis and seconded by Dr. Musil**, the Board unanimously agreed to approve Walgreens deviation request to allow them to utilize their automated Physician Notification Letters for administered immunizations providing the physician with the required notice within 72 hours instead of 48 hours.

**AGENDA ITEM 11 – Korman Health Care Deviation Request for the requirement to perform a final accuracy check of the completed prescription based on their use of the Parata Check PASS verification system (R4-23-402 (A) (11))**

President McAllister stated that representatives from Korman Health Care were present to discuss their deviation request.

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

1. Burton Korner –Owner of Korman Health Care
2. Brian Chriswell – Parata Systems
3. Roger Morris – Legal Counsel for Korman Healthcare

Mr. Morris stated that they are requesting a deviation for the final accuracy check of the completed prescription. Mr. Morris indicated that this is a technological advancement. Mr. Morris stated that the machine would be located in the pharmacy and would be used to process prescriptions for long term care facilities.

Mr. Morris stated that they would be using the Parata Check PASS verification system. Mr. Morris stated that the Check PASS system eliminates the need for manual verification of PASS pouches. Mr. Morris stated that the Check PASS uses cameras and imaging technology to scan each PASS pouch for pill quantity, size, and shape. Mr. Morris stated that the technology would eliminate the need for the pharmacist final accuracy check. Mr. Morris stated that the pharmacy would randomly review 10% of the PASS pouches.

Mr. Korner stated that the Parata system would be located in the pharmacy and would be used in the facility by the pharmacist. Mr. Korner stated that the image would be captured and would be matched against a pre-loaded database. Mr. Korner stated that they would be performing a 10% manual inspection of the pouches.

Mr. Chriswell stated that the Check Pass takes a picture of the medications in the package and there is a barcode reference kept in the database. Mr. Chriswell stated that each bag is reviewed at 180 different check points. Mr. Chriswell stated that the database can be updated by the pharmacy. Mr. Chriswell stated that the Check Pass would allow the package to proceed if the medication is correct. If the package is not correct, the package would be sent to a pharmacist for corrections.

Mr. Morris stated that the image of the package is stored for 30 days and is viewable by the pharmacy staff.

Mr. McAllister asked if the machine is currently in use at any other pharmacies. Mr. Chriswell stated that there are 41 units in operation.

Mr. Van Hassel asked about the degree of accuracy. Mr. Chriswell stated that there is a unit in operation in a Ohio facility and the accuracy rate is 99.9997%.

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy,** the Board unanimously agreed to approve the deviation request of R4-23-402 (A) (11) to allow Korman Health Care to use the Parata Check Pass verification system.

## **AGENDA ITEM 12 – Interviews of Pharmacy Board Executive Director Candidates and Addition of Candidate**

**On motion by Mr. Van Hassel and seconded by Mr. Kennedy,** the Board unanimously agreed to add John Baer as the fourth candidate who was not previously recommended or approved by the Executive Director Search Committee.

## **AGENDA ITEM 13 – REPORTS**

### **Executive Director**

#### **Budget**

Mr. Wand reviewed the Budget with the Board Members. Mr. Wand stated that he did transfer the funds from the pharmacy fund to the Arizona Poison Center.

#### **Personnel**

Mr. Wand stated that the Board would be interviewing candidates for his position.

## **Legislation**

Mr. Wand stated that SB1039 was pulled and that the Board could meet with the stakeholders and a new bill could be proposed for next year.

## **Deputy Director Report**

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

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

### **Pharmacy Violations**

1. Barrier too low – 2
2. Outdates in the pharmacy – 2
3. Hot water not working properly – 1
4. Intern from out-of-state did not have an Arizona intern license – 1
5. Expired pharmacy technician license -2
6. Pharmacy technician trainees compounding – 2

### **Controlled Substance Violations**

1. Controlled Substance Overage -15
2. Controlled Substance Shortage - 8
3. Controlled Substance Inventory not available - 1
4. Controlled Substance invoices not filed appropriately (“C” Stamped or Separated) - 1
5. Hydrocodone products not inventoried -2
6. Controlled Substance Invoices not available – 1
7. Tramadol not inventoried – 1
8. Controlled Substance Inventory not completed at change of Pharmacist in Charge – 1

### **Documentation Violations**

1. Failure to document counseling – 1
2. Daily sig log not signed – 1
3. No patient address on the prescription – 1
4. Automated Dispensing Machines documentation not completed - 1

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

1. Filing of Controlled Substance invoice filing

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

1. Pharmacy Technician Trainees cannot compound
2. Verify that all pharmacy personnel licenses are current.

## **PAPA Report – Schedule O**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of thirty– seven (37) participants in the PAPA program. Ms. Yates stated that one participant has completed the program. Ms. Yates stated that there was one termination of contract. Ms. Yates stated that one participant has quit the program with the approval of Dr. Pickens. Ms. Yates stated that there is one new participant coming into the program, pending their signed contract.

Ms. Yates stated that there is a concern with participant #222. Ms. Yates stated that the individual has not turned in meeting sheets and her counselor has spoken with her about these concerns. Ms. Yates stated that this participant has appeared in front of the Board previously.

**On motion by Dr. Musil and seconded by Mr. Van Hassel**, the Board unanimously agreed to ask Participant #222 to appear for a conference at the next Board meeting.

## **AGENDA ITEM 14 – Consent Agreements – Schedule P**

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

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

1. Lai Le - 15-0001-PHR

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

**Conference 1– Complaint #4382**

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

The following individuals were present to discuss the complaint:

1. Paula Beougher – Pharmacist- Respondent
2. Mike Brancato – Pharmacy Supervisor – Witness
3. Mike Simko – Legal Counsel for Walgreens – Witness
4. Christina Cassetta – Outside Legal Counsel for Walgreens - Witness

President McAllister asked Ms. Hess to give a brief overview of the complaint. Ms. Hess stated that the complainant stated that she went to the pharmacy to receive a Zostavax immunization and received an influenza immunization. The complainant stated that she had received a high dose flu shot three weeks earlier. The complainant stated that she suffered adverse effects such as severe headaches, chills, and nausea. The complainant stated that when she received her immunization another individual was in the area speaking with the pharmacist while she received her immunization. The complainant did not know if the individual was another employee. The pharmacist stated that the complainant did ask for the Zostavax immunization but was inadvertently given an influenza immunization. The pharmacist stated that the complainant did receive an influenza immunization three weeks earlier. The pharmacist stated that due to computer issues the name of the immunization to be given did not show on the bottom of the

form but was clearly marked on the top of the form. The pharmacist discovered the error when she went to fill out the form the next day and notified the patient of the error.

President McAllister asked Ms. Beougher to address the complaint. Ms. Beougher stated that she holds herself responsible as the pharmacist that administered the immunization. Ms. Beougher stated that she did not follow directions in giving the immunization.

Mr. Simko stated that there are deficiencies in the system. Mr. Simko stated that there are two different systems into which the immunization information can be entered. Mr. Simko stated that the information can be entered into the Intercom system or the Electronic Health Record (EHR). Mr. Simko stated that the preferred method would be to enter the data into the EHR.

Mr. McAllister asked Ms. Beougher about contacting the patient. Ms. Beougher stated that she contacted the patient as soon as she found about the error.

Mr. Simko stated that they are introducing a program whereby the pharmacist would verify why the patient was there and ask the patient what vaccination the patient was expecting to receive that day.

Mr. McAllister asked if the new process would be instituted company wide. Mr. Simko replied yes.

Ms. Beougher has completed CE on medication errors and has completed internal training.

Mr. Francis asked Mr. Simko about the two platforms for entering the immunization information. Mr. Simko stated that the EHR is the preferred platform. Mr. Simko stated that the EHR system does have problems and as a choice to help the patient the Intercom system could be used. Mr. Simko stated that either platform can be used and the information would end up in the patient's medical record.

Dr. Musil asked about the process to administer an immunization. Mr. Brancato stated that the patient would come to the pharmacy and ask for the immunization. The information would be entered in the EHR and the pharmacist would verify the information. The patient would fill out the Vaccine Administration Record and the sheet would go to the pharmacist to fill out the sections concerning the immunization. Mr. Brancato stated that the sheet that is barcoded is scanned so that the patient can pay for the vaccine. Mr. Brancato stated that the documentation is given to the patient concerning the vaccine. Mr. Brancato stated that the name of the vaccine, the date the vaccine is given, and the lot specifics should be entered into the system.

Dr. Musil asked Ms. Beougher if she uses the term Zostavax or Shingle vaccine when speaking with the patient. Ms. Beougher stated that she would usually use the term shingle vaccine because most people do not know what the term Zostavax means. Mr. Brancato stated that the pharmacist should ask the patient to state in their own words what vaccine they are expecting to receive that day.

Dr. Musil asked how the vaccine was entered in the computer for this complaint. Ms. Beougher stated that Zostavax was entered into the system.

Dr. Musil asked Ms. Beougher why she gave a flu shot if Zostavax was entered into the system. Ms. Beougher stated that she did not review the order.

Dr. Musil asked Ms. Beougher how many immunizations were given that day. Ms. Beougher stated that collectively they gave about 60 immunizations.

Ms. Locnikar asked if any shingles vaccines were given that day. Ms. Beougher replied no.

**On motion by Dr. Musil and seconded by Ms. Locnikar**, the Board unanimously agreed to issue Ms. Beougher an advisory letter regarding her responsibility to document all information concerning the immunization given and the review of the patient's record and the discussion with the patient concerning the immunization to be administered.

### **Conference 2– Complaint #4379**

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

The following individuals were present to discuss the complaint:

1. Jude Otero – Pharmacist in Charge - Respondent
2. Lorri Walmsley – Pharmacy Supervisor – Witness
3. Mike Simko – Legal Counsel for Walgreens – Witness
4. Christina Cassetta – Outside Legal Counsel for Walgreens – Witness

President McAllister asked Mr. Haiber to address the complaint. Mr. Haiber stated that it was reported to the Board that a technician had diverted medications and he was asked to do a follow up audit.

Mr. McAllister asked Mr. Simko how the company is controlling the diversion of controlled substances. Mr. Simko stated that they maintain a perpetual inventory centrally. Mr. Simko stated that the adjustments are made to the inventory as prescriptions are filled. Mr. Simko stated that system alerts are triggered when adjustments are made in the system. Mr. Simko stated that negative adjustments would be reviewed by district and regional loss prevention staff. Mr. Simko stated that if the theft takes place over a period of time it is harder to detect.

Mr. Otero stated that he became the Pharmacist in Charge in 2012 and had a consistent pharmacy team. Mr. Otero stated that he adhered to loss prevention practices and did watch his product but was fooled into a false sense of security. Mr. Otero stated that he now has an action plan to watch the movement of his Controlled Substances. Mr. Otero stated that he has completed CE on detecting theft and the awareness of theft.

Mr. Simko stated that the electronic prescription ordering system is an electronic trail of identifying the product that came into the pharmacy and posted into the inventory system.

Mr. Simko stated that the system helps identify possible diversion and helps shorten the window to track the diversion. Mr. Simko stated that if certain patterns appear in recording information to the ordering system the information can be shared with supervisors resulting in them being notified of potential problems sooner.

Ms. Walmsley stated that she talks with her pharmacists in charge about the importance of being a pharmacist in charge and that diversion does occur. Ms. Walmsley stated that additional counts are done if there is suspicion of diversion because small amounts diverted are not triggered by reports. Ms. Walmsley stated that they have weekly reports that show possible diversion potential.

Mr. Van Hassel asked about the shortage of 24 tablets but the DEA 106 form shows a higher count. Mr. Otero stated that the 24 tablets were taken in one day when he did an additional count. Mr. Otero stated that the DEA 106 represents the total that they were missing.

Mr. Haiber stated that his audit was from June 2014 through January 2015. Mr. Haiber stated that he is not sure of the dates used by the company to report the loss on their DEA 106 form.

Mr. Simko stated that the pharmacy technician was terminated and no discrepancies have occurred since that time.

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

### **Conferences #3, #4, and #5 – Complaint #4381, #4374, CVS Corporate Loss Prevention**

The following individuals were present to discuss the complaint:

1. Jaclyn Scartz – Pharmacist in Charge – Respondent
2. Kevin Rider – Pharmacist in Charge – Respondent
3. Hanh Nguyen – Pharmacy Supervisor – Witness
4. Eileen Munch – Pharmacy Supervisor – Witness
5. John Rocchio - Director of Pharmacy Regulatory Affairs - Respondent
5. Jeffrey Sinko – Legal Counsel for CVS - Witness
6. Roger Morris – Outside Legal Counsel for CVS

President McAllister stated that all three conferences are being conducted at the same time because the conferences all deal with Controlled Substance accountability.

Mr. McAllister asked the respondents to address the issue of controlled substance accountability.

Mr. Rocchio opened the discussion by stating that as soon as internal diversion is detected the company takes action to eliminate bad parties and to protect the public.

Mr. Rocchio stated that due to IT advancements they are able to detect invalid prescribing, over prescribing, and internal issues.

Mr. Rocchio stated that if they detect invalid or over prescribing they will interview the physicians. If there are issues, then the prescriber cannot prescribe controlled substances.

Mr. Rocchio stated that at the retail level a perpetual inventory for CII products is kept and a red flag is raised if there are issues. Mr. Rocchio stated that the perpetual inventory for CIII-CV products would be initiated in the near future. Mr. Rocchio stated that they have a centralized invoice system. Mr. Rocchio stated that there is an in and out indicator report.

Mr. Rocchio stated that last September the supervisors were shown means by which drugs are diverted. Mr. Rocchio stated that they perform jacket and smock checks.

Mr. Rocchio stated that they have an employee tip line where employees can report diversion and employees are given credit for reporting.

Mr. Rocchio stated that they will be conducting background checks nationwide on all current employees.

Mr. Rocchio stated that they have set up cameras in the store which monitor the Controlled Substance safe and the hydrocodone products. Mr. Rocchio stated that they can also have covert cameras placed in the store.

Mr. McAllister asked the pharmacists in charge to address the controlled substance accountability.

Ms. Scartz stated that the CII perpetual inventory that went live recently will help track all CII prescriptions.

Mr. Rider stated that he had just started working at the store when the employee was caught. Mr. Rider stated that the employee was caught on the covert cameras. Mr. Rider stated that the the extra support of the cameras helps.

Mr. Van Hassel asked about a discrepancy in entering the product received. Mr. Rocchio stated that a change in the balance on hand will alert the Pharmacist in Charge and Loss Prevention.

Ms. Rosas asked about the perpetual inventory. Ms. Scartz stated the an initial CII inventory was entered into the system. Ms. Scartz stated that when an order is received the product is added to the inventory and when a prescription is filled the amount of medication dispensed is subtracted.

Ms. Rosas asked if the inventory is verified with the quantity in the store. Ms. Scartz stated that once a month they check certain items.

Mr. Van Hassel asked if there is a similar inventory for CIII-V controlled substances. Mr. Rocchio stated that they started with the CII products and would expand to the other controlled substance classes. Mr. Rocchio stated that if there is any adjustment to the balance on hand an alert would be triggered. Mr. Rocchio stated that 10 items would be audited daily.

Mr. McAllister asked if the upgraded systems are visible to employees. Ms. Munch stated that the employees are definitely aware of the systems and the pharmacists are managing the inventory on hand. Mr. Nguyen stated that the system is NDC specific.

Mr. Kennedy asked who had the ability to validate the numbers. Mr. Rocchio stated that the CII products are validated by the Pharmacists. Mr. Rocchio stated that other Controlled Substances are reviewed by the Pharmacists and then can be entered by the technicians.

Mr. Kennedy indicated that CVS has good controls in place and are diligent in their actions.

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

### **Conference 6– Complaint #4395**

The following individuals were present to discuss the complaint:

1. Colin Gerber – Pharmacy Intern - Respondent
2. Gary Spector – Legal Counsel for Colin Gerber - Witness

President McAllister asked Mr. Gerber to address the issues in his life. Mr. Gerber stated that he was a pharmacy technician at Target. Mr. Gerber stated that he worked for Target for 12 months for 40 hours a week. Mr. Gerber stated that he started hanging out with old friends from high school. Mr. Gerber stated that he was introduced to prescription medications. Mr. Gerber stated that he would take the medications and he felt different. Mr. Gerber stated that he got caught stealing medications from Target. Mr. Gerber stated that he had been accepted into pharmacy school and notified the Board and the school. Mr. Gerber stated that he started pharmacy school in August and a legal case was opened against him and he did not know the outcome of the case until January. Mr. Gerber stated that he has attended an IOP program and went to three additional AA meetings.

Mr. Gerber stated that in December he had a mishap with alcohol. Mr. Gerber stated that he had been taking Nyquil for a week. Mr. Gerber stated that he then made the decision to go with his classmates for a few beers. Mr. Gerber stated that he was then dismissed from his PAPA contract after testing positive on a urine screen for alcohol and after going for the blood test which tests for alcohol use in the last 6 to 8 weeks.

Mr. Gerber stated that he is doing everything that was in his contract. Mr. Gerber stated that he has not used anything or drank anything since that time. Mr. Gerber stated that he works at the Medication management Center and there are no medications at this site. Mr. Gerber stated that he has been going to meetings. Mr. Gerber stated that his grades are A's and B's.

Mr. McAllister asked Mr. Gerber about his latest positive screen. Mr. Gerber stated that after his last final, he went out with his classmates and had 1 to 2 beers and was called for a drug screen the next day.

Dr. Musil asked Mr. Gerber how he was going to handle the end of spring semester. Mr. Gerber stated that he realizes that he has an alcohol addiction. Mr. Gerber stated that he has a good support system with his family and has a small group of friends with knowledge of his issues. Mr. Gerber stated that he meets with the Assistant Dean every two weeks to update him on his situation.

Mr. McAllister asked Mr. Gerber where he is in his academic program. Mr. Gerber stated that he is in his first year. Mr. Gerber stated that he is not on the same rotation schedule as his classmates due to his issues.

Mr. McAllister asked Mr. Gerber if he has a problem with alcohol. Mr. Gerber replied yes. Mr. Gerber stated that 107 days is the longest he has gone without drinking since he was 17.

Dr. Musil asked Mr. Gerber if he has any issues with mood altering drugs. Mr. Gerber stated that he has an issue with mood altering drugs. Mr. Gerber stated that he realizes that he must not put himself in that position if he wants to be a pharmacist.

Mr. Spector stated that Mr. Gerber has completed a BS degree in physiology and math at the University of Arizona.

Mr. Minkus asked Mr. Spector how long he has known Mr. Gerber. Mr. Spector stated that he and Mr. Gerber are members of the same fraternity and he has known him for about 5 years.

Mr. Van Hassel asked Mr. Gerber to convince the Board of why they should give him another chance and not see him again in front of the Board. Mr. Gerber stated that his relapse occurred three weeks into the program. Mr. Gerber stated that he was not in favor of the program and did not know how to handle the situation. Mr. Gerber stated that he is learning about addiction and why it needs to be addressed. Mr. Gerber stated that he has a few friends that he is comfortable with and if he does not change it could be an issue for his continuance in school.

**On motion by Ms. Rosas and seconded by Mr. Minkus**, the Board agreed to offer Mr. Gerber a new 5-year PAPA contract. There was nay vote by Mr. Francis.

### **Conference 7– Complaint #4369**

The following individuals were present to discuss the complaint:

1. Yolanda Douthard – Chief of Pharmacy Services Phoenix Children’s Hospital – Witness
2. Chris Lowenstein – Pharmacist in Charge – Phoenix Children’s Hospital Outpatient Pharmacy – Witness
3. Roger Morris – Legal Counsel for Phoenix Children’s Hospital

President McAllister opened the discussion by stating that representatives from Phoenix Children's Hospital Outpatient Pharmacy were present to discuss their policies and procedures.

Mr. McAllister asked Mr. Haiber about his follow-up inspection. Mr. Haiber stated that improvements have been made. Mr. Haiber stated that he issued a violation for not documenting medical conditions.

Mr. Lowenstein stated that he had sent a detailed response to the Board. Mr. Lowenstein stated that their pharmacy software system has multi-phases. Mr. Lowenstein stated that they would put no medical conditions or allergies in the fields so that they would be able to process the prescriptions. Mr. Lowenstein stated that he has provided a detailed education to his front end personnel to obtain allergies and medical conditions. Mr. Lowenstein explained that they must obtain this information on every encounter. Mr. Lowenstein stated that he has visual reminders at every window. Mr. Lowenstein stated that he has a detailed description on how to take in a new prescription. Mr. Lowenstein stated that they hope to have access to the inpatient software soon.

Ms. Douthard stated that by 2016 they hope to have the outpatient pharmacy on the same platform. Ms. Douthard stated that there would be a direct feed that is HIPAA compliant. Ms. Douthard stated that the outpatient pharmacy would be able to see the progress notes and nursing notes. Ms. Douthard stated that it would come as a push to their system and they would not need to look for medical condition.

Mr. Morris stated that the new system will improve the weaknesses because the outpatient pharmacy would have significant information about the patient.

Mr. McAllister noted that obtaining health conditions is a basic function.

Mr. Kennedy asked if there was a hard block in the system. Mr. Lowenstein replied that there is a hard block and the prescription cannot be filled. Mr. Lowenstein indicated that they would enter "None Known" in the field to process the prescription if they did not know if any medical conditions existed.

Mr. Lowenstein stated that most patients are employees and discharges and they would ask for the information until they have access to the inpatient system.

The respondents were asked to address the Potassium Phosphate and Sodium Phosphate issue.

Ms. Douthard indicated that the initial complaint involved a dispensing error where Sodium Phosphate was dispensed instead of Potassium phosphate. Ms. Douthard stated that an error was made and corrected.

Dr. Musil asked about the formulations of the K-Phos. Ms. Douthard stated that they discovered that the inpatient and outpatient pharmacy were compounding the medications differently. Ms. Douthard stated that they now have identical formulations for the inpatient and retail pharmacy.

Ms. Douthard stated that there appeared to be an issue with changing the millimoles. Ms. Douthard stated that they have a program that will have order sets built for all potassium products. Ms. Douthard stated that order sets have also been written for calcium and iron ions.

Dr. Musil stated that he believes better communication channels have been opened between the two pharmacies.

Mr. Van Hassel stated that he feels that there has been a major change and improvements to providing patient care.

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board unanimously agreed to issue an advisory letter to the pharmacist in charge concerning his responsibilities to ensure that policies and procedures are followed.

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

President McAllister opened the discussion by stating the Board Members would review all the complaints on schedule R.

#### **Complaint #4357**

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

#### **Complaint #4387**

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

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

#### **Complaint #4388**

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

#### **Complaint #4390**

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

#### **Complaint #4391**

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

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

**Complaint #4392**

**On motion by Mr. McAllister and seconded by Ms. Rosas**, the Board unanimously agreed to ask the pharmacy technician to appear for a conference.

**Complaint #4396**

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

**Complaint #4397**

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

**Complaint #4398**

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

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

**Complaint #4400**

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

**Complaint #4401**

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

The complainant addressed the Board to express his concerns about the complaint.

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

**Complaint #4407**

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

**Complaint #4410**

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to hold a telephonic meeting to summarily suspend the pharmacist's license.

## **AGENDA ITEM 17 – Wells Pharmacy – Case 14-0019-PHR**

President McAllister stated that representatives were present from Wells Pharmacy to request that the Board reconsider their decision concerning Case 14-0019-PHR.

The following representatives were present from Wells Pharmacy:

1. Kris Fishman – VP of Operations
2. Travis Weaver – Director of QA/QI
3. Bryan Bailey – Legal Counsel for Wells Pharmacy

Mr. Bailey stated that Wells Pharmacy is requesting that the Board reconsider the consents offered to Wells Pharmacy. Mr. Bailey stated that the Board inspectors noted several deficiencies when they inspected the pharmacy in Ocala. Mr. Bailey stated that they were offered two different consents by the Arizona Board. Mr. Bailey stated that have proposed an alternative consent agreement where no probation would be imposed. Mr. Bailey stated that Wells Pharmacy holds permits in other states and disciplinary action may be imposed by other states.

Mr. Bailey stated that they have addressed the deficiencies and the pharmacy was inspected by NABP in December. Mr. Bailey stated that the Texas Board accepted the NABP inspection for licensure in their state.

Dr. Musil stated that he had concerns because the inspection noted significant deviations that did not comply with Arizona law.

Dr. Musil asked about the pharmacy not following their operating procedures. Mr. Weaver stated that the individual involved in the incident where there was a breach of demarcation was disciplined. Mr. Weaver stated that the scenario was not a common occurrence.

Mr. Bailey stated that Wells pharmacy does not dispute the findings and take the findings seriously. Mr. Bailey stated that they acted promptly to correct the findings.

Mr. Kennedy stated that the initial findings involved FDA findings and our compliance officers noted several discrepancies.

**On motion by Mr. Kennedy and seconded by Ms. Locnikar**, the Board unanimously agreed to offer Wells Pharmacy the same consent agreement that was offered to them originally. If not signed, the case would proceed to Hearing.

## **AGENDA ITEM 18 – Janice Erickson – License Application Withdrawal**

President McAllister stated that the applicant was present to address the Board. William Stilling, Legal Counsel, for Ms. Erickson was also present.

Mr. Lee explained the term pro hac vice for the Board Members. Mr. Lee explained that since Mr. Stilling is not admitted to the Bar in Arizona that he could vouch for Mr. Stilling and allow him to address the Board. Mr. McAllister stated that he also knows Mr. Stilling. Dr. Musil also noted that Roger Morris could vouch for Mr. Stilling.

**On motion by Mr. Van Hassel and Dr. Musil**, the Board approved to allow Mr. Stilling to appear per Pro Hac Vice.

Mr. Stilling stated that in 2013 Ms. Erickson applied for a pharmacist license and the Board denied her application because she surrendered her pharmacy DEA license. Mr. Stilling stated that the Utah Board was investigating the case at the time. Mr. Stilling stated that a Letter of Concern was sent to Ms. Erickson to close the case and the letter is a protected document under Utah law. Mr. Stilling stated that this was not a disciplinary action.

Mr. Stilling stated that they are requesting that the Board rescind their motion and allow Ms. Erickson to withdraw her application. Mr. Stilling stated that Ms. Erickson does not need an Arizona license because Arizona law has changed.

Mr. McAllister stated that the Board rescinded the law that requires a non-resident pharmacy to have an Arizona licensed pharmacist in charge.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to rescind their decision to allow Ms. Erickson to withdraw her application, rescind the denial of her application, and allow her to withdraw the application.

### **AGENDA ITEM 19 – Five Year rule Review – Articles 7, 9, 10**

President McAllister asked Ms. Sutcliffe and Mr. Wright to address this item.

Mr. Wright stated that the Board must review rules every five years. Mr. Wright stated that the Board needs to review Articles 7, 9, and 10 and submit the review by July 2015.

Mr. Wright stated that if the Board has any comments they would need to submit the comments to the Board Staff prior to July.

### **AGENDA ITEM 20 – June Board Meeting Date**

President McAllister opened the discussion concerning the Board Meeting Date for June. Mr. McAllister indicated that he had a conflict and would like to change the date.

Mr. McAllister stated that the Meeting would have been held in Tucson at the convention. Mr. McAllister stated that he is asking if the Board Members would agree to hold the meeting in Phoenix on Wednesday, June 24, 2015.

**On motion by Mr. Minkus and seconded by Ms. Rosas**, the Board unanimously agreed to hold the meeting on June 24, 2015 at the office.

### **AGENDA ITEM 23 – Call to the Public**

President McAllister 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.

Dan Luce and Roger Morris had both come forth to thank Hal Wand for his leadership and work and wish him well on his retirement.

### **AGENDA ITEM #24 –Future agenda Items**

Mr. Van Hassel asked to discuss the medical marijuana cards.

Ms. Locnikar asked if the issue of pending charges could be placed on the applications.

**On motion by Dr. Musil and seconded by Mr. Kennedy**, at 3:30 P.M., the Board unanimously agreed to go into Executive Session to conduct an interview for the Executive Director position.

### **AGENDA ITEM 1 – Call to Order – March 26, 2015**

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

The following Board Members were present: President Dennis McAllister, Vice President John Musil, William Francis, Darren Kennedy, Kyra Locnikar, Reuben Minkus, Tom Van Hassel, and Michael Blaire. The following staff members were present: Compliance Officers Tom Petersen, Sandra Sutcliffe, Karol Hess, Steve Haiber, and Dennis Waggoner, Drug Inspector Melanie Thayer, CSPMP Director Dean Wright, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

### **AGENDA ITEM 9 – Peter Steinken – Case 15-0018-PHR**

President McAllister stated that Mr. Steinken would like the Board to reconsider their decision concerning Case 15-0018-PHR.

Mr. Steinken stated that he received a consent agreement for a one year suspension and would like the Board to reconsider the time that he had not been working as a pharmacist since he did not practice due to pending legal issues.

Mr. Steinken indicated that he was employed with the Indian Health Services and had taken medication from the pharmacy due to his addiction. Mr. Steinken stated that he went to rehab and when he was discharged he moved to Arizona in 2013. Mr. Steinken stated that he assumed that everything was okay. Mr. Steinken stated that he was hired at Walgreens and was terminated due to his legal issues.

Mr. Steinken stated that he was working on his recovery and did take a low dose of suboxone and he never relapsed while on the medication.

Mr. Steinken stated that in September of 2014 he signed up for the PAPA program and had an assessment with Dr. Pickens. Mr. Steinken stated that he wanted to stay on a low dose of suboxone. Mr. Steinken stated he signed a PAPA agreement on November 17, 2014. Mr. Steinken stated that he went for a 10 day detox program and has not been on suboxone since that time. Mr. Steinken stated that he is asking the Board to start his suspension from the date he signed his PAPA contract.

Mr. McAllister asked Mr. Steinken if he had signed his consent agreement. Mr. Steinken indicated that he had not signed the consent agreement. Mr. McAllister stated that his suspension does not start until he signs the agreement.

Dr. Musil noted that Mr. Steinken was convicted for dextroamphetamine and suboxone is an opiate substitution.

Mr. Steinken stated that he has an issue with opiates. Mr. Steinken stated that he self-medicated with the dextroamphetamines.

Mr. Van Hassel stated that if we change the date on his contract it may set a precedent for others to ask the Board to change the date on their contracts.

**On motion by Ms. Locnikar and seconded by Mr. Francis,** the Board agreed to modify his Consent Agreement to indicate that the effective date of the Consent Agreement would be November 17, 2014. There was one nay vote by Mr. Van Hassel.

#### **AGENDA ITEM 21 – John Tomkins – Case 14-0015-PHR**

**On motion by Dr. Musil and seconded by Mr. Kennedy,** the Board agreed to meet in Executive Session to obtain legal advice. The Board returned from Executive Session and the regular meeting resumed.

Mr. Lee stated that the Board had received a letter from Mr. Tomkins indicating that he would like to appeal the charges. Mr. Lee stated that the Board would need to decide if the letter was an appeal and if the Board was willing to rehear or review the case. Mr. Lee listed the various reasons why the Board would consider a rehearing or a review of the case.

**On motion by Dr. Musil and seconded by Mr. Francis,** the Board unanimously agreed to deny the request by Mr. Tomkin for a rehearing or review of the Order entered in this case.

#### **AGENDA ITEM 22 – Motions to Deem/Hearings**

##### **1. Carrie Gioia**

President McAllister 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 Carrie Gioia, Pharmacist, S013712, Case 15-0010- PHR. President McAllister asked if the licensee (Carrie Gioia) was present. The licensee (Carrie Gioia) was not present.

President McAllister asked if the Assistant Attorney General would like to address the Motion To Deem. Mr. Lee stated that a Notice was sent on February 12, 2015 and there was no response from Ms. Gioia. Mr Lee stated that the Hearing was vacated. Mr. Lee stated that there were two incidents that involved Ms. Gioia. Mr. Lee stated that the first incident of theft occurred in May at the CVS Pharmacy and Ms. Gioia's employment was terminated. Mr. Lee stated that the second incident occurred at the Safeway Pharmacy where Ms. Gioia reported to work impaired. Mr. Lee stated that Ms. Gioia tested positive for controlled substances on her screen. Mr. Lee stated that Safeway did an audit and was missing over 12,000 doses of controlled substance medications. Mr. Lee stated that Ms. Gioia did not respond to the Notice of

Hearing and would recommend that the Board deem the allegations. Mr. Lee stated that revocation of her pharmacist license would be appropriate

President McAllister 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. Van Hassel and seconded by Mr. Francis,** the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

**On motion by Mr. Francis and seconded by Mr. Kennedy** the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact.

**On motion by Mr. Francis and seconded by Mr. Kennedy,** the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law.

President McAllister asked Mr. Lee if he has any comments or recommendations as to the appropriate discipline to be imposed. Mr. Lee stated that the state recommends that the license be revoked.

**On motion by Dr. Musil and seconded by Mr. Minkus,** the Board unanimously agreed to revoke the Pharmacist License, S013712, issued to Carrie Gioia. A roll call vote was taken. (Mr. Francis – aye, Ms. Locnikar – aye, Mr. Blaire – aye, Mr. Minkus – aye, Mr. Van Hassel – aye, Mr. Kennedy – aye, Dr. Musil – aye, and Mr. McAllister – aye)

## **2. Samuel McCord**

President McAllister 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 Samuel McCord, Pharmacy Technician, T027723, Case 15-0011-PHR.

President McAllister asked if the licensee (Samuel McCord) was present. The licensee (Samuel McCord) was not present.

President McAllister asked if the Assistant Attorney General would like to address the Motion To Deem. Mr. Lee stated that a Notice of Hearing was sent to Mr. McCord in February of 2015. Mr. Lee stated that Mr. McCord did not respond by March 19, 2015. Mr. Lee stated that the State is requesting that the Board vacate the Hearing and deem allegations. Mr. Lee stated that the respondent had been working at CVS. Mr. Lee stated that the respondent admitted to the theft of 1,900 tablets. Mr. Lee stated that when the pharmacy audited the medication there were 10,000 doses missing at a cost of \$10,000. Mr. Lee stated that the State is asking that the allegations be deemed as the respondent failed to respond to the Notice of Hearing.

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

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

**On motion by Mr. Francis and seconded by Mr. Kennedy**, the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact.

**On motion by Mr. Kennedy 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 McAllister asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Mr. Lee stated that the State would recommend revocation of the license.

**On motion by Mr. Francis and seconded by Ms. Locnikar**, the Board unanimously agreed to revoke the Pharmacy Technician license, T027723, issued to Samuel McCord. A roll call vote was taken. (Mr. Francis – aye, Ms. Locnikar – aye, Mr. Blaire – aye, Mr. Minkus – aye, Mr. Van Hassel – aye, Mr. Kennedy – aye, Dr. Musil – aye, and Mr. McAllister – aye)

### **3. Lacy Brewer**

President McAllister 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 Lacy Brewer, Pharmacy Technician, T020422, Case 15-0013-PHR.

President McAllister asked if the licensee (Lacy Brewer) was present. The licensee (Lacy Brewer) was not present.

President McAllister asked if the Assistant Attorney General would like to address the Motion To Deem. Mr. Lee stated that the State is asking the Board to vacate the Hearing and deem the allegations. Mr. Lee stated that the Notice of Hearing was sent to the respondent on February

12, 2015 and no response was received. Mr. Lee stated that the respondent was observed on video stealing controlled substances. The pharmacy conducted an audit and found over 2,100 various controlled substance tablets were missing.

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

**On motion by Dr. Musil and seconded by Mr. Kennedy,** the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

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

**On motion by Mr. Francis and seconded by Mr. Minkus** the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law.

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

Mr. Lee stated that due to the violations and the failure to respond to the Notice the State would recommend the license be revoked.

**On motion by Dr. Musil and seconded by Mr. Van Hassel,** the Board unanimously agreed to revoke the Pharmacy Technician license, T020402, issued to Lacy Brewer. A roll call vote was taken. (Mr. Francis – aye, Ms. Locnikar – aye, Mr. Blaire – aye, Mr. Minkus – aye, Mr. Van Hassel – aye, Mr. Kennedy – aye, Dr. Musil – aye, and Mr. McAllister – aye)

### **AGENDA ITEM 23 – Call to the Public**

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

No one came forth to address the Board.

**On motion by Dr. Musil and seconded by Mr. Francis,** the Board unanimously agreed to go into Executive Session to conduct interviews for the Executive Director position.