



**Arizona State Board of Pharmacy**

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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING JUNE 24, 2015  
MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – June 24, 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, Michael Blaire, William Francis, Darren Kennedy, Kyra Locnikar, Reuben Minkus, and Kristen Snair. The following Board Member was not present: Tom Van Hassel. 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 Kamlesh Gandhi, Deputy Director Cheryl Frush, and Assistant Attorney General Jeanne Galvin.

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

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule L, Special Request for Natalee King.

**AGENDA ITEM 3– Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Musil and seconded by Mr. Francis**, the Board Members unanimously approved the minutes for the Regular Meeting held on May 27, 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 Dr. Musil and seconded by Mr. Francis**, 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>
Banner Payson Medical Center	807 S. Ponderosa St., Payson, AZ 85541 (O)	Banner Health
Holy Cross Hospital and Health Center	1171 W. Target Range Rd., Nogales, AZ 85621 (O)	HCH Tucson Holdings, LLC
St. Mary’s Hospital Pharmacy	1601 W. St. Mary’s Rd., Tucson, AZ 85745 (O)	SMSJ Tucson Holdings, LLC
St. Joseph’s Hospital Pharmacy -Tucson	350 N. Wilmot Rd., Tucson, AZ 85745 (O)	SMSJ Tucson Holdings, LLC
Genoa, a QoL Healthcare Company, LLC	121 W. 2 <sup>nd</sup> St., Casa Grande, AZ 85155	Genoa, a QoL Healthcare Company, LLC
K-Mart Pharmacy #3695	2011 East Fry Blvd., Sierra, Vista, AZ 85635 (O)	Kmart Operations, LLC

(O) = Ownership Change

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

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

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Rx Care of Lady Lake, Inc.	725 County Rd. #466 , Lady Lake, FL 32159	Rx Care of Lady Lake, Inc.
Hueneme Family Pharmacy	248 E. Scott St., Port Hueneme, CA 93041	Jeffrey White
DMR Pharmacy	433 Kings Highway, Brooklyn, NY 11223	Andrey Kudrevich
Hopkinton Drug, Inc.	52 Main St., Hopkinton, MA 01748	Hopkinton Drug, Inc.
Express Care Pharmacy	905 Medical Center Dr., Ste. B, Arlington, TX 76012	Aemad Aslam
Ed Pharma LLC	123 Columbia Dr., Ste. #E, Marshalls Creek, PA 18335	Ed Pharma LLC
CareZone Pharmacy	860 Harbour Way S., Suite E, Richmond, CA 94804	CZ Services, Inc.
Inventive Infusion Solutions	18866 Stone Oak Pkwy, Ste. 101A , San Antonio, TX 78258	Jeremy Davita
Dashwood Pharmacy, LLC	1300 W. Walnut Hill Ln., Ste. 163, Irving, TX 75038	Dashwood Pharmacy, LLC
TMT International Pharmaceutical Corp.	7921 Westminster Blvd., Westminster, CA 92683	TMT International Pharmaceutical Corp.
Simple Meds, LLC	6862 Hillside Ct., Indianapolis, IN 46250	Simple Meds, LLC
Volunteer Pharmacy	10420 Kingston Pike, Suite M, Knoxville, TN 37922	Camilla Frost

**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>
Liberty Medical Supply	2157 Apperson Dr., Salem, VA 24153 (O)	Liberty Medical Holdings, LLC
Liberty Medical Supply	8881 Liberty Lane, Port Saint Lucie, FL 34952 (O)	Liberty Medical Holdings, LLC
AnazaoHealth	5710 Hoover Blvd., Tampa, FL 33634	Coast Quality Pharmacy, LLC
R & O Pharmacy, LLC	651 Via Alondra #708 & #709, Camarillo, CA 93012	R & O Pharmacy, LLC
Script Specialists	1922 Hwy 22 W, Ste. B, Madisonville, LA 70447	Glen Gegenheimer
Spectra Specialty Pharmacy #2	1100 Jackson St., Richmond, TX 77469	Lifecheck, Inc.
Armour Pharmacy	375 E. Elm St., Suite 110, Conshohocken, PA 19428	Armour Pharmaceutical Solutions, LLC
Southside Infusion	7700 Main, Ste. 210, Houston, TX 77030	HDK Enterprises, Inc
Priceline Pharmacy, LLC	11811 FM 1960, Ste. 198, Houston, TX 77065	Priceline Pharmacy, LLC
Annie's Apothecary #2	1228 Bandera Hwy., Kerrville, TX 78028	Grasso Enterprises, LLC
Alegria Pharmacy Services	290 Plandome Rd., Manhasset, NY 11030	Manhasset Park Drug Corp.
Cypress Compounding Pharmacy	9511 Huffmeister Rd., Ste. 104, Houston, TX 77095	NERxD, LLC
MedicoRx Specialty Pharmacy	7039 Valijejan Ave., Van Nuys, CA 91406	MedicoRx Specialty Pharmacy
Jay Pharmacy of Jay Fla, Inc.	14088 Alabama St., Jay, FL 32565	Jay Pharmacy of Jay Fla, Inc.
Precision Pharmacy, Inc.	2711 Merrick Pharmacy, Bellmore, NY 11710	Precision Pharmacy, Inc.
Good Care Pharmacy, Inc.	232-A Sherman Ave., New York, NY 10034	Good Care Pharmacy, Inc.
AnazaoHealth Corporation	7465 W. Sunset Rd., Suite 1200, Las Vegas, NV 89113	AnazaoHealth Corporation
Ne2, LLC	20410 Observation Dr., Germantown, MD 20876	Atlantis Pharmaceutical, LLC

**(O) = Ownership Change**

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

**RESIDENT WHOLESALER PERMITS**

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Salus Medical (Full Service)	2501 W. Behrend Dr., Phoenix, AZ 85027	Salus Medical, LLC
LLC Wholesale Supply, LLC (Full Service)	1829 W. Drake Dr., Suite 102, Tempe, AZ 85283 (O)	CRJJ Holdings Corporation

(O) = Ownership Change

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

**NON-RESIDENT WHOLESALER PERMITS**

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Med-Prodistributors, LLC (Full Service)	3415 Westinghouse Blvd., Suite 14, Charlotte, NC 28273	Med-Prodistributors, LLC
BTW Solutions, LLC (Non-Prescription)	1401 SE Walton Blvd., Ste. 201, Bentonville, AR 72712	BTW Solutions, LLC
Outdate Rx LLC (Full Service)	390 Alabama St., Suite A, Redlands, CA 92373	Outdate Rx, LLC
Alpine Wellness, Inc. (Full Service)	3650 68 <sup>th</sup> St., Unit B, Urbandale, IA 50322	Alpine Wellness, Inc.
ProPharma Distribution, LLC (Full Service)	4488 Georgia Rd., Franklin, NC 28734	ProPharma Distribution, LLC
Alexso, Inc. (Full Service)	2317 Cotner Ave., Los Angeles, CA 90064	Alexso, Inc
Hilco (Full Service)	33 W. Bacon St., Plainville, MA 02762 (O)	The Hilsinger Company
BioRx (Full Service)	7167 E. Kemper Rd., Cincinnati, OH 45249 (O)	BioRx

(O) = Ownership Change

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

**RESIDENT MANUFACTURER PERMITS**

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Sina Health, Inc.	10769 N. Frank Lloyd Wright Blvd. Suite A-110, Scottsdale, AZ 85259	Sina Health, Inc.

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

**NON-RESIDENT MANUFACTURER PERMITS**

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Qualgen, LLC	14844 Bristol Park Blvd., Edmond, OK 73013	Qualgen, LLC
United Therapeutics Corporation	55 TW Alexander Dr., Durham, NC 27703	United Therapeutics Corporation
Mayne Pharma	5440 Martin Luther King Jr. Blvd., Greenville, NC 27834	Metrics, Inc.
Winder Laboratories, LLC	5923 Balfour Dr., Carlsbad, CA 92008	Winder Laboratories, LLC
MediStat	110 E. Azalea Ave., Foley, AL 36535	Mark Acker

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

The Board approved the 36 New Pharmacist Licenses listed on the attachments.

**4. (8) – New Interns – Schedule H**

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

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

The Board approved the 445 New Pharmacy Technicians listed on the attachments.

**4. (10) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule J**

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

Acosta, Flavia Denisse	Hakizimana, Edward	Posada, Angelica Bernal
Aranda, Melissa Janet	Hernandez, Stephanie	Robinson, April
Austin, Arthur Johnathan	Holguin, Hector Jesus	Rodriguez, Angelica Paulina
Benner, Kimberley Helen	Husfelt, Lindsey J.	Sellers, Sarah Elizabeth
Briggs, Jessica Rose	Kesitilwe, Kutlo	Shah, Himani
Bui, Thanh Van	Lira, Belen	Solbes, Jennifer Marie
Bustillos, Jovany	Martinez, Zaira	Soza, Raeanna Rene
Celaya, Ramon Fonseca	Mercado, Asanette	Stone, Sean Levi
Christodoulou, Anna Marie	Mish, Diane Irene	Susich, Chayne Zander
Clutter, Abel James	Montgomery, Derrick I.	Takhtay, Savannah L.
Colliatie, Mandy Jo	Moore, Jenny Irene	Taylor Jr., Rodrick Dwayne
Dominguez, Destiny Bianca	Muller, Nadia Paula-Monique	Varela, Zury Arely
Esquer, Ertley Beltran	Osornio, Claudia Denise	Vargas, Rosa
Ghim, Derrick GleeHwan	Palmer, Kimberly Christine	Vemuri, Saritha
Grana, Andrea Marie	Parekh, Sangita	Wasser, Lauren
Griswold, Linda Marie	Parkins, Heather Nichole	
Gumabon, Serena Pangelinan	Pedrego, Clarisa Rosario	

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

### **1. AllergyRx**

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

The following individuals were present:

1. Daniel Dee – Pharmacist in Charge
2. Stuart Agren, MD – Owner
3. Melissa Ferrell –Nurse Practitioner

Dr. Gandhi swore in the applicants.

Mr. McAllister asked the applicants to describe their business model. Dr. Agren stated that allergy extracts are provided to physicians. Dr. Agren stated that this pharmacy would be separate from his clinic. Dr. Agren stated that his clinic is AllergyEasy.

Mr. McAllister asked the applicants how the patient obtains the extract. Mr. Dee stated that the physician would submit the prescription to the pharmacy probably via fax. Mr. Dee stated that the pharmacy would build a profile for the patient, fill the prescription, bill the patient, and mail the prescription to the patient.

Ms. Ferrell stated that the first dose would often be given to the patient at the provider's office. Ms. Ferrell stated that the provider could request that the medication be sent to their office for the patient. Ms. Ferrell stated that if the patient is in a rural area the extract could be sent to the patient's house with dosing instructions. Ms. Ferrell stated that the physician could choose to have the extract sent to the patient or to the clinic.

Mr. McAllister asked if everything would be patient specific. Mr. Dee stated that everything would be patient specific.

Dr. Musil asked what vehicle would be used in formulating the drops. Ms. Ferrell stated that the mixture would be 50% glycerin and 50% allergen.

Dr. Musil asked about the beyond use date. Mr. Dee stated that they would be using a 6 month date. Dr. Musil indicated that they should check USP 795 regulations to ensure the beyond use date is correct.

Mr. Blaire asked if the medication is delivered to the patient is there supplemental information. Ms. Ferrell stated that the vial is labeled. Ms. Ferrell stated that it is an 8 vial buildup. Ms. Ferrell stated that all dosing instructions are enclosed. Ms. Ferrell stated that adverse effect information is enclosed. Ms. Ferrell stated that the instructions also tell the patient how to store the medication.

Dr. Musil asked if the first dose is given at the clinic does the patient walk in and is given the injection. Ms. Ferrell stated that the patient is issued a prescription after being evaluated and the first dose would be administered after the patient or the clinic receives the medication from the pharmacy.

Dr. Agren stated that the extracts are extremely safe and the patients have very few adverse reactions.

Dr. Gandhi asked about the shipment of the temperature sensitive products. Ms. Ferrell stated that the products are shipped overnight. Ms. Ferrell stated that they do not ship the product on Thursday or Friday due to the carriers not delivering on the weekends. Ms. Ferrell stated that the product is labeled to refrigerate when received. Ms. Ferrell stated that they can put cooling ice packs in with the medications.

Dr. Gandhi asked what would happen if the patient declares that they never received the medication. Mr. Dee stated that they would check with FedEx to see if the package was delivered. Mr. Dee stated that they would replace the medication with no further charge.

Dr. Musil asked the applicants to describe the starter kit. Ms. Ferrell stated that the starter kit consists of eight vials with an increase in concentration.

Dr. Musil asked if the starter kits are patient specific. Ms. Ferrell replied yes. Ms. Ferrell stated that the prescriber would write a prescription for the patient to obtain from AllergyEasy.

## **2. Green Pharmacy**

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

**Thu Kim Ho, Owner and Pharmacist in Charge**, was present to answer questions from Board Members.

Dr. Gandhi swore in the applicants.

President McAllister opened the discussion by asking Ms. Ho to describe her pharmacy business model.

Ms. Ho stated that her pharmacy would be a traditional pharmacy and she would stock OTC medications. Ms. Ho stated that she would give immunizations. Ms. Ho stated she plans to compound basic medications such as Miracle Mouthwash. Ms. Ho Stated that she plans to offer diabetic and hypertension programs to the senior population. Ms. Ho stated that she also plans to offer HIV programs. Ms. Ho stated that she would be the full-time pharmacist. Ms. Ho stated that she plans to hire a part-time pharmacist and two technicians. Ms. Ho stated that the pharmacy would be open 7 days a week.

Dr. Musil asked Ms. Ho where she would do the compounding. Ms. Ho stated that she would be compounding on the counter near the drop off window and near the sink.

Dr. Musil asked Ms. Ho if she has a training program for the technicians if they are going to compound medications. Ms. Ho stated that she would have the technicians take a compounding course. Ms. Ho stated that she has not developed a training manual yet.

Dr. Gandhi asked Ms. Ho how long she has been a pharmacist. Ms. Ho stated that she has been a pharmacist since 2008.

Dr. Gandhi asked Ms. Ho to describe her work background. Ms. Ho stated that she works for Walgreens and has been a pharmacy manager.

### **3. PhxRx, LLC**

President McAllister stated that a representative from PhxRx was present to answer questions from Board Members.

**Christopher Mach, Pharmacist in Charge**, was present to answer questions from Board Members.

Dr. Gandhi swore in the applicant.

President McAllister opened the discussion by asking Mr. Mach to describe his business model. Mr. Mach stated that the pharmacy is a specialty pharmacy specializing in Hep C medications. Mr. Mach stated that their corporate office is in Texas and this pharmacy site would be a dispensing satellite.

Mr. McAllister asked Mr. Mach about his background. Mr. Mach stated that he has been a pharmacist for 20 years. Mr. Mach stated that he has worked in the infusion pharmacy industry. Mr. Mach stated that he worked for Acaria Health and then went to work for BioCure and last year accepted the position as Director at BioCure.

Mr. McAllister asked Mr. Mach if the prescriptions are mailed to the patients. Mr. Mach stated that 90% of the prescriptions would be mailed to the patients. Mr. Mach stated that they would be applying for non-resident permits in other states so that they could ship from the Tempe site.

Dr. Musil asked about the IV suite. Mr. Mach stated that if a local patient needed an infusion they could come to the infusion suite and a nurse would administer the infusion. Mr. Mach stated that the pharmacy would not be doing any sterile or non-sterile compounding.

Dr. Musil asked Mr. Mach if reconstitution is sterile compounding. Mr. Mach stated that the nurse would do the reconstitution in the IV suite.

Dr. Musil stated that the floorplans indicate that the IV suite is part of the pharmacy and there is no hood or ante room.

Mr. Mach stated that the pharmacy is the back two rooms. Mr. Mach stated that there are drugs stored in the suite and the room would be locked off from the rest of the space.

Dr. Musil stated that the whole space is licensed as the pharmacy. Mr. Mach stated that they could scrap the IV suite at this time.

Mr. McAllister stated that Mr. Mach could withdraw his application and clarify the floor plans and appear at the next meetings. Mr. Mach withdrew the application.

#### **4. Sunwest LTC Pharmacy**

President McAllister stated that a representative from Sunwest LTC Pharmacy was present to answer questions from Board Members.

**Joshua Walden, Pharmacist in Charge**, was present to answer questions from Board Members.

President McAllister opened the discussion by stating this is an existing pharmacy with a change in ownership.

Mr. McAllister asked Mr. Walden to discuss the nature of their business. Mr. Walden stated that the pharmacy provides medications to long term care facilities and residential sites. Mr. Walden stated that they fill and deliver medications to the sites.

Mr. Minkus asked how many deliveries they do daily. Mr. Walden stated that they have six vehicles that deliver medications from 6:00 A.M. to 6:00 P.M. daily and they often have on-call deliveries. Mr. Walden stated that they do roughly 80 deliveries a day.

Mr. McAllister asked Mr. Walden if the owner is a non- pharmacist. Mr. Walden stated that the new owner was a member of the marketing team and has decided to become the owner of the pharmacy.

Dr. Gandhi asked if the owner has an office located in the pharmacy. Mr. Walden stated that the owner will not enter the pharmacy unless a pharmacist is present.

#### **5. Jameson Rx, LLC**

President McAllister stated that a representative from Jameson Rx, LLC was present to answer questions from Board Members.

**Kristen Meyer, Pharmacist in Charge**, was present to answer questions from Board Members. Roger Morris, Legal Counsel for Jameson Rx, LLC, was also present.

Dr. Gandhi swore in the applicant.

President McAllister opened the discussion by asking Ms. Meyer to describe her business model.

Ms. Meyer stated that they would be a community pharmacy with a focus on compounding. Ms. Meyer stated that they would be compounding dermatology products.

Dr. Musil asked where the compounding would occur. Ms. Meyer stated that the compounding would occur in the area that states main compounding room.

Dr. Musil asked about the counter space in the main compounding room. Ms. Meyer stated that counter space is located along the periphery of the room and there will also be a sink in the room.

Dr. Musil stated that the counter space is not accurately reflected on the floor plan. Dr. Musil asked if there are any other changes not noted on the floor plan. Ms. Meyers stated that there have been counters and sinks added to the room. Dr. Musil stated that the sinks are not marked on the floorplans.

Dr. Musil asked who would be doing the compounding. Ms. Meyer stated that one technician would be doing the compounding.

Mr. McAllister stated that an opening inspection is required prior to the pharmacy opening.

Mr. Minkus indicated that the submitted floorplan should reflect what the pharmacy space would look like when completed.

## **6. Serve n Save Pharmacy**

President McAllister stated that a representative from Serve n Save Pharmacy was present to answer questions from Board Members.

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

Dr. Gandhi swore in the applicant.

President McAllister opened the discussion by asking the Mr. Male to describe the nature of his pharmacy business. Mr. Male stated that they would be a small retail and compounding pharmacy. Mr. Male stated that they would also give vaccinations.

Mr. McAllister asked where the compounding would take place in the pharmacy. Mr. Male stated that the compounding would take place on the counter between the drop-off window and the sink.

Mr. Kennedy asked where you enter the pharmacy. Mr. Male stated that there is a door next to the pick-up window.

Mr. Kennedy asked about the staffing. Mr. Male stated that his partner is also a pharmacist and they would be working at the store. Mr. Male stated that they would be hiring one technician.

Mr. Kennedy asked if they would be doing any compounding. Mr. Male stated that they would be compounding non-sterile products.

Mr. Minkus asked about the storage area. Mr. Male stated that the storage room would be used to store extra vials and labels. Mr. Male stated that all drugs would be stored in the locked pharmacy area.

Mr. Blaire asked Mr. Male if they had a designated area on the floorplan for giving immunizations.

Mr. Male stated that he would be setting up a cubicle next to the drop off window and he would be giving the immunizations in the cubicle.

## 7. Cordes Lakes Pharmacy

President McAllister asked if a representative from Cordes Lakes Pharmacy was present. No one came forth to address the Board.

The Board decided to table the application until the applicants can appear.

## RESIDENT PHARMACY PERMITS

**On motion by Mr. Francis and seconded by Ms. Locnikar**, the Board unanimously approved the following resident pharmacy applications listed below pending final inspection.

### RESIDENT PHARMACY PERMITS – Schedule K

Pharmacy	Location	Owner
Allergy Rx	3960 E. Palm St., Bldg. 5, Mesa, AZ 85215	Stuart Agren, MD
Green Pharmacy	5523 E. Grant Rd., Tucson, AZ 85712	Thu Kim Ho

**RESIDENT PHARMACY PERMITS – Schedule K - Continued**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Jameson Rx, LLC	3800 W. Ray Rd., #5, Chandler, AZ 85226	Jameson Rx. LLC
Serve and Save	5523 E. Grant Rd., Tucson, AZ 85712	Thu Kim Ho
Sunwest LTC Pharmacy	1300 N. 12 <sup>th</sup> Ste. , Phoenix, AZ 85006 (O)	Sunwest Group, Inc.

(O) = Ownership Change

**AGENDA ITEM 6 – Special Requests**

**#1 Natalee King**

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

**Natalee King** appeared on her own behalf to request to terminate her probation per Board Order 10-0053-PHR. Deb Marcum and Kelly Ridgway, with the PAPA program, were also present.

Vice President Musil opened the discussion by asking Ms. King why she was appearing in front of the Board. Ms. King stated that she is requesting that the Board remove her probation.

Dr. Musil asked Ms. King to describe her journey. Ms. King stated that when she entered PAPA she was in a really bad place. Ms. King stated that she has learned a lot of life lessons. Ms. King stated that she attends 3 meetings a week.

Dr. Musil asked Ms. King if she sponsors anyone. Ms. King stated that she does not currently sponsor anyone.

Dr. Musil asked Ms. King if she is currently working. Ms. King stated that she has worked at Safety Drug for the last 4 years.

Dr. Musil asked Ms. King if she felt that PAPA was a valuable program. Ms. King stated that the counselors encourage you to talk about issues. Ms. King stated that she learned to open up and ask for help.

Dr. Musil asked if PAPA supports Ms. King's request. Ms. Ridgway stated that Ms. King has completed her requirements and PAPA is in support of her request.

**On motion by Mr. Francis and seconded by Ms. Locnikar**, the Board unanimously approved Ms. King's request to terminate her probation per Board Order 10-0053-PHR.

**AGENDA ITEM 7– License Applications Requiring Board Review – Schedule M**

**#1 Kimberly Wyant**

**Kimberly Wyant** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President McAllister opened the discussion by asking Ms. Wyant why she was appearing in front of the Board. Ms. Wyant stated that she appeared at the last meeting and was asked to fill out a new application and send in the information concerning her charges.

Dr. Musil asked Ms. Wyant if her charges were dropped. Ms. Wyant stated that her charges were adjudicated and dismissed 12 years ago. Ms. Wyant stated that she did not think that she had to disclose the dismissal and that is why she did not put the charges on her application.

Dr. Musil asked Ms. Wyant about her tampering with government records. Ms. Wyant stated that her and her husband had filled out a form for food stamps and his income was listed incorrectly. Ms. Wyant stated that both her and her husband were charged.

Mr. Blaire asked Ms. Wyant if she is currently working in a pharmacy. Ms. Wyant stated that she works at the pharmacy and if she gets her license she can work as a technician.

**On motion by Mr. Kennedy and seconded by Mr. Francis**, the Board agreed to approve Ms. Wyant's pharmacy technician trainee application.

**#2 Anthony Hill**

**Anthony Hill** appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Mr. Gandhi swore in the applicant.

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

Mr. Hill stated that he appeared at the last meeting and he is reapplying based on charges he had as a juvenile. Mr. Hill stated that he thought he did not have to disclose the expunged charges he had as a juvenile. Mr. Hill stated that the charges are not on his adult record.

Mr. Hill stated that he will be starting medical school in the fall of 2016.

Mr. Hill stated that he has been offered a pharmacy technician job in the CVS call center.

**On motion by Mr. Kennedy and seconded by Mr. Minkus**, the Board agreed to approve Mr. Hill's pharmacy technician trainee application.

**#3 Wesley Scott**

**Wesley Scott** appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

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

Mr. Scott stated at the last meeting the Board asked him to get a copy of the police report. Mr. Scott stated that he needs the pharmacy technician trainee license to be able to start the pharmacy technician program.

Dr. Musil indicated that the Board did not have enough information concerning the aggravated assault charge at the last meeting and the application was tabled. Dr. Musil stated that Mr. Scott has submitted the police report indicating the circumstances.

**On motion by Dr. Musil and seconded by Mr. Blaire**, the Board agreed to approve Mr. Scott's pharmacy technician trainee application.

**#4 Sheena Stockton**

**Sheena Stockton** appeared on her own behalf to request to reinstate her revoked Pharmacy Technician License.

Dr. Gandhi swore in the applicant.

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

Ms. Stockton stated that she would like the Board to reinstate her revoked pharmacy technician license. Ms. Stockton stated that when her license was revoked her life was in a downward spiral. Ms. Stockton stated that she went to a party one evening and the next day she was sent for a random drug screen. Ms. Stockton stated that she tested positive for marijuana. Ms. Stockton stated that she would like to prove to the Board that she has changed.

Mr. McAllister asked Ms. Stockton if she has had any trouble with the law since 2008. Ms. Stockton replied no.

Dr. Musil asked Ms. Stockton what she has done since that time. Ms. Stockton stated that she went to school and earned two degrees. Ms. Stockton stated that she has earned degrees in general studies and environmental sciences in 2011 and 2013.

Mr. McAllister asked Ms. Stockton how long she was a technician. Ms. Stockton stated that she worked as a technician for 2 years.

Mr. Kennedy asked Ms. Stockton if she has used any illegal substance such as marijuana since that time. Ms. Stockton replied no.

**On motion by Ms. Locnikar and seconded by Mr. Francis**, the Board unanimously agreed to reinstate the Pharmacy Technician license issued to Ms. Stockton.

### **AGENDA ITEM 8– Reports**

#### **Executive Director**

#### **Budget**

Dr. Gandhi reviewed the Budget with the Board Members.

#### **Equipment Upgrades**

Dr. Gandhi stated that funds were available and office equipment is being upgraded.

#### **Controlled Substance Monitoring Program Review**

Dr. Gandhi stated that new bills would require new health care agencies to report new licensures or renewals that require DEA licensure.

#### **Investigator 3 (Drug Inspector) Position**

Dr. Gandhi stated that the Drug Inspector position in the Tucson area has been approved and the position would be posted on the state employment site.

President McAllister stated that there should be an annual review of the Executive Director and he would like to place the item on the agenda for discussion.

#### **Deputy Director Report**

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

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

### **Pharmacy Violations**

1. Expired OTC and Rx products in Pharmacy -3
2. Hot water not working properly – 1
3. Personnel limit exceeded in pharmacy space - 1
4. Expired Immunization Certificate -1

### **Controlled Substance Violations**

1. Controlled Substance Overage -2
2. Controlled Substance Shortage - 2
3. Controlled Substance Inventory not available - 1
4. Hydrocodone products not inventoried -1
5. Tramadol not inventoried – 1

### **Documentation Violations**

1. Mechanical Storage Documentation - 2
2. Counseling Documentation - 1

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

1. Monitoring of Controlled Substances

## **AGENDA ITEM 9– Conferences – Schedule N**

### **Conference 1– Complaint #4396**

The following individuals were present to discuss the complaint:

1. Shawn Hartsock – Pharmacist- Respondent
2. Radikha Pasi – Pharmacy Supervisor – Witness
3. Carol Geisler – Legal Counsel for CVS – Witness

President McAllister asked Ms. Hess to give a brief overview of the complaint. Ms. Hess stated that the complainant received two different strengths of Valtrex in her bottle. Ms. Hess stated that the complainant returned the medication to the pharmacy and the error was corrected. Ms. Hess stated that the complainant stated that the pharmacy did not apologize for the error. Ms. Hess stated that the Pharmacist in Charge stated that from this point on the pharmacy would scan all stock bottles for prescriptions requiring multiple bottles to avoid repeating this error.

President McAllister asked Mr. Hartsock to address the complaint. Mr. Hartsock stated that the prescription was written for 90 tablets of Valtrex 1gm. Mr. Hartsock stated that the medication

comes in bottles of 30. Mr. Hartsock stated that the package is scanned to see that the right drug was pulled. Mr. Hartsock stated that one package of 30 was scan and the scan was correct. Mr. Hartsock stated that it is his practice to look inside the bottle. Mr. Hartsock stated that he did not notice that there were two different tablets in the bottle. Mr. Hartsock stated that now all bottles are scanned if multiple bottles are used to fill a prescription. Mr. Hartsock stated that if multiple bottles are used to fill the prescription he will pour the medication out on a tray to see that all tablets are the same.

Mr. McAllister asked how the tablets were mixed. Mr. Hartsock stated that the products are next to each other on the shelf. Mr. Hartsock stated that the bottles are similar in appearance. Mr. Hartsock stated that one bottle was scanned for accuracy and the other bottles were dumped into the 40 dram vial.

Mr. Kennedy asked about the training on scanning the bottles. Mr. Hartsock stated that they now scan each bottle and not just one bottle to obtain verification that they have the right product.

Mr. Kennedy asked if the company has a policy on scanning. Mr. Hartsock stated that at that time they did not have a policy and they did not scan each bottle all the time.

Ms. Pasi stated that there was a system upgrade which now allows for multiple scans.

Mr. Blaire asked if the stock bottles accompany the prescription to the verification pharmacist. Mr. Hartsock replied no.

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

### **Conference 2– Complaint #4392**

The following individuals were present to discuss the complaint:

1. Prutha Sanyasi – Pharmacy Technician- Respondent
2. Charles Curtis – Pharmacy Supervisor – Witness
3. Carol Geisler – Legal Counsel for CVS – Witness

President McAllister asked Ms. Hess to give a brief overview of the complaint. Ms. Hess stated that on 11/12/2014 the complainant was given another patient's medication for Lisinopril/HCTZ 20/12.5mg when she picked up her two prescriptions for Quetiapine Fumurate 400mg and Oxycarbazine 600mg. The complainant's prescriptions were new prescriptions that the pharmacy supervisor stated that the patient had in the past thus counseling would not be required. Ms. Hess stated that the complainant stated that she took the incorrect medication for 28 days. Ms. Hess stated that the complainant stated that she suffered from a lot of headaches and went to see her pain management doctor twice. Ms. Hess stated that the complainant stated that on 12/17/2014 she realized that the prescription she was taking for Lisinopril/HCTZ was for another patient. Ms. Hess stated that the two pharmacists that verified the prescriptions for each patient verified

the prescriptions correctly and bagged the prescriptions correctly. Ms. Hess stated that the pharmacy technician stated that the patient asked for three prescriptions. Ms. Hess stated that the pharmacy supervisor stated that the pharmacy technician failed to verify the birthdate and address on all three prescriptions.

President McAllister asked Ms. Sanyasi to address the complaint. Ms. Sanyasi stated that she told the patient that there were two medications ready and she is not able to say the name of the medications.

Mr. Curtis stated that the technician should ask for the date of birth because if the patients have names that are similar it would let the technician know that they have chosen the wrong patient.

Ms. Snair asked Ms. Sanyasi if the patient told her how many prescriptions she wanted to pick up. Ms. Sanyasi stated that she is not sure.

Ms. Sanyasi was asked to walk the Board Members through the process when a patient comes to the window to pick up a prescription. Ms. Sanyasi stated that she would ask the patient their name and pull the prescriptions. Ms. Sanyasi stated that she would find the address of the patient and ask for their birthdate. Ms. Sanyasi indicated that she would ask the patient if they would like to be counseled.

Mr. Curtis stated that the proper procedure would be to inform the patient that the prescription was a new prescription and the patient needs to speak with the pharmacist. Mr. Curtis stated that the prescription should then be taken to the pharmacist.

Dr. Musil asked if the system would show that the patient had three prescriptions to be picked up. Mr. Curtis stated that the system was off line or the system would have stopped her from selling the wrong prescription.

Ms. Locnikar asked Ms. Sanyasi what she thought happened. Ms. Sanyasi stated that she would find the patient's address to choose the patient. Ms. Sanyasi stated that she would also ask for the patient's phone number since some patient's do not update their address. Ms. Sanyasi stated that she would also ask for their birthdate.

Mr. Curtis stated that if the system was up it would have beeped and would not have let the scan go through for the incorrect prescription.

Ms. Locnikar asked how often the system goes offline. Mr. Curtis stated that the system does go offline. Mr. Curtis stated that if the system is offline the individual pulling the prescription should verify the name and birthdate.

Mr. Curtis indicated that they have retrained the employees at this store and other locations.

**On motion by Dr. Musil and seconded by Mr. Kennedy,** the Board unanimously agreed to issue Ms. Sanyasi a non-disciplinary advisory letter requiring her to complete 6 hours of CE on error prevention completed within 60 days of the receipt of the letter.

### **Conference 3– Complaint #4404**

The following individuals were present to discuss the complaint:

1. Sharon Huie – Pharmacist- Respondent
2. Rebecca Weber – Pharmacy Intern - Respondent
2. Bruce Beckwith – Pharmacy Supervisor – Witness
3. Carol Geisler – Legal Counsel for CVS – Witness

President McAllister asked Mr. Petersen to give a brief overview of the complaint. Mr. Petersen stated that the complainant requested a refill for his Leflunomide and received a bottle that contained two different medications and a sticker was on the bottle saying that one medication will appear different but they are the same medication. Mr. Petersen stated that the complainant stated that after taking the wrong medication for 5 days he became sick and experienced side effects. Mr. Petersen stated that the complainant identified the second medication as Letozole. Mr. Petersen stated that the pharmacy filled a 30 day supply of Leflunomide for the patient. Mr. Petersen stated that when the patient arrived at the pharmacy he requested a 90 day supply. In the process of correcting the prescription, the pharmacy stated that they filled the prescription with 30 tablets of leflunomide 20mg and 60 tablets of letrozole 2.5 mg. The pharmacist stated that she pulled the bottles from the shelf and handed them to the Intern to count. The pharmacist stated that the system will not allow one to scan multiple manufacturers for the same prescription, and the stock bottle of letrozole was not scanned for verification during the filling process. Mr. Petersen stated that the pharmacist verified the prescription. Counseling was not provided because the patient had previously taken the medication. Mr. Petersen stated that the complainant notified the pharmacy after he identified that he was taking the wrong medication.

Mr. McAllister asked the respondents to address the complaint. Ms. Huie stated that she pulled that bottles off the shelf and gave the bottles to the intern to count. Ms. Huie stated that she failed to reverify the visual image.

Ms. Huie stated that they have placed shelf dividers on the shelf. Ms. Huie stated that they currently do not mix manufacturers.

Ms. Weber stated that she was working production that night. Ms. Weber stated that she was given the bottles by the pharmacist to count. Ms. Weber stated that she scanned the first bottle. Ms. Weber stated that she separated that manufacturers by cotton and sent the bottles to the Pharmacist.

Dr. Musil asked how the stock is placed on the shelf. Mr. Beckwith replied that the medication is placed on the shelf alphabetically by name.

Mr. Kennedy asked if the company allows the pharmacists to mix manufacturers into one bottle. Ms. Geisler stated that they are not to mix manufacturers in the bottle because it would be misbranding. Ms. Geisler indicated that multiple bottle scans would have caught the error.

Mr. Blair stated that on the complaint response someone had indicated that staffing was inadequate and asked the supervisor to address the issue. Mr. Beckwith stated that extra technician hours were given to the store during that period.

Ms. Locnikar asked the respondents who taught them to separate the tablets in the bottles with cotton. Ms. Huie stated that she had done that in the past. Ms. Huie stated that she was just trying to help the patient because he wanted a 90 day supply and she thought the medications were the same. Ms. Huie stated that she mistakenly grabbed the wrong medication.

Ms. Weber stated that in the 2½ years that she has worked at the store she has separated the tablets in the bottles with cotton two to three times. Ms. Weber stated that Ms. Huie had pulled the medications for her and she just separated the medications with cotton in the bottle.

**On motion by Mr. Kennedy and seconded by Mr. Blaire**, the Board unanimously agreed to issue Ms. Huie and Ms. Weber a non-disciplinary advisory letter requiring them to complete 6 hours of CE on error prevention completed within 60 days of the receipt of the letter.

#### **Conference 4– Complaint #4413**

The following individuals were present to discuss the complaint:

1. Sohelia Soraya – Pharmacist in Charge- Respondent
2. Christine Cassetta – Legal Counsel for Ms. Soraya – Witness

President McAllister asked Mr. Waggoner to give a brief overview of the complaint. Mr. Waggoner stated that he and Ms. Sutcliffe conducted an inspection of the pharmacy pursuant to the Consent Agreement that Ms. Soraya had signed. Mr. Waggoner stated that upon a review of the invoices it was determined that Ms. Soraya was receiving products from a company called MatchRx. Mr. Waggoner stated that Ms. Soraya was also selling products through MatchRx. Mr. Waggoner stated that upon further review it was determined that some of the pharmacies were not licensed in Arizona. Mr. Waggoner stated that three violations were noted. Mr. Waggoner stated that when they reviewed the invoices they determined that Ms. Soraya was receiving opened partial containers from pharmacies and a violation was issued. Mr. Waggoner stated that the second violation involved an prescription container with a partial CVS label on the bottle. Mr. Waggoner stated that the third violation involved the misbranding of the Oxycodone dispensed.

Mr. Waggoner stated that they also noted several areas where improvements were needed. Mr. Waggoner stated that there were issues with policies and procedures.

President McAllister asked the respondent to address the complaint. Ms. Cassetta stated that independent pharmacies suffer from financial pressures. Ms. Cassetta stated that Ms. Soraya first heard about MatchRx through an Arizona Pharmacy Association endorsement. Ms. Cassetta stated that MatchRx helped pharmacies by offering a way to give inventory to each other. Ms. Cassetta stated that the stock Ms. Soraya received from MatchRx was segregated from the other inventory. Ms. Cassetta stated that Ms. Soraya bought the inventory with the intent to return the outdated stock and create a revenue stream. Ms. Cassetta stated that MatchRx had a GAQ section that talked as if the practice was allowed. Ms. Cassetta stated that after the Board sent a letter to MatchRx a multitude of FAQ's were changed.

Ms. Cassetta stated that the NDC issue was a result of the pharmacy technicians not matching the NDC number with the product being selected. Ms. Cassetta stated that there never was a conscious decision made to circumvent the law.

Ms. Soraya said she did not intentionally violate the law. Ms. Soraya stated that the MatchRx looked legitimate. Ms. Soraya stated that she talked to other pharmacies and they also felt the MatchRx was a legitimate business.

Ms. Soraya stated that the CVS bottle was returned by the patient for destruction. Ms. Soraya stated that the bottle was placed in a box with the other outdated medications but somehow was placed on the shelf. Ms. Soraya stated that no other patient received any of the medication.

Ms. Soraya stated that she has purchased scanners to scan the medication bottles to ensure that the wrong NDC is not entered.

Mr. McAllister asked Ms. Soraya how long she has been the pharmacist in charge at Ranch Pharmacy. Ms. Soraya stated that she has been the pharmacist in charge for 16 years.

Ms. Soraya stated that she was financially struggling and MatchRx seemed like a way to gain relief for the cost of medications. Ms. Soraya stated that insurance companies usually pay below the cost of medications and she thought that MatchRx could be a source of relief for her financial struggles. Ms. Soraya stated that she has canceled her MatchRx account.

Mr. Waggoner stated that Ms. Soraya made approximately 1,000 purchase transactions from approximately 600 pharmacies in 32 states. Mr. Waggoner stated that Ms. Soraya made approximately 470 sales transactions to approximately 250 pharmacies in 26 states. Mr. Waggoner stated that both purchases and sales included items indicated as "Sealed" and Non-"Sealed, or "Other".

Dr. Musil asked Ms. Soraya when she started making purchases from MatchRx. Ms. Soraya stated that she started participating in the program in 2014. Dr. Musil stated that in one year it appears she was involved in 1000 transactions with 600 pharmacies.

Ms. Soraya stated that most products were in sealed bottles. Ms. Soraya stated that she kept the bottles in a separate area to return and did not use any of the medications. Ms. Soraya stated that she would return the expired product for money.

Dr. Musil asked if she purchased the medications due to short supply. Ms. Soraya stated that she had a bottle of medication that cost \$175 and she could not return the bottle to the wholesaler. Ms. Soraya stated that she saw MatchRx as a way to prevent waste. Ms. Soraya stated that she could put the medication of MatchRx's website and sell the product.

Dr. Musil asked Ms. Soraya about selling medications to other pharmacies in states where she did not hold a permit. Ms. Soraya stated that she thought it was okay to send to other pharmacies in other states because she was exchanging with a pharmacy holding a license.

Dr. Musil asked Ms. Soraya if she chose to participate in a transaction where she was buying medications to return for credit. Ms. Soraya stated that she bought medications to help the patient. Ms. Soraya stated that if the medication increased in price she would often be able to buy the medication at the old price.

Dr. Musil asked Ms. Soraya about obtaining open bottles. Ms. Soraya stated that most bottles were sealed. Ms. Soraya stated that she had purchased some open bottles.

Mr. McAllister asked about the bottle with the partial CVS label. Ms. Soraya stated that the bottle was returned by a patient to have the medication destroyed and somehow the bottle was placed on the shelf.

Mr. Kennedy asked how long ago the CVS bottle was returned to the pharmacy. Ms. Soraya stated that she did not recall the exact date but it was approximately 10 to 12 months ago.

Mr. Kennedy asked Ms. Soraya how she checks her inventory for outdates. Ms. Soraya stated that they are constantly running through the inventory to look for items that were going to expire. Ms. Soraya stated that they review the inventory monthly.

Mr. Kennedy asked Ms. Soraya who checks for outdates. Ms. Soraya stated that the technicians check for outdates and places stickers on the bottles.

Mr. Kennedy asked Ms. Soraya how many times they went through the inventory in that time period and why no one noticed the bottle. Ms. Soraya stated that she did not see the bottle or she would have taken the bottle off the shelf.

Mr. Kennedy asked Ms. Soraya if products came from MatchRx in other company vials. Ms. Soraya stated that the medications came in the manufacturer's bottle with a 6 month expiration date.

Mr. Minkus asked how many technicians work in the pharmacy. Ms. Soraya stated that she has 5 technicians.

Mr. Minkus stated that Ms. Soraya does not have control over the pharmacy.

Dr. Gandhi asked how often do patients return medications. Ms. Soraya stated that she has registered to accept returns.

Dr. Gandhi asked Ms. Soraya when she registered. Ms. Soraya stated that she just registered. Ms. Soraya stated that prior to the inspection she was accepting returns and returning them to Stericycle.

Mr. Francis asked about the CVS bottle and why nobody noticed the bottle on the shelf. Ms. Soraya stated that the bottle did not have the patient's name on the label and she is not sure how long the bottle was on the shelf.

Dr. Musil asked Ms. Soraya about the letter she received from the Alabama Board of Pharmacy. Ms. Soraya stated that she responded to the letter stating that she is no longer participating in the MatchRx program and she plans to register in their state.

Dr. Musil told Ms. Soraya that she is in violation of her previous consent agreement. Ms. Soraya stated that she had no idea that she was doing anything wrong by purchasing through MatchRx.

Mr. Kennedy asked Ms. Soraya if she had ever taken medication back from a patient and resold the medication. Ms. Soraya replied no. Ms. Soraya stated that the medication would go to the quarantine area.

Dr. Musil asked Ms. Soraya why some products never make it to the quarantine area. Ms. Casseta stated that sometimes things get off track. Ms. Casseta stated that Ms. Soraya takes this very seriously and was shocked when she found out about MatchRx.

Mr. McAllister stated that he has concerns about a pharmacy that treats drugs as trinkets. Mr. McAllister stated that Ms. Soraya will buy drugs at the lowest cost with no regard to the product, such as buying open bottles. Mr. McAllister stated that Ms. Soraya had a previous consent agreement and was required to take the MPJE exam and still does not understand the laws.

Ms. Casseta stated that there are thousands of pharmacies engaging in this activity.

Ms. Soraya stated that she was just trying to stay afloat.

A motion was placed on the floor by Dr. Musil and seconded by Mr. Kennedy and was withdrawn.

**On motion by Dr. Musil and seconded by Mr. Kennedy**, the Board unanimously agreed to offer Ms. Soraya a consent with the following terms: Ms. Soraya would be placed on probation for 1 year and during that time frame she cannot be Pharmacist in Charge, be assessed a civil penalty of \$10,000 ( \$10 for 1,000 transactions), and an additional inspection be conducted at the pharmacy with the permit holder bearing the cost. If the consent agreement is not accepted, then the case would proceed to hearing. A roll call vote was taken. (Ms. Locknikar – aye, Mr. Blair- aye, Mr. Minkus – aye, Mr. Francis – aye, Ms. Snair – aye, Mr. Kennedy – aye, Dr. Musil- aye, and Mr. McAllister- aye)

### **Conference 5– Complaint #4414**

The following individuals were present to discuss the complaint:

1. Sohelia Soraya – Owner- Respondent
2. Christine Cassetta – Legal Counsel for Ms. Soraya – Witness

President McAllister asked Mr. Waggoner to give a brief overview of the complaint. Mr. Waggoner stated that a complaint was opened against the permit holder due to numerous violations found in the wholesale business while conducting an inspection of the pharmacy which was ordered in a previous Consent Agreement.

Mr. Waggoner stated that Ms. Soraya is part owner of the wholesale business called SinaHealth.

Mr. Waggoner listed the following violations that were noted during the inspection:

1. Merchandise-opening manufacturer packaging for individual unit sales to dental practitioners
2. Merchandise-repackaging drugs into an emergency kit
3. Recordkeeping-did not maintain copies of licenses for each practitioner
4. Merchandise- no quality control programs for recalls, returns, or outdates
5. Facility-did not maintain or record temperature and humidity

Mr. Waggoner stated that they reviewed invoices from October of 2012 through 2013 and found that Ms. Soraya had sold both prescription and non-prescription drugs without a wholesale permit. Mr. Waggoner stated that Ms. Soraya did not apply for a wholesale permit until October of 2013.

President McAllister asked Ms. Soraya to address the complaint. Ms. Cassetta stated that Ms. Soraya formed SinaHealth in remembrance of her brother who was a practicing dentist. Ms. Cassetta stated that Ms. Soraya was supplying dentists with medications for office use. Ms. Cassetta stated that Ms. Soraya applied for a permit when she realized that she was approaching the limit that she could sell without a permit.

Ms. Cassetta stated that dentists were complaining about the cost of the kits and Ms. Soraya stated supplying medications for office use. Ms. Cassetta stated that Ms. Soraya thought that she could sell the products under her wholesale permit.

Ms. Cassetta stated that the products prior to the wholesale permit were coming from the pharmacy but were billed as coming from SinaHealth. Ms. Cassetta stated that the process involved sloppy recordkeeping. Ms. Cassetta stated that Ms. Soraya stated that she did not realize that they separate entities for recordkeeping.

Ms. Cassetta stated that the staff was responsible for keeping the licenses of the providers. Ms. Cassetta stated that they did not keep up with the recordkeeping requirements. Ms. Cassetta stated that they have a tickler file for when the license is due to expire. Ms. Cassetta indicated that Ms. Soraya has consulted with an auditor.

Dr. Musil asked Ms. Soraya if about her recordkeeping practice for obtaining licenses. Ms. Soraya stated that the dentist would fax a copy of the license to the pharmacy. Ms. Soraya stated that they are looking at a way to check the license or NPI number electronically

Dr. Musil asked Ms. Soraya if she has a policy and procedure book. Ms. Soraya replied that she prepared a policy book.

Dr. Musil asked Ms. Soraya if she had a policy and procedure book prior to the inspection. Ms. Soraya replied no.

Dr. Musil asked Ms. Soraya if she shipped out of state. Ms. Soraya replied yes.

Mr. Blaire asked Ms. Soraya if the entities are located in separate suites. Ms. Soraya replied yes.

Mr. Blaire asked Ms. Soraya if she is keeping pedigrees. Ms. Soraya replied yes.

Mr. Minkus asked when the Policy and Procedure book was completed. Ms. Cassetta stated that the manual was completed in May and the auditor will be tasked with helping complete the manual.

Mr. Minkus asked who the auditor was that is assisting the pharmacy.

Ms. Cassetta stated that the auditor is Mark Boesen.

Mr. Minkus asked when will the auditor start. Ms. Cassetta stated that they are trying to arrange a schedule with the auditor.

Mr. McAllistr stated that he is upset that Ms. Soraya does not know the law and there is no excuse for not knowing the law.

**On motion by Mr. McAllister and seconded by Mr. Minkus**, the Board unanimously agreed to offer SinaHealth a Consent Agreement with a \$5,000 fine and an inspection within 6 months paid for by the company. Also, the Board requested that the Auditor's report be submitted to the Board. A roll call vote was taken. (Ms. Locknikar – aye, Mr. Blair- aye, Mr. Minkus – aye, Mr. Francis – aye, Ms. Snair – aye, Mr. Kennedy – aye, Dr. Musil- aye, and Mr. McAllister- aye)

#### **AGENDA ITEM 10– Banner Health Request to Change Rule for Reciprocity**

**Eric C. Kutscher, Director of Pharmacy Residency Programs for Banner Health**, was present to address Banner's request to change the rule for reciprocity concerning the one year practice requirement for Pharmacist's participating in a residency.

President McAllister opened the discussion by asking Mr. Kutscher to address his request. Mr. Kutscher stated that he is asking the Board to review the rule that requires a pharmacist licensed in another state to wait one year before reciprocating. Mr. Kutscher stated that students during their PGY2 residency often need to wait until October to be licensed as a pharmacist in Arizona. Mr. Kutscher stated that the students start the rotation in July and since they were originally licensed in August they cannot start the reciprocity process until August. Mr. Kutscher stated that they can apply for an intern license but they must work under the supervision of a pharmacist and they depend on the residents to help on the floors.

Dr. Musil asked where the residents are coming from. Mr. Kutscher replied that 75% of the residents are coming from out-of-state.

Dr. Musil asked when the residents are notified that they are coming to Arizona. Mr. Kutscher replied that the match occurs in March.

Mr. Blaire asked how many students stay in Arizona after the residency. Mr. Kutscher replied that some students leave. Mr. Kutscher stated that roughly one-half of this class is staying in Arizona.

Dr. Musil asked how many residents are in the program. Mr. Kutscher stated that there are 12 residents in the Tucson program and about 25 residents in the state.

Mr. McAllister asked how this affects their educational program. Mr. Kutscher stated that they are licensed for about two-thirds of their residency. Mr. Kutscher indicated that ASHP is changing the requirements for residency requirements and licensure. Mr. Kutscher stated that ASHP has stated that there are only 5 states that have the one year rule for reciprocity.

Mr. McAllister stated the rule was created and ensure the applicant met the basic requirements and he is not sure how long it would take to change a rule.

Mr. Wright indicated that it would require a statute change.

Mr. McAllister stated that Mr. Kutscher would need to have the statute changed in order to change the rule. Mr. McAllister suggested that Mr. Kutscher might want to seek a legislative solution to his request.

**AGENDA ITEM 11– Part 1- Ascribe’s Deviation request to place an Automated Dispensing Machine in a Hospital**

The following individuals were present to address Ascribe’s Deviation request to place an automated dispensing machine in a hospital:

1. Steven Kaufer – Pharmacist in Charge – Ascribe
2. Mike Andrews – PharMerica- Regional Pharmacy Director
3. Dr. Reef Gillum
4. Roger Morris – Legal Counsel for Ascribe

President McAllister asked the individuals to address their deviation request.

Dr. Gillum opened the discussion by stating that Ascribe has placed automated dispensing machines in skilled nursing facilities. Dr. Gillum stated that there is an approved accuracy rate when using the automated dispensing machine. Dr. Gillum stated that they are requesting to place a machine in a hospital setting.

Mr. Morris stated that they are asking to place the machine in a hospital setting to dispense discharge medications to their patients that would be going to a nursing facility.

Mr. McAllister asked who would be in charge of the machine in the hospital since the machine would not be under the control of the hospital pharmacy. Mr. Morris stated that PharMerica (Ascribe) would own the machine and be in charge of the machine.

Mr. Francis asked how they would capture the discharge medications that were dispensed. Dr. Gillum stated that the machine would be interfaced with the hospital system.

Mr. Francis asked what would trigger Ascribe to dispense a medication. Dr. Gillum stated that the discharge process would trigger the dispensing.

Dr. Musil asked if the facility would need a license. Ms. Frush indicated that they would need a pharmacy permit to place the machine in the hospital.

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to allow Ascribe to move forward with their deviation request with the following conditions:

1. A pharmacy permit is approved by the Board
2. The machine can be employed for 6 months and Ascribe must return with the Institution to give a report on the progress of the deviation request
3. Approved up to three locations

The deviation was granted for experimentation and technological advancement regarding R4-23-703 (F).

Ms Locnikar stated that she felt that the Board should approve one location initially.

Ms. Locnikar asked if anyone could use the machine. Dr. Gillum stated that it would be used for their patients going to long term care facilities and they would be able to identify the patients.

**AGENDA ITEM 11– Part 2- Ascribe’s Deviation request to place an Automated Dispensing Machine in an Assisted Living Facility**

The following individuals were present to address Ascribe’s Deviation request to place an automated dispensing machine in an Assisted Living Facility

1. Steven Kaufer – Pharmacist in Charge – Ascribe
2. Mike Andrews – PharMerica- Regional Pharmacy Director
3. Dr. Reef Gillum
4. Roger Morris – Legal Counsel for Ascribe

President McAllister asked the individuals to address their deviation request.

Mr. Morris stated that Ascribe is seeking a deviation to place an automated dispensing machine in an assisted living facility. Mr. Morris stated that assisted living facilities receive medications from many different pharmacies and this would result in less packaging. Mr. Morris stated that the machine would only be used for PharMerica patients.

Mr. McAllister asked about the decreasing in the variety of packaging and if other patients would be required to change. Dr. Gillum stated that the packaging from the machine is preferred by the administrator.

Mr. Kennedy asked if they were given a deviation would they be placing the machine in any facility that they wished. Mr. Morris stated that the machine would only be placed in facilities with nursing care.

Mr. Francis asked how the medication if currently being sent to the facility. Mr. Kaufer stated that they are currently dispensed in blister cards.

Mr. McAllister asked if they have used the machines in any other states in assisted living facilities. Dr. Gillum stated that they use the machines in Pennsylvania and Texas. Dr. Gillum stated that they were placed in a secure room with access.

Mr. Minkus asked how many locations were the machines placed in the two states. Dr. Gillum stated that they were in 13 locations but there were issues with the ownership and the number of machines has decreased to about 6 in Pennsylvania. Dr. Gillum stated that they had perfect CII

Dr. Gillum stated that they had perfect CII dispensing in Texas.

Mr. Minkus asked about the ownership issues. Dr. Gillum stated that it was an internal struggle between investors.

Dr. Gillum stated that they had perfect CII

**On motion by Mr. Kennedy and seconded by Mr. Francis**, the Board unanimously agreed to allow Ascribe to move forward with their deviation request with the following conditions:

1. Report to the Board where the machine will be located.
2. Obtain DEA registration for machine
3. Report back to the Board in six months on the use of the machine and any issues

The deviation was granted for experimentation and technological advancement regarding R4-23-703 (F).

#### **AGENDA ITEM 12– Five Year Rule Review – Articles 7, 9, 10**

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

Ms. Sutcliffe stated that the Board is required to review certain sections of the rules every five years. Ms. Sutcliffe stated that the review of Articles 7, 9, and 10 is due in July.

Ms. Sutcliffe stated that additional changes are being proposed which would allow CII medications in automated dispensing machines.

Ms. Sutcliffe stated that it is proposed that automated dispensing machines be allowed in hospice and subacute behavioral health facilities.

Ms. Sutcliffe stated that currently the rules moratorium is in place until December and no changes would be implemented at this time.

Ms. Sutcliffe stated that in Article 10 the proposed change would be to remove the requirement that a pharmacy send a DEA 106 form to DPS.

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board unanimously authorized Ms. Sutcliffe to proceed with the submission of the Five-Year Rule Review.

**AGENDA ITEM 13 – Request for Board Members to Review the Allowance of Pharmacists to Administer Prescription Medications other than Vaccines**

President McAllister stated that the following individuals were present to address the Board:

1. Roger Morris – Legal Counsel- Quarles and Brady
2. Kelly Ridgway – Arizona Pharmacy Association CEO
3. Julie Lane – Banner University Medical Center

Mr. Morris opened the discussion by stating that they are asking the Board to review the administration of prescription medications other than vaccines. Mr. Morris stated that they feel that pharmacists can administer medications under the proper protocol

Ms. Ridgway stated that the medications would be administered pursuant to a prescription order. Ms. Ridgway stated that there are a number of specialty medications that could be administered by a pharmacist.

Mr. McAllister stated that the Board would need to study the topic and appointed a committee that would consist of the following individuals:

1. Darren Kennedy
2. William Francis
3. Kam Gandhi
4. Jeanne Galvin

**AGENDA ITEM 14– Request for Board Members to Review the Allowance of Pharmacists to Prescribe Controlled Substances**

President McAllister stated that the following individuals were present to address the Board:

1. Roger Morris – Legal Counsel- Quarles and Brady
2. Kelly Ridgway – Arizona Pharmacy Association CEO
3. Julie Lane – Banner University Medical Center

Ms. Ridgway opened the discussion by stating that they would like clarification of the collaborative practice agreement to prescribe. Ms. Ridgway indicated that they are recognized as practitioners and they have the authority to initiate therapy. Ms. Ridgway stated that this would be important in areas of pain management and cancer treatment.

Ms. Ridgway stated that the pharmacists would like to obtain their own DEA number but the DEA is confused with the term initiate therapy. Ms. Ridgway stated that the pharmacist would be doing what the doctor ordered.

Ms. Lane indicated that in the palliative care area a pharmacist with a collaborative practice agreement could have an agreement approved by the PT committee and could initiate pain medication for the patient by prescribing the medication.

Mr. McAllister stated that the same committee could review the topic and report back to the Board at the August meeting.

#### **AGENDA ITEM 15– Proposal by Associated Professional Assistance Program, LLC**

Vincent Angichiodo and Lisa Yates were present to offer the Board a proposal for a program to provide recovery services to impaired pharmacists.

President McAllister asked the Mr. Angichiodo and Ms. Yates to address their proposal.

Mr. Angichiodo stated that they would like to offer the Board an alternative to the PAPA program.

Mr. Minkus asked how long the company has been in existence. Ms. Yates stated that the company has been in existence for two months and will be based in Show Low.

Mr. Angichiodo stated that the program will have members that have worked with PAPA or have been in PAPA.

Mr. Angichiodo stated that he has been a member of the Steering Committee for 12 years. Mr. Angichiodo stated that there have been some problems with the recent changes in the PAPA program. Mr. Angichiodo stated that they feel that the participants are not being properly managed. Mr. Angichiodo stated that they would like to take the politics out of the recovery process. Mr. Angichiodo stated that they formed the company so that PAPA is a separate entity and not a part of the Foundation. Mr. Angichiodo stated that some of the funding does not go to the PAPA program and stays within the foundation. Mr. Angichiodo stated that they would use the funding to manage the participants.

Mr. McAllister stated that there has been a significant structural change in the PAPA program and he is not aware of any issues. Mr. McAllister stated that it is a little too early to make any changes.

Mr. Minkus stated that he agrees that it is too early to make any changes.

Mr. McAllister told the company to stay in contact with the Board for any changes in the future.

**AGENDA ITEM 16– Veterinary Compounding – New Draft Guidance for Industry Compounding of Animal Drugs from Bulk Drug Substances**

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

Mr. Blaire stated that the new draft guidance regards the compounding of animal drugs from bulk substances by a pharmacy or outsourcing facility. Mr. Blaire stated that it outlines the conditions for which the FDA will not take action or issue violations. Mr. Blaire stated that in some cases the FDA does not have real statutory authority. Mr. Blaire stated that veterinarians would have a justification for a compounded product and a reason would need to be documented why a FDA approved drug was not used. Mr. Blaire noted that this is not a requirement for human compounding.

Mr. McAllister asked Mr. Blair what the Board's role would be in this situation. Mr. Blaire stated that he just wanted the Board to be aware of the proposed guidance. Mr. Blaire stated that the comment period is open until August 16, 2015 and various groups will make comments concerning the way FDA is approaching veterinary compounding versus human compounding.

**AGENDA ITEM 17 – Memorandum of Understanding**

President McAllister stated that NABP has submitted comments related to the Compounding Memorandum of Understanding (MOU).

Dr. Musil stated that the MOU limits the quantity of drug that a pharmacy may ship and may place a burden on a pharmacy.

Mr. Blaire stated that there are contradictions in definitions involving interstate shipments. Mr. Blaire indicated that distribution also includes dispensing.

Mr. Blaire stated that if the states enter into an MOU then a burden would be placed on the state to investigate a complaint within 72 hours.

**AGENDA ITEM 18 – Biological Guidance Document (Avastin)**

President McAllister opened the discussion by asking Dr. Musil to address the topic.

Dr. Musil stated that the ophthalmologists are requesting that the beyond use date for biologicals be longer than 5 days.

Dr. Musil stated that the Senate Health Committee is accepting opinions until July 18, 2015.

Dr. Musil stated that there are concerns about product repackaged for off label uses not being clearly demonstrated.

Dr. Musil stated that a product repackaged must meet state requirements and it is not clear which regulation takes precedence.

**AGENDA ITEM 19 – 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.

No one came forth to address the Board.

**AGENDA ITEM 20– Future Agenda Items**

No Future Agenda Items were discussed.

**AGENDA ITEM 21– Adjournment**

There being no further business to come before the Board, President McAllister adjourned the meeting at 3:45 P.M.