



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MARCH 16 AND 17, 2016
MINUTES FOR REGULAR MEETING**

AGENDA ITEM 1 – Call to Order – March 16, 2016

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

The following Board Members were present: President Darren Kennedy, Michael Blaire, Kevin Dang, Kyra Locnikar, Dennis McAllister, Reuben Minkus, Kristen Snair, and Tom Van Hassel. The following Board Member was not present: William Francis. The following staff members were present: Compliance Officers Tom Petersen, Steve Haiber, and Dennis Waggoner, Drug Inspectors Melanie Thayer and Joshlyn Noble, 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. Van Hassel recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule R, Complaint #4476.

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 11, Schedule Q, Conference #1.

Due to having a “substantial interest” in the matter, Ms. Snair recused herself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule R, Complaint #4467.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule L, Resident Pharmacy Application for Community, A Walgreens Pharmacy #16431.

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 11, Schedule Q, Conferences 2,3, and 6.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule R, Complaints #4440, #4448, #4449, #4463, #4467, #4469, #4478, and #4486.

AGENDA ITEM 3– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board Members unanimously approved the minutes for the Regular Meeting held on January 27 and 28, 2016.

AGENDA ITEM 4- Consent Agenda

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

4. (1) Resident Pharmacy Permits – Schedule A

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Fry’s Pharmacy #686	2724 S. Signal Butte Rd., Mesa, AZ 85209	Smith’s Food & Drug Centers, Inc.
Coram CVS/Specialty Infusion Services	Coram Specialty Infusion Services, Inc. (O)	Coram Specialty Infusion Services, Inc.
Albertson’s Pharmacy #0197	11475 E. Via Linda, Scottsdale, AZ 85259	Albertson’s LLC
Fry’s Pharmacy #698	1311 E. Bell Rd., Phoenix, AZ 85022	Smith’s Food & Drug Centers, Inc.
Banner Family Pharmacy – Peoria Health Center	13640 N. Plaza Del Rio Blvd., Peoria, AZ 85381	Banner Health
Fry’s Pharmacy #667	13830 W. Camelback Rd., Litchfield Park, AZ 85350	Smith’s Food & Drug Centers, Inc.
Fry’s Pharmacy #681	2929 E. Ocotillo Rd., Chandler, AZ 85249	Smith’s Food & Drug Centers, Inc.

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Archway Apothecary, LLC	2190 Manton Dr. , Covington, LA 70433	Archway Apothecary, LLC
MP Pharmacy	28813 US Hwy 19 N, Clearwater, FL 33761	Peter Beskales
Caremark California Specialty Pharmacy, LLC	1110 Research Dr., Suite B, Redlands, CA 92374	CVS Specialty
Physician Preferred Pharmacy, Inc.	2700 North State Rd 7, Margate, FL 33063 (O)	Physician Preferred Pharmacy, Inc.
Innoveix Pharmaceuticals	3790 Arapaho Rd., Addison, TX 75001	Kevin Hogan
Vanderbilt Integrated Pharmacy	726 Melrose Ave., Nashville, TN 37211	Vanderbilt Integrated Medical Center
Froedtert Memorial Lutheran Hospital, Inc.	9200 W. Wisconsin Ave., Milwaukee, WI 53226	Froedtert Memorial Lutheran Hospital, Inc.
Fusion IV Specialty Pharmacy	1990 Westwood Blvd., Suite 135, Los Angeles, CA 90025	Navid Vahedi
South Miami Pharmacy II	7425 SW 42 St., Miami, FL 33155	Armando Bardisa
Mint Pharmacy and Skin Clinic	1201 YS Hwy 1, Ste. 1, North Palm Beach, FL 33408	PharmaMedRx, LLC
Valley Medical Pharmacy	630 Main St., Imperial, CA 92227	Dhaval Vitalan
Avera Compounding Pharmacy	1301 S. Cliff Ave., Suite 225, Sioux Falls, SD 57105	Avera McKennan
Avera Specialty Pharmacy	1301 S. Cliff Ave., Suite 200, Sioux Falls, SD 57105	Avera McKennan
Medpharma Pharmacy	2600 N. Stemmons Fwy, Ste. 164, Dallas, TX 75207	A & C Discount Pharmacy, LLC
Brightwell Health	10153 E. 79 th St., Suite 102, Tulsa, OK 74133	Southwestern Regional Medical Center, Inc,
Medquest Pharmacy, Inc.	669 W. 900 N , th Salt Lake, UT 84054 (O)	Medquest Pharmacy, Inc.
Fitzgerald Pharmacy	305 West Main Street, Williamsburg, OH 45176	Fitzgerald and Huling Pharmacy, Inc.
SP2, LLC	3740 Saint Johns Bluff S, Ste. 19, Jacksonville, FL 32224	SP2, LLC
Humana Pharmacy, Inc.	1860 S. Seguin Ave., Building E, New Braunfels, TX 78130	Humana Pharmacy, Inc.
Elwyn Pharmacy	194 S. Middletown Rd., Media, PA 19063	Nicholas Karalis
Pro Med Rx	13134 Dairy Ashford Rd., Suite 900. Sugar Land, TX 77578	Pro Med Rx, PLLC
Shatiff Pharmacy	2771 W. Broad St., Ste. 219, Mansfield, TX 76063	Shatiff Pharmacy

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Hy-Vee Pharmacy 1871	1320 9 TH Ave SE, Watertown, SD 57201	Hy-Vee, Inc.
Keystone Choice Pharmacy, LLC	432 Cedarville Rd., Easton, PA 18042	Keystone Choice Pharmacy, LLC
Champion RX	5481 Commercial Dr., Suite C, Huntington Beach, CA 92649	Erika Hoffman
Curant Health Georgia, LLC.	200 Technology Court SE, Suite B, Smyrna, GA 30082	Curant Health
Bluegrass Pharmacy of Lexington, LLC	395 Elaine Dr., Ste. 110, Lexington, KY 40504	Bluegrass Pharmacy of Lexington, LLC
Smart Meds Pharmacy	1056 W. Golf Rd., Hoffman Estates, IL 60169	Shreeji Pharmacy Inc.
Medstar Pharmacy LLC	984 SW 184 th St., Doral, FL 33157	US Med, LLC
Avita Drugs, LLC	5551 Corporate Blvd., Suite 102, Baton Rouge, LA 70808	Avita Drugs, LLC
Dynamic Rx Labs, LLC	923 Powell Ave. SW #150, Renton, WA 98057	Dynamic Rx Labs, LLC
CareZone Pharmacy	860 Harbour Way South, Suite E, Richmond, CA 94804 (O)	CZ Services, Inc.
Pharmacare Plus	6720 Sands Point Dr., Suite 105, Houston, TX 77074	Mohamed Mokbel
Emerald Pharmacy, LLC	12863 Gulf Freeway, Houston, TX 77034	Emerald Pharmacy, LLC
Studio Pharmacy	11309 Ventura Blvd., Studio City, CA 91604	Kare Foods, Inc.
Medminder Pharmacy	51 Lincoln St., Marlborough, MA 01752	Medminder Systems, Inc.
Tropic Pharmacy	4800 NW Boca Raton Blvd., Suite 3 Boca Raton, FL 33431	RNA Prescription Services, Inc.
Byram Healthcare Centers, Inc.	3793 S. State St., Salt Lake City, UT 84115	Byram Healthcare Centers, Inc.
Physicians Pharmacy Alliance, Inc.	118 MacKenan Dr., Suite 200, Cary, NC 27511	PPA Holding Company
John Hollis Pharmacy	11020ty Ave. North, Nashville, TN 37203	John Hollis
CareFirst Specialty Pharmacy, LLC	2200 Garry Rd., Ste. 1 Cinnaminson, NJ 08077	CareFirst Specialty Pharmacy, LLC
Praxis Specialty Pharmacy, LLC	5455 West Waters Ave, Ste. 214, Tampa, FL 33634	CirizensRx Holdings, LLC
Value Pharmacy	1150 Main St., Ste. D, Irvine, CA 92614	Andrew Do

(O) = Ownership Change

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

NON-RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Univ. of CO Hemophilia Ctr	13199 E. Montview Blvd., Ste. 100, Aurora, CO 80045	Regents of the University of Colorado
Community Compounding Specialty Pharmacy	6025 SW Jean Rd., Lake Oswego, OR 97035	Community Compounding Specialty Pharmacy, LLC

4. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
Tyhke Pharmaceuticals, Inc. (Full Service)	4630 Elwood Ste., Suite 10, Phoenix, AZ 85040	Tyhke Pharmaceuticals, Inc.
Solutech Pharmaceuticals, LLC (Full Service)	11001 N. 99 th Ave., #117, Peoria, AZ 85345	Solutech Pharmaceuticals, LLC

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

NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
Medical Specialties Distributors, LLC (Full Service)	3922 Pembroke Rd., Pembroke Park, FL 33009	Medical Specialties Distributors Holdings, Inc.
WestRock Converting Company (Non-Prescription)	504 Thrasher St., Norcross, GA 30071 (O)	WestRock Converting Company
MD Logistics, Inc. (Full Service)	2150 Stanley Rd., Plainfield, IN 46168	MD Logistics, Inc.
Nipro Medical Corporation (Full Service)	1761 Satellite Blvd., Buford, GA 30518	Nipro Corporation
Nipro Medical Corporation (Full Service)	4551 E. Philadelphia St., Ontario, CA 91761	Nipro Corporation
AeroMed, LTD (Full Service)	2721 S. Harbor Blvd., Suite B, Santa Ana, CA 92704	AeroMed, LTD
AeroMed, LTD (Full Service)	571 Nutmeg Road North, South Windsor, CT 06074	AeroMed, LTD
AeroMed, LTD (Full Service)	1400 North Mittel Blvd. Wood Dale, IL 60191	AeroMed, LTD
AeroMed, LTD (Full Service)	4747 Leston Ave., Dallas, TX 75247	AeroMed, LTD
Global Medical Services, LLC (Full Service)	3922 Pembroke Rd., Pembroke Park, FL	Global Medical Services, LLC

(O) = Ownership Change

4. (4) Non- Resident Wholesaler Permits (Out of State) – Schedule D - Continued

NON-RESIDENT WHOLESALER PERMITS

Wholesaler	Location	Owner
J. Knipper & Company, Inc. (Full Service)	1250 Patrol Rd., Charlestown, IN 47111	J. Knipper & Company, Inc.
National Distribution & Contracting, Inc. (Full Service)	407 New Sanford, LaVergne, TN 37086	NDC Intermediate Holding, LLC
Crown Pharmaceuticals, Inc. (Full Service)	5420 Toler St., Harahan, LA 70123	Crown Pharmaceuticals, Inc.
Mallinckrodt Nuclear Medicine, LLC (Full Service)	2703 Wagner Place, Maryland Heights, MO 63042 (O)	Mallinckrodt Nuclear Medicine, LLC
Boehringer Ingelheim Pharmaceuticals, Inc. (Non-Prescription)	4689 Air Center Circle, Reno, NV 89502 (O)	Boehringer Ingelheim Pharmaceuticals, Inc.
Med-Pro Distributors, LLC (Full Service)	3650F Centre Circle Dr., Fort Mill, SC 29715	Med-Pro Distributors, LLC
Owens & Minor Distribution, Inc. (Full Service)	8000 Bluewater Road NW, Suite A, Albuquerque, NM 87121	Owens & Minor Distribution, Inc.
Life- Assist, Inc. (Full Service)	11277 Sunrise Park Dr., Rancho Cordova, CA 95742	Life- Assist, Inc.
Primary Pharmaceuticals, Inc. (Full Service)	1019 Government St., Ocean Springs, MS 39564	Primary Pharmaceuticals, Inc.
Lone Star Pharmaceuticals, Inc. (Full Service)	11951 Hilltop Rd., Bldg. Suite 18, Argyle, TX 76226	Lone Star Pharmaceuticals, Inc.
DSC Logistics, Inc. (Full Service)	874 Thomas Parkway, Jefferson, GA 30549	DSC Logistics, Inc.
Patterson Medical Supply, Inc. (Full Service)	500 Fillmore Ave., Tonawanda, NY 14150 (O)	Madison Dearborn Partners, LLC
Trigen Laboratories, LLC (Full Service)	2500 Main St. Ext. #6, Sayreville, NJ 08872	Vertical/Trigen Holdings, LLC
Boehringer Ingelheim Pharmaceuticals, Inc. (Non-Prescription)	700 Manor Park Dr., Columbus, OH 43228 (O)	Boehringer Ingelheim Pharmaceuticals, Inc.
McKesson Packaging Services (Full Service)	7101 Weddington Rd., Concord, NC 28027	McKesson Corporation

(O) = Ownership Change

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

NON-RESIDENT MANUFACTURER PERMITS

Manufacturer	Location	Owner
Volcano Corporation	2451 Mercantile Dr., Rancho Cordova, CA 95742	Volcano Corporation
Reliable 1 Laboratories, LLC (Virtual)	99West Hawthorne Ave., Suite 160 Valley Stream, NY 11580	Reliable Laboratories, LLC
US Specialty Formulations, LLC	116 Research Dr., Bethlehem, PA 18015	US Specialty Formulations, LLC

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

NON-RESIDENT MANUFACTURER PERMITS

Manufacturer	Location	Owner
411 Waverly Oaks Rd.	411 Waverly Oaks Rd. Waltham, MA 02452	Beaver-Visitec International, Inc.
Meridian Medical Technologies, Inc.	1945 Craig Rd., St. Louis, MO 63146 (O)	Meridian Medical Technologies, Inc.
Aplicare, Inc.	550 Research Parkway, Meriden, CT 06450	Aplicare, Inc.
Dendreon Pharmaceuticals, Inc.	6715 Oakley Industrial Blvd. Union City, GA 30291 (O)	Valeant Pharmaceuticals International, Inc.
Sunstar Americas, Inc. (Virtual)	301 E. Central Rd., Schaumburg, IL 60195	Sunstar Americas, Inc.
Eli Lilly and Company	1223 S. Harding St., Indianapolis, IN 46221	Eli Lilly and Company
Takeda Pharmaceuticals America, Inc.	One Takeda Parkway, Deerfield, IL 60015	Takeda Pharmaceuticals America, Inc.
Ethipak	4324 Reynolds Dr., Hilliard, OH 43026	GenPak Solutions, LLC
Animas Corporation	200 Lawrence Dr., West Chester, PA 19380	Animas Corporation
Excelsior Medical, LLC	1933 Heck Ave., Neptune, NJ 07753	Excelsior Medical, LLC
Protein Sciences Corporation	401 North Middletown Rd., Pearl River, NY 10965	Protein Sciences Corporation
Protein Sciences Corporation	1000 Research Parkway, Meriden, CT 06450	Protein Sciences Corporation

(O) = Ownership Change

4. (6) – New Pharmacists – Schedule F

The Board approved the 49 New Pharmacist Licenses listed on the attachments.

4. (7) – New Interns – Schedule G

The Board approved the 66 New Intern Licenses listed on the attachments.

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

The Board approved the 1003 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 147 Pharmacy Technician Trainee Reapply requests listed on the attachments. The Pharmacy Technician Trainees are approved for one additional two year period.

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 #4468	Complaint #4471
Complaint #4475	Complaint #4481

AGENDA ITEM 5– Hearing – Schedule K

1. Marcus Drew-Smith – Case 16-0009-PHR

President Kennedy opened the Hearing by stating this is the time and place where the matter dealing with Marcus Drew-Smith, Case Number 16-0009-PHR is scheduled to be heard by the Arizona State Board of Pharmacy.

The subject of this hearing is set forth in the Notice of Hearing. This is a formal administrative hearing to determine whether to grant or deny Marcus Drew-Smith’s application for licensure as a pharmacy technician trainee.

The following Board Members were present:

1. Darren Kennedy
2. Tom Van Hassel
3. Kevin Dang
4. Michael Blaire
5. Reuben Minkus
6. Kristin Snair
7. Kyra Locnikar
8. Dennis McAllister

The Board Members were furnished with copies of the Notice of Hearing and all pleadings at record.

Jeanne Galvin, Assistant Attorney General, was present representing the State.

Marcus Drew-Smith, applicant, was present.

President Kennedy asked Mr. Drew-Smith if he was represented by Counsel. Mr. Drew-Smith replied no.

President Kennedy explained to Mr. Drew-Smith that he had the right to counsel and that by proceeding without counsel he was waiving his right to legal representation at this hearing.

President Kennedy explained that this hearing is to allow Mr. Drew-Smith to present testimony

and evidence on his own behalf and if he appeals the Board's decision, the record you make at his hearing today will be evidence considered by a Court in determining whether the Board's decision was proper

President Kennedy asked Mr. Drew-Smith if he understood what he was told and if he wished to proceed without counsel today. Mr. Drew-Smith replied yes.

President Kennedy asked if either party had any procedural issues to address. Ms. Galvin and Mr. Drew-Smith both replied no.

President Kennedy made the opening statement concerning the hearing.

President Kennedy asked if either party have any procedural issues to address. Neither party had any procedural issues to address.

Ms. Galvin made an opening statement. Ms. Galvin stated that it is the mission of the Board to protect the public. Ms. Galvin stated that the applicant must be of good moral character and Mr. Drew-Smith was involved in a domestic violence situation with the mother of his child. Ms. Galvin stated that the applicant is not of good moral character and the State recommends that the Board uphold their denial.

Mr. Drew-Smith stated that he has been in the profession for 8 years. Mr. Drew-Smith indicated that he works in a specialty division that deals with cancer and multiple sclerosis medications. Mr. Drew-Smith stated that he has just been promoted at his job.

Mr. Van Hassel asked Mr. Drew-Smith about his current position. Mr. Drew-Smith stated that he works in the area where they convert medications to generic products. Mr. Drew-Smith stated that 12 people report to him and he is responsible for overseeing the group's activities.

Mr. Van Hassel asked Mr. Drew-Smith about his altercation with his child's mother. Mr. Drew-Smith explained the altercation and what transpired.

Mr. Minkus asked Mr. Drew-Smith if he is still with his child's mother. Mr. Drew-Smith stated that he is not with the mother but does take care of his child.

Mr. Blaire asked Mr. Drew-Smith if he had a letter from his employer. Mr. Drew-Smith stated that he did not because he just was changed to permanent status and prior to that time he was a temp.

Mr. Van Hassel asked about the 36 months of probation for the assault with injury charge. Mr. Drew-Smith stated that he was blocking the doorway and he would not let her exit the bedroom.

Mr. McAllister asked if there were any ongoing issues. Mr. Drew-Smith stated that he is off probation.

Ms. Galvin called Jennifer Mitchell as her witness. Ms. Galvin asked Ms. Mitchell about Mr. Drew-Smith's application and fingerprint report. Ms. Galvin entered her documents into evidence. Mr. Drew-Smith had no objections

President Kennedy asked Mr. Drew-Smith if he wanted to cross-examine the witness. Mr. Drew-Smith replied no.

President Kennedy stated that closing arguments would be heard. Mr. Drew-Smith stated that he is a good person and he needs to move forward. Mr. Drew-Smith stated that he deserves a second chance. Mr. Drew-Smith stated that he has learned a lot of things. Mr. Drew-Smith stated that he is human and made a mistake. Mr. Drew-Smith stated that pharmacy is his passion.

Ms. Galvin stated that holding a license is a privilege and not a right. Ms. Galvin stated that Mr. Drew-Smith does not meet the qualifications and the State recommends the upholding of the denial.

Mr. Drew-Smith did not want to make a brief rebuttal.

On motion by Mr. Blaire and seconded by Mr. McAllister, the Board agreed to grant the application for Licensure. A roll call vote was taken. (Dr. Dang – aye, Mr. Blaire – aye, Mr. Minkus – nay, Mr. McAllister – aye, Mr. Van Hassel – aye, Ms. Locnikar-nay, Ms. Snair –nay, and Mr. Kennedy – aye)

AGENDA ITEM 6– Resident Pharmacy Permits – Schedule L

1. First Care RX

President Kennedy stated that a representative from First Care Pharmacy was present to answer questions from Board Members.

The following individual was present:

1. Gisele Nzeukou - Owner

President Kennedy opened the discussion stating that this application was tabled at the last meeting.

Ms. Nzeukou stated that they have changed the model of their pharmacy. Ms. Nzeukou stated that they would be an independent pharmacy.

Ms. Nzeukou stated that they have made arrangements with Maxim staffing for when the pharmacist is not available.

Ms. Nzeukou stated that they have purchased a computer software system from McKesson for prescription processing and would be ordering their medications from McKesson.

On motion by Dr. Dang and seconded by Mr. Blaire, the Board unanimously approved the application for First Care Pharmacy.

2. Vertisis Custom Pharmacy

President Kennedy stated that a representative from Vertisis Custom Pharmacy was present to answer questions from Board Members.

The following individuals were present:

1. Jose Dastas – Pharmacist in Charge
2. Susan Trujillo – Legal Counsel for Vertisis Custom Pharmacy

President Kennedy stated that this application was also tabled at the last meeting. Mr. Kennedy stated that there were issues with the billing of the prescriptions. Mr. Kennedy stated that the Board had concerns that the prescriber could charge more for the medication.

Ms. Trujillo stated that the payment structure proposed does not violate state or federal law. Ms. Trujillo stated that Vertisis would supply one invoice to the practitioner who would collect the money from the patient and a second invoice to the patient. Both invoices would be the same.

Mr. Blaire asked about Dr. Prato's role. Ms. Trujillo stated that Dr. Prato is the owner. Ms. Trujillo stated that Dr. Prato is a naturopathic physician but is not licensed in Arizona.

Dr. Gandhi asked Mr. Dastas if he is licensed in Arizona. Mr. Dastas replied yes.

Mr. Van Hassel asked about the compounding of the medications. Mr. Dastas stated that they would be compounding using FDA approved products.

Mr. Kennedy asked if the patients have the ability to go to any pharmacy. Ms. Trujillo stated that the pharmacy would transfer the prescription to any pharmacy. Ms. Trujillo indicated that they could bill another pharmacy.

Ms. Snair asked if this is a closed door pharmacy. Ms. Trujillo replied yes.

Ms. Frush asked who would bill the insurance company for the patient's medication. Ms. Trujillo stated that supposedly all patients would be cash pay patients.

Mr. McAllister stated that he is uneasy with the process. Mr. McAllister stated that he is concerned that this is smoke and mirrors so that Naturopaths can have pharmacies compound medications.

Ms. Trujillo stated that Vertisis bills the practitioner and the practitioner pays as an agent of the patient.

Mr. Kennedy asked what would happen if the patient wants the bill sent directly to them. Ms. Trujillo stated that it is the intent of the pharmacy to send the bill to the practitioner administering the medication.

Mr. Dastas stated that this is a closed door pharmacy and they will not be accepting prescriptions from patients. Mr. Dastas stated that they have a relationship with the doctor and these are medications that the patient cannot get at any other pharmacy.

Dr. Gandhi asked if the patient pays for the medication and it is delivered to the doctor's office. Mr. Dastas stated that the medication is delivered to the doctor because the medication would be administered by the doctor or nurse.

Ms. Locnikar asked if there would be an administration fee. Ms. Dastas stated that would be up to the prescriber if they wanted to charge a fee.

On motion by Mr. McAllister and seconded by Ms. Locnikar, the Board unanimously approved the application for Vertisis Custom Pharmacy.

Mr. McAllister stated that they should prepare patient specific prescriptions delivered to the doctor's office.

Mr. Van Hassel stated that he is concerned about the model and patient based billing would be better.

3. V-Estrella Pharmacy

President Kennedy stated that a representative from V-Estrella Pharmacy was present to answer questions from Board Members.

The following individual was present:

1. Vilawoe Boadu – Pharmacist and Owner

President Kennedy asked Ms. Boadu to explain the nature of her business. Ms. Boadu stated that this is an ownership change. Ms. Boadu stated that this is an independent pharmacy. Ms. Boadu stated that the previous owner had a medical emergency and the current owner is ready to sell the business.

Mr. Kennedy asked Ms. Boadu if she is the Pharmacist in Charge. Ms. Boadu stated no.

Mr. Kennedy asked Ms. Boadu if she has ever owned a pharmacy. Ms. Boadu stated that she has owned two other pharmacies. Ms. Boadu stated that one pharmacy is still open and the other pharmacy she closed and sold the files to Walgreens.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously approved the application for V-Estrella Pharmacy.

4. Lumicera Health Services

President Kennedy stated that representatives from Lumicera Health Services were present to answer questions from Board Members.

The following individuals were present:

1. Merle Jarvill – Pharmacist in Charge
2. Sharon Faust – Pharmacist in Charge at the Madison location

President Kennedy asked the applicants to describe their business model. Ms. Faust stated that they want to expand their operations into Arizona. Ms. Faust stated that they are a specialty pharmacy and will be doing shared services initially. Ms. Faust stated that the Madison site would be a call center and the Phoenix site would do all the dispensing.

Mr. Van Hassel asked what specialty products they would be dispensing. Ms. Faust stated that they would be dispensing Humara, Hepatitis C medications (oral), medications for Multiple Sclerosis, and growth hormone. Ms. Faust stated that there would be no compounding at either location.

Mr. Blair asked if their pharmacies would have an internet presence. Ms. Faust replied no.

Ms. Snair asked if they would be a mail order pharmacy. Ms. Faust replied that they would be a closed door mail order pharmacy.

On motion by Dr. Dang and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the application for Lumicera Health Services.

5. Serve n Save Pharmacy (SnS)

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

The following individual was present:

1. Ashwin Waghay – Owner and Pharmacist in Charge

President Kennedy opened the discussion by asking Mr. Waghay if this is an ownership change. Mr. Waghay stated that this is an ownership change. Mr. Waghay stated he owned this pharmacy with another pharmacist. Mr. Waghay stated that he will be the sole owner. Mr. Waghay stated that the business will stay the same.

Ms. Snair asked where counseling takes place. Mr. Waghay stated that there is an area in the waiting room. Mr. Waghay stated that there is a curtain in the area that closes off the area for privacy.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar, the Board unanimously approved the application for Serve n Save Pharmacy.

6. Canyonlands Community Health Care

President Kennedy stated that representatives from Canyonlands Community Health Care were present to answer questions from Board Members.

The following individuals were present:

1. Andrew Lewandowski – Pharmacist in Charge
2. Mary Reed – Director of the Health Center

President Kennedy asked the applicants to describe their business model. Ms. Reed stated that the health care center is located in Page, Arizona. Ms. Reed stated that they are a federally qualified center to serve 340B patients. Ms. Reed stated that they have decided to have a in house pharmacy to service the patients.

Mr. Van Hassel asked if they would only provide services to only 340B patients. Ms. Reed replied that they would be a dual pharmacy. Ms. Reed stated that they would service 340B patients and regular retail patients.

On motion by Mr. McAllister and seconded by Mr. Blaire, the Board unanimously agreed to approve the application for Canyonlands Community Health Care.

7. Ascribe Rx America, LLC

President Kennedy stated that representatives from Ascribe Rx America were present to answer questions from Board Members.

The following individuals were present:

1. Reef Gillum – Owner
2. Bryan Krueger- Pharmacist in Charge
3. Susan Trujillo – Legal Counsel

President Kennedy asked the applicants to describe their business. Mr. Gillum stated that they had a previous license but that license was closed and the business was transferred to Pharmerica. Mr Gillum stated that the business model would remain the same. Mr. Gillum stated that they would be a closed door pharmacy dealing with long term care facilities. Mr. Gillum stated that there would be no compounding.

On motion by Mr. Van Hassel and seconded by Dr. Dang, the Board unanimously agreed to approve the application for Ascribe Rx America, LLC.

8. Community, A Walgreens Pharmacy #16431

President Kennedy was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Ms. Locnikar, the Board unanimously agreed to approve the application for Community, A Walgreens Pharmacy #16431.

RESIDENT PHARMACY PERMITS

The Board unanimously approved the resident pharmacy permits below pending final inspection.

RESIDENT PHARMACY PERMITS – Schedule L

Pharmacy	Location	Owner
First Care Rx	1735 N. 11 th Avenue, Tucson, AZ 85705	Gisele Nzeukou
Vertisis Custom Pharmacy	9343 E. Bahia Dr., Ste. 200, Scottsdale, AZ 85260	Vertisis Custom Pharmacy, LLC
V-Estrella Pharmacy	9305 W. Thomas Rd., #185, Phoenix, AZ 85037 (O)	Villa Estrella, Inc.
Lunicera Health Services, LLC	5350 E. High St., Suite 200, Phoenix, AZ 85054	Navitus Health Solutions, LLC
Serve n Save Pharmacy (SNS)	2080 N. Dobson Rd. #3, Chandler, AZ 85224 (O)	Ashwin Waghray
Canyonlands Community Health Care	437 Vista Ave, Page, AZ 86040	Canyonlands Community Health Care
Ascribe Rx America, LLC	8826 N. 23 rd Ave., Suite C-5 Phoenix, AZ 85021	Corban Holdings, LLC
Community, A Walgreens Pharmacy #16431	2302 N. Central Ave., Suite 7, Phoenix, AZ 85004	Walgreen Arizona Drug Co.

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

1. Veterinary Internet Company Pharmacy

President Kennedy stated that a representative from Veterinary Internet Company Pharmacy was present telephonically to answer questions from Board Members.

The following individual was present:

1. Susan Esneault – Veterinarian – Owner

President Kennedy asked Dr. Esneault to address the nature of her business. Dr. Esneault stated that they are a veterinary internet business that sells online various shampoos, dog foods, and nutraceuticals. Dr. Esneault stated that they do dispense FDA products and do not do any compounding.

Mr. Blaire asked what type of medications they dispensed. Dr. Esneault stated that they dispense any human generic that is generally used in veterinary medicine. Dr. Esneault stated that they do not dispense controlled substances. Dr. Esneault stated that there must be a doctor-patient relationship. Dr. Esneault stated that the pharmacy employs a pharmacist licensed in both Alabama and Tennessee.

Mr. Blaire asked if they have a standard operating procedure manual and a recall policy. Dr. Esneault stated that they are in the process of finalizing the manual.

Mr. Kennedy asked Dr. Esneault if she planned to write any prescriptions that would be filled at the pharmacy and sent to Arizona. Dr. Esneault replied no.

Mr. Kennedy asked Dr. Esneault if there are any other veterinarians in her practice. Dr. Esneault stated that the veterinarians are licensed in Alabama only.

Mr. Blaire asked how they would receive prescriptions. Dr. Esneault stated that the patient may mail the prescription into the pharmacy or the prescription could be faxed from the veterinary clinic.

Mr. Blaire asked if they purchase products from other veterinarians. Dr. Esneault stated that the five veterinarians have several accounts. Dr. Esneault stated that they also hold a wholesale license in Alabama.

On motion by Mr. Van Hassel and seconded by Mr. Dang, the Board unanimously agreed to approve the application for Veterinary Internet Company Pharmacy.

NON-RESIDENT PHARMACY PERMITS

The Board unanimously approved the non-resident pharmacy permits below pending final inspection.

NON-RESIDENT PHARMACY PERMITS – Schedule M

Pharmacy	Location	Owner
Veterinary Internet Company Pharmacy	9542 B-Union Grove Rd., Union Grove, Al 35175	Susan Esneault

AGENDA ITEM 8– Special Requests – Schedule N

#1 Robert Logsdon

Robert Logsdon appeared on his own behalf to request to terminate his probation per Board Order 11-0039-PHR. Deborah Marcum with the PAPA program was also present.

President Kennedy opened the discussion by asking Ms. Logsdon why he was appearing in front of the Board. Mr. Logsdon stated that he is asking the Board to terminate his probation.

Mr. Kennedy asked Mr. Logsdon why he entered the PAPA program. Mr. Logsdon stated that he was addicted to phentermine.

Mr. Kennedy asked Ms. Marcum if Mr. Logsdon has met the terms of this PAPA contract. Ms. Marcum replied yes.

Mr. Kennedy asked Mr. Logsdon about his experience with the PAPA program. Mr. Logsdon stated that it was something he needed. Mr. Logsdon stated that the program has changed his outlook on life.

Mr. Kennedy asked Mr. Logsdon if he is currently working. Mr. Logsdon stated that he is working part-time.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar, the Board unanimously approved the request by Mr. Logsdon to terminate his probation per Board Order 11-0039-PHR.

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

#1 Phoutasone Bansal

Ms. Bansal appeared on her own behalf to request to proceed with reciprocity.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Bansal why she was appearing in front of the Board. Ms. Bansal stated that she applied for reciprocity and was asked to appear because she has not worked in a pharmacy since 2003. Ms. Bansal stated that she took a personal leave to take care of her family. Ms. Bansal stated that she has an active license in Kentucky. Ms. Bansal stated that she applied for reciprocity because she is anticipating that she will return to work in the future.

Mr. McAllister asked Ms. Bansal if she has maintained her Kentucky license and if she has completed any Continuing Education courses. Ms. Bansal stated that she has completed 15 hours of CE each year.

Mr. McAllister stated that since Ms. Bansal has not worked in the last year he felt the internship hours would be necessary.

On motion by Mr. McAllister and seconded by Mr. Blaire, the Board unanimously agreed to allow Ms. Bansal to proceed with reciprocity after completing 400 hours of graduate internship and take and pass the MPJE exam.

#2 Trina Trevino

Ms. Trevino requested that her appearance be postponed due to transportation issues.

#3 Mark Jeffrey Smith

Mark Jeffrey Smith appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Mr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Mr. Smith why he was appearing in front of the Board. Mr. Smith stated that he had Marijuana charges and DUI charges. Mr. Smith stated that he has had no infractions since that times.

Mr. Minkus asked Mr. Smith if he uses drugs or drinks alcohol. Mr. Smith stated that he had maintained sobriety for 2 years to get his driver's license reinstated.

Ms. Snair asked Mr. Smith about his endangerment charge. Mr. Smith stated that he is not aware of any endangerment charge.

Dr. Dang asked Mr. Smith if he was on any prescription medication. Ms. Galvin stated that the Board could go into executive session if they wanted to obtain any healthcare information. Mr. Blaire made the motion to go into executive session and Dr. Dang seconded the motion. A roll call vote was taken. (Dr. Dang – aye, Mr. Blaire – aye, Mr. Minkus – nay, Mr. McAllister – nay, Mr. Van Hassel – nay, Ms. Locnikar – nay, Ms. Snair – nay, and Mr. Kennedy – nay).

Mr. McAllister asked Mr. Smith why he wants to be a technician and if Mr. Smith knows what a pharmacy technician does in the pharmacy. Mr. Smith stated that he is sure that he can do the job and Fry's is always advertising for technicians when he is in the store.

A motion was placed on the floor by Mr. Minkus and seconded by Mr. Dang to deny the application. The motion was withdrawn.

On motion by Mr. Minkus and seconded by Dr. Dang, the Board moved to go into executive session.

On motion by Mr. Van Hassel and seconded by Dr. Dang, the Board unanimously agreed to table Mr. Smith's application until he can provide documentation to address the endangerment charge.

#4 Kelly Watkins

Kelly Watkins appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Mr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Watkins why she was appearing in front of the Board. Ms. Watkins stated that she had several charges and was asked to appear. Ms. Watkins stated that she has a BS in nursing and 1 year ago decided she wanted a career change. Ms. Watkins stated that she started working at CVS Health and is now applying for a pharmacy technician trainee license.

Ms. Watkins stated that she was living in California in 2003 and became separated from her husband. Ms. Watkins stated that she made bad decisions regarding alcohol and driving. Ms. Watkins stated her last incident involving alcohol occurred in 2006.

Dr. Dang asked Ms. Watkins if she plans to return to nursing. Ms. Watkins replied that she does not want to return to nursing.

Dr. Gandhi asked Ms. Watkins about the 2004 Domestic Violence charge. Ms. Watkins stated that her boyfriend lived in Las Vegas and they were involved in an altercation. Ms. Watkins stated that the police were called. Ms. Watkins stated that she had to attend an impulse control class. Ms. Watkins stated that the case was closed upon completions of her probation.

Mr. Van Hassel stated Ms. Watkins about her work history for the last few years. Ms. Watkins stated that she worked for an internet recruiting company doing secretarial work. Ms. Watkins stated that the business closed. Ms. Watkins stated that about a year ago she applied at CVS and she is currently an Assistant Manager. Ms. Watkins stated that she would like to work in the pharmacy with a chance to move up in the organization.

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

#5 Kristian Guerrero

Mr. Guerrero requested that his appearance be postponed until the June meeting.

#6 Albert Canez

Mr. Canez was not able to attend the meeting.

On motion by Mr. Van Hassel and seconded by Dr. Dang, the Board unanimously agreed to table Mr. Canez's application.

#7 Cassandra Teaq

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

Mr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Teaq why she was appearing in front of the Board. Ms. Teaq replied that she is applying for a pharmacy technician license. Ms. Teaq stated that she has a criminal record. Ms. Teaq stated that in 2005 she was charged with possession of child pornography and pled guilty in 2007. Ms. Teaq stated that she spent 4 years in prison.

Ms. Teaq stated that she was granted a pharmacy technician trainee license in 2014. Ms. Teaq stated that she is currently on probation. Ms. Teaq stated that she wants to continue on this path and get off probation. Ms. Teaq stated that she started working as a pharmacy technician last week. Ms. Teaq stated that she has received her PTCB certification. Ms. Teaq stated that she

is responsible for processing prior authorizations.

Mr. Kennedy stated that if he recalls Ms. Teaq stated that she would be off probation soon. Ms. Teaq stated that she does not have an exact time frame. Ms. Teaq stated that she has completed her primary treatment and more treatment is required. Ms. Teaq stated that she is on the maintenance case load for her probation. Ms. Teaq stated that monitoring is complete. Ms. Teaq stated that her only issue has been a couple periods of joblessness.

Ms. Teaq stated that she started her career last week and employment in the pharmacy field is a giant step. Ms. Teaq stated that she wants to contribute to society.

Mr. Minkus asked Ms. Teaq when she would get off probation since her charges stated that it would be life time probation. Ms. Teaq stated that she would have to make a request and go in front of the judge and submit her case. Ms. Teaq stated that the time frame would probably be 5 to 7 years. Ms. Teaq stated that she must complete treatment and have no write-ups while on probation. Ms. Teaq stated that she must take yearly polygraph tests.

Mr. Kennedy asked for an explanation of charges. Ms. Galvin stated that Ms. Teaq pled guilty to 4 charges of sexual exploitation of a minor. Ms. Teaq was charged with 8 counts and pled to 4 counts. Ms. Teaq spent 5 years in prison.

Mr. Kennedy asked Ms. Teaq if she had any restrictions. Ms. Teaq stated that she is not allowed to have Internet at her house. Ms. Teaq stated that she can use the internet for job centers. Ms. Teaq stated that she can have e-mail for certain purposes. Ms. Teaq stated that she is ordered to wear a court ordered ankle monitor. Ms. Teaq stated that the restrictions cannot be removed until her probation is removed. Ms. Teaq stated that she is not allowed to go to parks or strip clubs.

Ms. Galvin asked Ms. Teaq if she has any documentation for the polygraphs. Ms. Teaq replied that they are reluctant to give that information. Ms. Teaq stated that her probation officers cannot write letters or appear on her behalf. Ms. Teaq stated that she has not had any issues with her polygraph tests. Ms. Teaq stated that her probation officer is in support of her progress.

Mr. Minkus asked Ms. Teaq if she had child pornography on her computer. Ms. Teaq stated that she was addicted to porn and had child porn on her computer but had deleted it.

Mr. Minkus asked Ms. Teaq how she got the pornography. Ms. Teaq stated that it is easy to get porn in all forms from sites and file sharing software. Ms. Teaq indicated that she downloaded many pictures.

Mr. Kennedy asked if any live children were involved in the pornography. Ms. Teaq replied there was a video with 3 images.

Ms. Locnikar asked Ms. Teaq if she took any pictures. Ms. Teaq replied no.

Ms. Galvin noted that the charges were Class 2 and 3 felonies. Ms. Teaq stated that she pled guilty to attempted charges.

Mr. Minkus asked Ms. Teaq if she engaged in watching pornography or was she engaged in videoing. Ms. Teaq stated that she downloaded files and used file sharing applications.

Mr. McAllister stated that Ms. Teaq has had her hearing and served her time.

Mr. Van Hassel asked Ms. Teaq if she ever worked at a pharmacy. Ms. Teaq stated that prior to becoming licensed she worked at a mail order pharmacy. Ms. Teaq stated that her new job just started last Monday.

On motion by Mr. Kennedy and seconded by Ms. Locnikar, the Board moved to go into executive session. The Board returned to regular session.

On motion by Mr. Van Hassel and seconded by Mr. Minkus, the Board denied Ms. Teaq's Pharmacy Technician application based on convictions and unprofessional conduct per A.R.S. § 32-1927.01 and A.R.S. §32-1901.01 (C). A roll call vote was taken. (Dr. Dang – aye, Mr. Blaire – aye, Mr. Minkus – aye, Mr. McAllister – aye, Ms. Snair – aye, Ms. Locnikar – nay, Mr. Van Hassel – aye, and Mr. Kennedy –nay)

Mr. Kennedy told Ms. Teaq that her license has been denied and she would be receiving information from the Board Office concerning the denial.

AGENDA ITEM 11– Reports

Executive Director

1. Rulemaking Moratorium

Dr. Gandhi stated that there is a current rules moratorium and requests have to be made to continue with Rule Writing. Dr. Gandhi stated that USP 800 changes may need to be considered after the rules moratorium is lifted.

2. Financials

Dr. Gandhi reviewed the budget with the Board Members.

3. Legislative Update

Dr. Gandhi stated that there is a bill for the Monitoring Program reporting but the new language does not include pharmacies.

Dr. Gandhi stated that there is a bill that would change the fingerprint process. The bill would change the fingerprinting to the fingerprint clearance card which will decrease the time it takes to issue a license.

Dr. Gandhi stated that the compounding bill has been tabled for this session.

4. Certificate of Free Sale Fees

Dr. Gandhi stated that the Certificate of Free Sale bill is proceeding. The rulemaking will coincide with the statutes.

5. Redesigned Pharmacist Wall Certificate

Dr. Gandhi stated that the pharmacist's wall certificate has been redesigned.

6. Repeat PAPA Participants

Dr. Gandhi stated that there are concerns about repeat PAPA participants. Dr. Gandhi stated that these participants are going down the same road over and over again and possibly the program needs modifications to find the right path for these individuals.

Deputy Director Report

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

During the month of January, 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. Intern without an Arizona license - 1
4. Pharmacy Technician Trainee Compounding – 1
5. Shared Service Documentation not provided to patients - 1

Controlled Substance Violations

1. Controlled Substance Overage -2
2. Controlled Substance Shortage - 7
3. Controlled Substance Inventory not available -1
4. Controlled Substance Invoices not filed separately or red "C" stamped – 1
5. Controlled Substance Report not completed upon change of pharmacist in charge – 1
6. Controlled Substance Invoices not provided in 72 hours – 1
7. Controlled Substance Invoices missing received date - 1

Documentation Violations

1. Pharmacist administered immunizations information sent to physician or missing physician information – 1
2. Daily log not signed – 2
3. Counseling Documentation – 4
4. Compounding Documentation -2
5. No Technician Compounding Training Program – 1
6. Refrigerator temperature not documented for immunizations - 1

Areas outside the pharmacy inspection:

1. Termination of employees for theft needed to be reported

PAPA Report – Schedule P

Deborah Marcum, PAPA administrator, was present to represent the PAPA program. Ms. Marcum stated that there are a total of thirty– one (31) participants in the PAPA program. Ms. Marcum stated that there have been three participants that have completed the program and two participants have signed new contracts.

Ms. Marcum stated that their new proposed PAPA contract is being reviewed by legal. Ms. Marcum stated that they are developing a new report format.

Ms. Marcum stated that they had one concern but the issues have been resolved.

Ms. Marcum stated that she is earning her counseling certificate in substance abuse.

AGENDA ITEM 11– Conferences – Schedule Q

Conference 1– Complaint #4411

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

The following individuals were present to discuss the complaint:

1. Shynelle Glockner – Pharmacy Technician- Respondent
2. Stephanie Sparks – Pharmacy Supervisor– Witness

President Kennedy opened the discussion by stating that the Ms. Glockner was terminated from her job for accessing the information of another associate

Ms. Sparks stated that the 2 individuals involved in the incident worked at the same store. Ms. Sparks stated that Ms. Glockner accessed the information of another associate. Ms. Sparks stated that the associate did not have any prescriptions filled at that store. Ms. Sparks stated that Kroger researched who brought the file over and how many times the file was accessed. Ms. Sparks stated that Ms. Glockner was identified as the associate involved.

Mr. Kennedy asked if Ms. Glockner was interviewed. Ms. Sparks stated that Ms. Glockner denied looking at the information. Ms. Sparks stated that the footprints indicated that Ms. Glockner looked at the information

Mr. Minkus asked if the information was accessed under her ID. Ms. Glockner stated that she was logged into three computers and anyone could have looked at the prescriptions under her ID. Ms. Sparks stated that it is not the normal procedure to log into all the computers.

Mr. Van Hassel asked why Ms. Glockner would look at this individuals profile. Ms. Sparks stated that there is a family history between the individuals and there was an ongoing disagreement between the two individuals.

Mr. Van Hassel asked on how many occasions this occurred. Ms. Sparks stated that this was the only associate records reviewed multiple times and on multiple days.

Mr. Blaire asked Ms. Glockner what occurred between her and this associate. Ms. Glockner stated that her mother and she have custody of the other associate's 8 year old son.

Ms. Snair asked what happened. Ms. Glockner stated that she did not look up the information. Ms. Glockner stated that the other associate could have set up something with a floating technician. Ms. Glockner stated that she does not know what medications the other individual was prescribed and what records the other individual provided to the court.

Mr. Minkus asked if there have been any other issues since Ms. Glockner left. Ms. Sparks replied no.

On motion by Mr. Van Hassel and seconded by Dr. Dang, the Board unanimously agreed to offer Ms. Glockner a Consent Agreement with the following terms: \$1,000 fine and 6 hours of CE to be completed in 6 months.

Conference 2– Complaint #4436 – Mr. Kennedy was recused due to a conflict of interest.

The following individuals were present to discuss the complaint:

1. Mark Bond – Pharmacist In Charge- Respondent
2. Mike Simko – In house Legal Counsel- Witness
3. Lorri Walmsley – Pharmacy Supervisor - Witness
5. Christine Cassetta – Outside Pharmacist Counsel

Mr. Parker was unable to attend the conference.

Vice President Van Hassel asked Mr. Haiber to give a brief overview of the complaint. Mr. Haiber stated that the complainant picked up a new prescription for Rifampin 300mg on 7/10/2015. The prescription was an initial fill which would have required counseling. The complainant stated that he was not counseled or offered counseling. The complainant is a pharmacist and stated that the medication conflicted with another medication he is currently taking (Completra) which was last prescribed on 6/28/2015. The complainant stated that he contacted his physician and was advised not to take the Rifampin. The counseling log indicates that counseling was declined. The prescription transaction log for the prescription indicated a major DI warning between Rifampin and Completra was overridden by the pharmacist with a DUR comment of "reviewed patient history". Notes do not indicate that the DUR was reviewed with the issuing prescriber.

Vice President Van Hassel asked the respondents to address the complaint. Mr. Bond stated that prior to this complaint he had a conversation with Mr. Parker reinforcing that counseling must be performed. Mr. Bond stated that there was no issue going forth.

Mr. Van Hassel asked if there is a red flag when a DUR occurs. Ms. Walmsley stated that standard operating procedures indicate that if a major DUR occurs there are two ways to document the interaction was reviewed. The pharmacist can document the interaction on the hard copy or the DUR screen. Ms. Walmsley noted that there was no documentation.

Mr. Blaire asked if comments are placed in the field to resolve the interaction and if there is a peer review by pharmacy staff. Ms. Walmsley replied no.

Mr. Blaire asked if the customer still is a patient. Mr. Bond replied yes.

Mr. Blair asked if anyone contacted the physician. Ms. Walmsley replied no. Ms. Walmsley stated that the prescriptions were written by two different prescribers.

On motion by Mr. McAllister and seconded by Dr. Dang, the Board unanimously agreed to issue an advisory letter to Mr. Parker.

Conference 3– Complaint #4451 – Mr. Kennedy was recused due to a conflict of interest.

The following individuals were present to discuss the complaint:

1. Mark Bond – Pharmacist In Charge- Respondent
2. Mike Simko – In house Legal Counsel - Witness
3. Lorri Walmsley – Pharmacy Supervisor - Witness
5. Christine Cassetta – Outside Pharmacist Counsel

Vice President Van Hassel asked Mr. Haiber to give a brief overview of the complaint. Mr. Haiber stated that the Complainant stated that she dropped off a prescription for Oxycodone 15 mg IR for 195 tablets. The complainant stated that she was short 73 tablets. The complainant stated that she contacted the pharmacy and the pharmacist told her the count was correct. No counseling documentation was found, however the pharmacist responsible for dispensing the prescription input a DUR note dated on the day the prescription was filled- “patient consulted”. An audit was conducted by the Compliance Officer indicating a 157 tablet overage indicating that the patient could have been shorted the tablets.

Mr. Bond stated that the prescription was presented on 9/9/2015. Mr. Bond stated that he contacted the Dr.’s office because according to the PMP program it was too soon to fill. Mr. Bond stated that on the date the prescription as filled he verified the DUR and pulled the medication for the technician. Mr. Bond stated that the technician counted the medication, verified the count on the scale, and recounted a third time. Mr. Bond stated that the technician circled and initialed the quantity and gave the prescription to him to verify.

Mr. Bond stated that the patient called him to let him know that she had taken 3 tablets and was short when she put the tablets in her packets. Mr. Bond stated that he verified the number of tablets in the system and the amount on hand was correct. Mr. Bond stated that he looked at the video and no one had taken any medication from the bottles.

On motion by Mr. McAllister and seconded by Mr. Blaire, the Board unanimously agreed to dismiss the complaint because there was no compelling evidence where the shortage occurred.

Conference 4– Complaint #4456

The following individuals were present to discuss the complaint:

1. Travon Anderson – Pharmacist In Charge- Respondent
2. Jerry Bono – Pharmacist – Respondent
3. Max Ryan – Pharmacy Technician - Respondent
3. Joe Leyba – Director of Pharmacy Operations Southwest – Witness

President Kennedy asked Mr. Haiber to give a brief overview of the complaint. Mr. Haiber stated that the complainant stated that she picked up a new prescription for her Thyroid medication 60mg. When the technician rang up the prescription, she questioned the price. The technician told the patient that the price increase was due to an increase in quantity and strength. The complainant took the prescription until her next office visit when it was discovered that she was given Thyroid 90mg. The complainant reported the error to the pharmacy and returned the incorrect medication and was given the Thyroid 60mg. The complainant stated that she took the incorrect medication for approximately 4 months. The complainant stated that she experienced hair loss, sleep disturbances, weight loss, and hypertension since consuming the incorrect strength. The pharmacy received a new prescription for the complainant on 3/10/2015 for Thyroid 60mg and the pharmacy technician entered the prescription incorrectly as Thyroid 90 mg. The prescription hard copy record could not be located and was not provided with the pharmacy response. The computer record indicates that the pharmacist performed a DUR and final review. The pharmacist indicated that counseling was refused. It is not known how the determination that counseling was provided because counseling documentation is maintained on the back of the prescription. The prescription was filled for 90 tablets on 3/10/2015 and the patient consumed all 90 tablets. The prescription was refilled for 90 tablets on 6/30/2015 of which 30 tablets were consumed prior to the error being detected.

President Kennedy asked the respondents to address the complaint. Mr. Bono stated that he did make the error because he did not look at the prescription closely enough.

Mr. Ryan stated that he typed the prescription incorrectly and that led to the error. Mr. Ryan stated that he did not ring up the patient.

Mr. Van Hassel asked about the missing hard copy. Mr. Anderson stated that the prescription was filed with the incident report.

Mr. Van Hassel asked if this was an electronic prescription. Mr. Anderson stated that it was an electronic prescription but the fields do not self-populate.

Mr. Blaire asked Mr. Bono if he has a standard process for reviewing prescriptions. Mr. Bono stated that he used to just look at the prescription and probably confused the strength and quantity. Mr. Bono stated that now he checks off each aspect of the prescription. Mr. Leyba added that by holding it in his hand and checking off the information if he is pulled away he would know where he left off.

Mr. McAllister asked what the procedure is if a customer questions the cost at the register. Mr. Ryan stated that he would notify the pharmacist.

Mr. Bono stated that an Intern was at the register and he told the patient that the price change was due to a change in dose and strength

Dr. Dang asked if the Intern provided counseling because documentation indicated that the patient refused counseling. Mr. Bono stated that he did not counsel the patient but just discussed the price because the patient refused counseling.

On motion by Mr. McAllister and seconded by Mr. Blaire, the Board unanimously agreed to issue a non-disciplinary letter requiring the pharmacist and the technician to complete 3 hours of CE on patient safety or error prevention.

Conference 5– Complaint #4456

The following individuals were present to discuss the complaint:

1. James Foy – Pharmacist In Charge- Respondent
2. Amber Wilkins – Pharmacy Supervisor- Witness
2. Susan Trujillo – Outside Legal Counsel

President Kennedy asked Mr. Waggoner to give a brief overview of the complaint. Mr. Waggoner stated that the complainant indicated that she received 90 tablets of Oxycodone 5 mg instead of 60 tablets as prescribed. The complainant stated that she was told by the pharmacy to keep the additional quantity and they would short her next prescription by 30 tablets. The physician reduced her next prescription by 30 tablets. The pharmacist in charge stated that CII prescriptions are only counted by a pharmacist and are double counted. The pharmacist in charge stated that he is unable to explain how the patient received 30 extra tablets. The error was discovered on a routine perpetual count and the staff pharmacist called patients to determine who had received the additional medication. The prescriber and the pharmacy supervisor were contacted. An additional prescription was requested from the prescriber and was not received. The pharmacist in charge stated that all prescriptions are now back counted after each prescription to ensure proper balance on hand and the count is verified in the electronic perpetual system. The pharmacist in charge stated that he is not aware of any previous incidents with the complainant as indicated in her complaint.

President Kennedy asked Mr. Foy to address the complaint. Mr. Foy stated that he had just started at this store. Mr. Foy stated that there are 11 technicians and 5 or 6 of the technicians are new. Mr. Foy stated he was often interrupted. Mr. Foy stated that he filled and verified the on hand count. Mr. Foy stated that he usually double counts all controls.

Ms. Snair asked how they reconciled the 30 missing tablets. Mr. Foy stated that the staff pharmacist contacted the patient while he was on vacation and they tried to obtain a prescription from the doctor.

Ms. Trujillo indicated that Mr. Foy has taken additional CE on protecting drug abuse and medication safety.

Mr. McAllister noted that the pharmacy did try to resolve the issues.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to dismiss the complaint.

Conference 6– Complaint #4477 – Mr. Kennedy was recused due to a conflict of interest.

The following individuals were present to discuss the complaint:

1. Mike Simko – In house Legal Counsel - Witness
2. Lorri Walmsley – Pharmacy Supervisor – Witness
3. Hazam Abawi – Pharmacist in Charge – Tempe Mail Order - Witness
4. Christine Cassetta – Outside Pharmacist Counsel

Vice President Van Hassel asked Mr. Waggoner to give a brief overview of the complaint. Mr. Waggoner stated that the Board Office received notice that an insurance claim had been filed for payment. The physician had phoned in two prescriptions one for Keflex 500 mg and the other prescription was for Bactrim DS. Only one prescription was filled and dispensed. The non-dispensing of the Bactrim DS prescription resulted in a delay of treatment. The prescriptions were received at a call center located in Orlando Florida. The data entry and verification were performed remotely. The prescription for Keflex was filled at the local pharmacy in Phoenix. The pharmacist stated that they had only received one prescription at the store. The pharmacist at the local store stated that the error could have possibly been caught at counseling if the patient had stated that he was expecting more than one prescription

Vice President Van Hassel asked the respondents to address the complaint. Mr. Abawi stated that the prescriptions were received and entered at the Orlando facility. Mr. Abawi stated that the technician only entered one prescription

Mr. Simko stated that they are using a new process where the prescription is entered into a form by the pharmacist

Mr. McAllister stated that there seems to be a lot of problems at the Orlando facility. Mr. McAllister asked about the Quality Assurance program.

Mr. Simko stated that the Florida facility is part of the centralized processing and takes a lot of work out of the store allowing the store to focus on other aspects. Mr. Abawi stated that it allows the store personnel to have more time with the patient.

Mr. Abawi stated that they have training for the employees in which they emphasize quality. Mr. Abawi stated that they provide the team feedback at daily meetings. Mr. Abawi stated that they have an onsite quality team which audits the process. Mr. Abawi stated that they have a store advocate that acts between the store and mail order facility.

Mr. Blaire asked who fills out the incident report. Mr. Simko stated that the local pharmacy can fill out the incident report.

Mr. Van Hassel asked if it is required that they fill out the incident report. Mr. Simko replied that it is mandatory that they fill out the form.

Mr. McAllister asked how many stores are serviced by the Orlando facility Mr. Simko replied about 500 stores.

Ms. Locnikar asked why the prescriptions go to Orlando instead of Tempe. Mr. Simko stated that there is queue and some prescriptions go to each site.

Mr. Van Hassel noted that there are more errors at the Florida site and asked if they have ever compared the two sites. Mr. Simko replied no.

On motion by Mr. McAllister and seconded by Ms. Snair, the Board unanimously agreed to send an Advisory Letter to the permit holder.

AGENDA ITEM 13 – Tech check Tech

President Kennedy asked Mr. McAllister to address this agenda item. Mr. McAllister stated that studies have shown that tech check tech can work in the community pharmacy. Mr. McAllister stated that machines are more accurate. Mr. McAllister stated that Iowa has a pilot program that showed the effectiveness of the program. Mr. McAllister stated that it would free up the pharmacist to do other activities such as counseling.

Mr. Van Hassel noted that tech check tech is being done in hospitals.

Dr. Dang stated that there are high tech devices with barcode scanning in the hospital. Dr. Dang stated that the tech check tech is more applicable to the hospital setting. Dr. Dang stated that at a hospital the nurse gives the medication and you have another set of eyes checking for errors. Dr. Dang stated that in the retail setting once the prescription is gone it is a done because there is no one else checking the prescription.

Mr. McAllister stated that if there is a mis-match to the barcode the pharmacist would be called.

Mr. Van Hassel stated that the Iowa pilot only allowed the technicians to check refill medications

Mr. Kennedy stated that each site would have to have site specific polices and the technology in place.

Mr. Blaire stated that cases have come before the Board where the technology did not work because it was used incorrectly. Mr. Blaire stated that the Board must put the interest of the patient first and not economics. Mr. Blaire noted that this would increase the liability for the pharmacist and there should be a way to shift the liability to the technician.

Ms. Snair stated that this would only work with barcode technology.

Ms. Galvin stated that this would require rule changes. Ms. Galvin stated that someone would need to bring the request to the Board.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board agreed to explore the possibility of tech check tech. The following Board Members volunteered to be on the Committee: Mr. McAllister, Mr. Van Hassel, Dr. Dang, and Ms. Snair.

AGENDA ITEM 14– Executive Director Evaluation

On motion by Mr. Kennedy and seconded by Mr. McAllister, the Board unanimously agreed to move to executive session to discuss the executive director's performance.

The Board returned to regular session.

On motion by Mr. Blaire and seconded by Mr. Van Hassel, the Board unanimously agreed to evaluate the Executive Director in 6 months after developing metrics and standards.

AGENDA ITEM 16– CVS Health Photo Rx Pilot Program

President Kennedy stated that the following individuals were present to discuss the CVS Photo Rx Pilot Program. Mr. Kennedy stated that this is a continuation of the discussion.

The following individuals were present:

1. Lauren Berton
2. Mark Johnston
3. Susan Trujillo – Outside Legal Counsel

Ms. Berton indicated that CVS has continued to work on the program. Ms. Berton stated that the patient would not be able to use the prescriptions for duplicate fills. Ms. Berton stated that the patient would be asked to place the prescription in a safe place and shred the prescription when notified. Ms. Berton stated that the program would only be for pbm patients. Ms. Berton stated that they would not fill cash prescriptions or controlled substance prescriptions.

Mr. Johnston stated that the prescription could be received by the patient up to 3 days quicker.

Ms. Trujillo stated that the program would increase adherence. Ms. Trujillo stated that the program would be both experimental and technological.

Dr. Dang stated that the photo may not be as clear as the original prescription. Ms. Berton stated that the watermark usually does not show if it is a photo.

Dr. Dang stated that even though they stated that the program is not for a controlled substance people can abuse non-controlled medications. Dr. Dang stated that a person could create a false prescription for thyroid medication because people use it for weight loss.

Mr. McAllister stated that they are not presenting the prescription at the corner drugstore. Mr. McAllister stated that they are a plan member and the pharmacy has the opportunity to turn the patient off for services.

Ms. Locnikar asked about the narcotic prescriptions. Ms. Berton stated that they have enhanced the system to alert the patient that they must mail in the prescription. The patient would get the alert in 2 to 4 hours.

Mr. Van Hassel asked how many prescriptions are e-prescribed versus mailed in. Mr. Johnson stated that 60% are electronically prescribed in some fashion and 7 to 9% are mailed.

Dr. Gandhi asked about sending the patient an envelope in their package to mail the prescription back to the pharmacy where the prescriptions could be matched up. If the prescription is not returned, then the refills would be void.

Mr. Johnson stated that they are trying to better patient safety and by cutting off the refills the patient could possibly not receive their medication. Mr. Johnson stated that the patient would probably not mail the prescription back.

Mr. Kennedy stated that they trust the patient to void the prescription but do not trust the patient to mail the prescription back.

Ms. Locnikar stated that she feels the program would confuse the patient because they are expected to destroy a prescription.

Mr. Kennedy asked if their current pilot required them to call the doctor after receiving the photo. Mr. Johnson stated that they were unsuccessful 51% of the time because the doctor would not take their call.

Mr. Kennedy stated that he would be interested in the denial rate and feedback from the doctor.

On motion by Mr. McAllister and seconded by Mr. Blaire, the Board unanimously approved the CVS Health Rx Pilot Program for experimental and technological advances { (A.R.S. §32-1968 (A) (8), A.R.S§ 32-1904, and R4-23- (H) (1) (d) with the following stipulations:

1. Report in 90 days the following: Quality, Safety, Attempts to fill redundant prescriptions, complaints, unfilled prescriptions, delays, and physician feedback
2. 6 month report
3. 18 month final report

AGENDA ITEM 29 – Call to the Public

President Kennedy 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.

The meeting recessed at 3:50 P.M.

March 17, 2016

AGENDA ITEM 1 – Call to Order – March 17, 2016

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

The following Board Members were present: President Darren Kennedy, Michael Blaire, Kevin Dang, Kyra Locnikar, Reuben Minkus, Kristen Snair, and Tom Van Hassel. The following Board Members were not present: William Francis and Dennis McAllister. The following staff members were present: Compliance Officers Tom Petersen, Steve Haiber, Sandra Sutcliffe, and Dennis Waggoner, Drug Inspectors Melanie Thayer and Joshlyn Noble, Executive Director Kamlesh Gandhi, Deputy Director Cheryl Frush, and Assistant Attorney General Jeanne Galvin.

AGENDA ITEM 6– Resident Pharmacy Permits – Schedule L

1. Al's Drug

President Kennedy stated that a representative from Al's Drug was present to answer questions from Board Members.

The following individual was present:

1. April Al Fatlawi – Pharmacist in Charge and Owner

President Kennedy opened the discussion by asking Ms. Al Fatlawi to describe her business model. Ms. Al Fatlawi stated that the pharmacy would be an independent pharmacy servicing nursing homes and assisted living facilities.

Mr. Kennedy asked Ms. Al Fatlawi if she would be doing any compounding. Ms. Al Fatlawi stated that she would only be compounding non-sterile products such as Miracle Mouthwash.

Mr. Kennedy asked Ms. Al Fatlawi if she ever owned a pharmacy. Ms. Al Fatlawi stated that she had applied for a permit previously but the landlord had rented the space to someone else that also had a permit approved for the same spot.

Mr. Van Hassel asked if she would be delivering. Ms. Al Fatlawi stated that she would be delivering to the assisted living facilities.

Mr. Van Hassel asked if she has any prospective facilities to service. Ms. Al Fatlawi stated that she does have a few facilities lined up to service.

Dr. Dang asked if she would be providing consultation services to the facilities. Ms. Al Fatlawi replied not at first.

On motion by Mr. Blaire and Mr. Van Hassel, the Board unanimously approved the application for Al's Drug.

RESIDENT PHARMACY PERMITS

The Board unanimously approved the resident pharmacy permit below pending final inspection.

RESIDENT PHARMACY PERMITS – Schedule L

Pharmacy	Location	Owner
Al's Drug	10147 NW Grand Ave, Suite B-3 Sun City, AZ 85351	April Al Fatlawi

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

#1 Ana Karina Villeneuve

Ana Karina Villeneuve appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy asked Ms. Villeneuve why she was appearing in front of the Board. Ms. Villeneuve stated that she had a charge for aggravated assault and she has applied for a pharmacy technician trainee license.

Dr. Gandhi asked Ms. Villeneuve about the 2009 DUI charge. Ms. Villeneuve stated that she went to a bar and when she left she was driving with her lights off and she was stopped.

Mr. Blaire asked Ms. Villeneuve if she has a job. Ms. Villeneuve stated that she works at Convergys. Mr. Kennedy recused himself due to a conflict of interest.

Mr. Blaire asked where she worked prior to that time. Ms. Villeneuve stated that she worked at Wal-Mart

Dr. Dang asked about the armed robbery charge that was dismissed. Ms. Villeneuve stated that when she worked at Wal-Mart her boyfriend's brother was one of the individual's that hid in the

backroom after the store closed to commit a robbery. The detective linked that the one individual was her boyfriend's brother. They assumed she gave them the code to the back room but one of the individuals had followed the manager to the backroom. Ms. Villeneuve stated that the charges were dropped.

Ms. Villeneuve stated that the influencing the witness charge stemmed from the fact she allowed someone else to speak to her boyfriend while he was in jail.

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

2. Mercedes Turner

President Kennedy stated that Ms. Turner asked to appear telephonically.

The Board tried several times to contact Ms. Turner but she did not answer.

On motion by Mr. Van Hassel and seconded by Dr. Dang, the Board unanimously agreed to postpone Ms. Turner's appearance until all her court documents are submitted.

3. Carolyn Eisner

Ms. Eisner was not able to attend the meeting.

4. Raishaun Stadeker

Raishaun Stadeker appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy asked Ms. Stadeker why she was appearing in front of the Board. Ms. Stadeker stated that she is applying for a pharmacy technician trainee license. Ms. Stadeker stated that she was charged with a felony in 2008 for forgery. Ms. Stadeker stated that she was in her first year of college and she was the only one with a car and took her friends to Wal-Mart to buy groceries. Ms. Stadeker stated that her friend's had somebody else's checkbook and they were all arrested for forgery.

Ms. Stadeker stated that in 2009 while working at Wal-Mart she was charged with retail theft because she rang out one of classmates and they had changed price tags on the merchandise. Ms. Stadeker stated that she was placed on probation and had completed the probation.

Ms. Stadeker stated that she moved to Arizona in 2015 and enrolled in school. Ms. Stadeker stated that she is waiting to do her internship. Ms. Stadeker stated that she is employed at Popeye's as a shift manager.

On motion by Mr. Blaire and seconded by Dr. Dang, the Board approved Ms. Stadeker's pharmacy technician trainee application after she submits documents that her probation has been terminated. There was one nay vote by Mr. Minkus.

5. Adalberto Cordes

Adalberto Cordes appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy asked Mr. Cordes why he was appearing in front of the Board. Mr. Cordes stated that he was charged with a misdemeanor for failure to appear. Mr. Cordes stated that he showed the bail paperwork and the court dismissed the charge.

Mr. Kennedy asked about the 2010 charge. Mr. Cordes stated that he was cited for being in the park after hours with a woman and was charged with an indecent act.

Mr. Van Hassel asked Mr. Cordes if he is working at EGS. Mr. Cordes stated that he attended the pharmacy technician program at Tucson college and did an internship at EGS in October. Mr. Cordes stated that he was hired and the license will help him advance in his work group.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar, the Board approved Mr. Cordes's pharmacy technician trainee license.

#6 Liliana Hobbs

Liliana Hobbs appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy asked Ms. Hobbs why she was appearing in front of the Board. Ms. Hobbs stated that she is applying for a pharmacy technician trainee license. Ms. Hobbs stated that she was charged with bank fraud and possession of stolen property.

Ms. Hobbs stated that she was charged with bank fraud because she was with a group of friends and they opened a bank account using a false name and deposited counterfeit checks.

Ms. Hobbs stated that she was charged with possession of stolen property because she rented a car and did not return the car. Ms. Hobbs stated that she was jailed until she could explain the conditions involving the car. Ms. Hobbs stated that she rented the car for a friend.

Ms. Hobbs stated that she was arrested for not paying her fines related to the stolen property.

Ms. Hobbs stated that at the time of her arrest she was not compliant with immigration because she was on a work permit.

Mr. Blaire asked Ms. Hobbs where she worked. Ms. Hobbs stated that she works at Convergys.

Mr. Kennedy recused himself due to a conflict of interest.

Ms. Hobbs was asked about her application where she checked that she was a citizen. Ms. Hobbs had submitted documentation that she was not a citizen. Ms. Hobbs stated that someone else had filled out her application.

On motion by Ms. Snair and seconded by Mr. Blaire, the Board unanimously agreed to deny Ms. Hobbs pharmacy technician trainee licensure due to the felony conviction and misrepresentation as a citizen. (A.R.S. §32-1927.01 and A.R.S. §32-1901.01 (C))
A roll call vote was taken. (Dr. Dang – aye, Mr. Blaire – aye, Mr. Minkus – aye, Ms. Snair – aye, Ms. Locnikar – aye, Mr. Van Hassel – aye, and Mr. Kennedy –aye)

AGENDA ITEM 12– Complaint Review – Consideration of Complaints on Schedule R

President Kennedy opened the discussion by stating the Board Members would review all the complaints on schedule V.

Complaint #4440 -Mr. Kennedy was recused due to a conflict of interest.

On motion by Ms. Snair and seconded by Dr. Dang, the Board unanimously agreed to ask the pharmacist and pharmacy technician to appear for a conference.

Complaint #4446

On motion by Ms. Snair and seconded by Mr. Minkus, the Board agreed to offer the pharmacy technician a consent agreement for voluntary suspension and if not accepted the case would proceed to Hearing for possible revocation. There were two nay votes by Mr. Van Hassel and Mr. Blaire.

Complaint #4448 -Mr. Kennedy was recused due to a conflict of interest.

On motion by Dr. Dang and seconded by Mr. Van Hassel, the Board is requesting to have a teleconference with the Pharmacist in Charge and the Pharmacist who made the error at the Florida facility. The complaint is dismissed against the local store. The Board noted that the conference is for informational purposes only.

Complaint #4449-Mr. Kennedy was recused due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Mr. Blaire, the Board unanimously agreed to offer the pharmacist an interim consent order to not practice and at the next Board Meeting review an Order of Summary Suspension .

Complaint #4462

On motion by Mr. Kennedy and seconded by Mr. Van Hassel, the Board unanimously agreed to issue a non-disciplinary advisory letter to the pharmacist requesting that he complete 3 hours of CE on patient safety. The CE units must be completed within 90 days of the letter date.

Complaint #4463 - Mr. Kennedy was recused due to a conflict of interest.

On motion by Mr. Blaire and seconded by Mr. Minkus, the Board unanimously agreed to dismiss the complaint.

Complaint #4467 - Mr. Kennedy and Ms. Snair were recused due to a conflict of interest.

On motion by Dr. Dang and seconded by Mr. Minkus, the Board unanimously agreed to dismiss the complaint.

Complaint #4469 - Mr. Kennedy was recused due to a conflict of interest.

On motion by Ms. Snair and seconded by Dr. Dang, the Board unanimously agreed to ask the pharmacist in charge at the Tempe facility and the pharmacist to appear for a conference.

Complaint #4476 - Mr. Van Hassel was recused due to a conflict of interest.

On motion by Dr. Dang and seconded by Ms. Snair, the Board unanimously agreed to ask the pharmacist and the pharmacy technician to appear for a conference.

Complaint #4478 - Mr. Kennedy was recused due to a conflict of interest.

On motion by Ms. Snair and seconded by Dr. Dang, the Board unanimously agreed to dismiss the complaint.

Complaint #4482

On motion by Mr. Van Hassel and seconded by Ms. Snair, the Board unanimously agreed to ask the pharmacist in charge and the pharmacy technician to appear for a conference.

Complaint # 4485 and #4487

On motion by Mr. Van Hassel and seconded by Mr. Kennedy, the Board agreed to offer a Consent Agreement to the Permit Holders with the following terms: \$10 fine for each script filled and Rescind the Deviation. If not signed the case, would proceed to Hearing.

Complaint #4486 - Mr. Kennedy was recused due to a conflict of interest.

On motion by Dr. Dang and seconded by Ms. Snair, the Board unanimously agreed to ask the pharmacist in charge and the pharmacy technician at the local store to appear for a conference.

Complaint #4488

On motion by Mr. Kennedy and seconded by Ms. Locnikar, the Board unanimously agreed to dismiss the complaint.

Complaint #4490

On motion by Dr. Dang and seconded by Mr. Van Hassel, the Board unanimously agreed to ask both pharmacists in charge to appear for a conference.

AGENDA ITEM 15- Refrigerator Temperature Monitoring Presentation by Da Vinci Group

President Kennedy stated that a representative with the Da Vinci Group were present to give a presentation concerning refrigerator temperature monitoring. Patty Kumbera was present to give the presentation.

Ms. Kumbera stated that refrigerators need to be monitored because of temperature variances and the protection of the immunizations that are stored in the refrigerator. Ms. Kumbera showed various systems that could be used to measure temperature within the refrigerator.

Mr. Blaire asked if the calibration is done remotely. Ms. Kumbera stated that it depends on the system. Ms. Kumbera stated that the calibration could be stored in the cloud. Ms. Kumbera stated that the information could be maintained electronically

Ms. Snair asked about the cost. Ms. Kumbera stated that for one refrigerator and one freezer it is less than \$30 a month.

Mr. Blaire stated that continuous temperature monitoring is being required for national certification.

Mr. Van Hassel noted that temperature monitoring would be required in USP 797 and 800.

AGENDA ITEM 17- Faxed Prescriptions from Assisted Living Facilities Rule Change Request

President Kennedy stated that several individuals were present to address this topic.

The following individuals were present:

1. Susan Trujillo – Legal Counsel for AzPA
2. Kelly Fine – Executive Director of AzPA
3. John Williams – Friendship Village

Ms. Galvin read the definition of prescription order and stated that the prescription could be faxed to the pharmacy.

Dr. Gandhi stated that a nurse is the agent of the doctor and could fax in a prescription. Dr. Gandhi stated that if there is supporting documentation that the nurse is an agent then the agent could fax in the prescription.

Ms. Trujillo indicated that many of the facilities have many patients with different doctors and the documentation would be massive.

Mr. Van Hassel stated that there is often not a nurse available at some facilities.

Ms. Fine stated that the contracted pharmacy could obtain a list of the agents authorized to fax prescriptions.

Mr. Williams stated that at Friendship Village it can take 7 to 10 days to match up the prescriptions to send to the pharmacy. Mr. Williams stated that faxing would ease the burden on the facilities and their facilities would only allow nursing staff to fax.

On motion by Mr. Van Hassel and Mr. Blaire, the Board decided to continue the discussion at the May Meeting and possibly develop a substantive policy.

AGENDA ITEM 18- University of Arizona Poison Control Center Donation Request

President Kennedy stated that Keith Boesen , Director of the Arizona Poison Control Center at the University of Arizona, is present to address his donation request.

Mr. Boesen stated that the program started in 1955. Mr. Boesen stated that in 2009 funding was cut to Poison centers. Mr. Boesen stated that in 2012 the University called in their debt and the Poison Center has not been able to replace the funds lost.

Mr. Boesen stated in 2014 and 2015 the Board transferred \$200,000 to the Poison Center.

Dr. Gandhi asked Mr. Boesen if he had any metrics. Mr. Boesen stated that they receive about 40,000 calls which generates an outgoing call. Mr. Boesen stated that 50% of the calls are for drug information and the other 50% is for exposure. Mr. Boesen stated that the calls for information is decreasing but the exposure calls are increasing and require follow-up. Mr. Boesen stated that a call to the poison center can prevent an emergency room visit.

Dr. Gandhi stated that looking at the budget he could transfer \$125,000 to the Poison Center.

A motion was placed on the floor by Mr. Minkus and seconded by Dr. Dang to transfer \$200,000 to the poison center. A roll call vote was taken and the motion failed. (Dr. Dang – aye, Mr. Blaire – nay, Mr. Minkus – aye, Ms. Snair –nay, Ms. Locnikar – nay, Mr. Van Hassel – nay, and Mr. Kennedy –nay)

On motion by Mr. Blaire and seconded by Mr. Van Hassel, the Board agreed to transfer \$125,000 to the Arizona Poison Center. A roll call vote was taken and the motion failed. (Dr. Dang – aye, Mr. Blaire – aye, Mr. Minkus – nay, Ms. Snair – aye, Ms. Locnikar – aye, Mr. Van Hassel – aye, and Mr. Kennedy – aye)

AGENDA ITEM 19 – Kingman Hospice Home Request to use an Automated Dispensing Machine

President Kennedy stated that the following individuals were present to address their request:

1. Bruce Latimer – Director of Pharmacy Services at Kingman Regional Hospital
2. John Loxterman – Chief Compliance Officer with Enclara Pharmacia
3. Stacie Addy – Nurse at Kingman Hospice Home

President Kennedy asked the individuals to address their request. Mr. Loxterman stated that the Kingman Hospice Home would like to continue using an automated dispensing machine at the home. Mr. Loxterman stated that they were granted permission to use the machine in 2010.

Mr. Van Hassel asked who enters the information into the system. Mr. Loxterman indicated that Enclara pharmacy enters the order.

Ms. Addy stated that Enclara sends the medication to the home and the medication is kept in the Pyxis machine and it is in a double locked room. Ms. Addy stated that the medication is counted each shift.

Ms. Locnikar asked if narcotics are stored in the machine. Ms. Addy stated that they are filled by the local pharmacy.

Ms. Frush asked if the unit that they are using is a Pyxis machine or an automated dispensing machine. Ms. Frush indicated that an automated dispensing machine labels the individual drug packet with the patient's name, the medication name, directions for use, and the patient's ID number. Ms. Frush stated that what they are describing is a Pyxis machine that is used as an emergency box. A Pyxis machine contains unit dose medications and the medications are not labeled for individual patient use.

Mr. Latimer stated that the Pxyis machine is not an automated dispensing machine.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar a motion was placed on the floor to approve the automated dispensing machine based on experimentation and technology. The motion was withdrawn.

Ms. Galvin stated that the Board cannot approve the machine because it does not meet the Definition of an automated dispensing machine.

On motion by Mr. Minkus and seconded by Dr. Dang, the Board moved to go into executive session to obtain legal advice. The Board returned to regular session.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar, the Board unanimously agreed to table the request to explore options.

AGENDA ITEM 20 – Proposed Immunization Substantive Policy

President Kennedy made a motion to move to Executive Session to obtain legal advice. The motion was seconded by Mr. Blaire. The Board returned to Regular Session.

On motion by Mr. Kennedy and seconded by Mr. Van Hassel, the Board unanimously agreed to not adopt the policy at this time and allow Board staff to seek an exemption to the rule making.

AGENDA ITEM 21- Rebates

The Board tabled this agenda item.

AGENDA ITEM 22 – Proposed Disciplinary Guidelines for Complaint Resolution Substantive Policy

The Board tabled this agenda item.

AGENDA ITEM 23 – H1B Applicants

President Kennedy asked Ms. Suwinski, the Licensing Coordinator to address this item. Ms. Suwinski stated that issues have arisen involving H1B applicants and the transfer of applicants to Arizona. Ms. Suwinski stated that she would like the Board's guidance on how they would like to handle the situation.

The Board stated that they would like to handle the cases on a case by case basis.

AGENDA ITEM 24 – Prescription Blank Advertising

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that he is receiving calls from pharmacies stating that non-resident pharmacies are placing prescription blanks on their websites and they are not allowed to place the blanks on their websites. Dr. Gandhi stated that the resident pharmacies would like an even playing field.

Mr. Kennedy stated that he does not have an issue with placing the blanks on the website if the intent is not to drive business to their pharmacy. Mr. Kennedy stated that he would support a website that the physician has to contact to see the prescription blank.

Mr. Van Hassel stated that a small pharmacy would not be able to pay the fee for a search engine.

Mr. Blaire indicated that Google does not allow a pharmacy to advertise unless they are VIPPS Certified.

Ms. Galvin stated that the Board could develop a substantive policy concerning indirect and direct advertising.

AGENDA ITEM 25- Mixing of Non-Emergent Medications in a hospital by Nursing Staff

President Kennedy asked Mr. Van Hassel to address this agenda item. Mr. Van Hassel stated that USP 797 would require sterile compounding to be done in a sterile area. Mr. Van Hassel stated that nurses are making non-emergent medications at the nursing station. Mr. Van Hassel stated that this is a concern that the Board may want to consider.

AGENDA ITEM 26 – June Board Meeting

President Kennedy asked if the Board Members would like to cancel the June meeting since it is close to the May Meeting. The Board Members decided that they would address the issue at the May Meeting.

AGENDA ITEM 27 – WellCare Pharmacy Interim Consent Update

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated at this time the drugs are still not destroyed due to a conflict with the landlord who changed the locks. Dr. Gandhi stated that the pharmacy is not open for business.

AGENDA ITEM 28 - Philador Health Services – Request for Legal Department to Address Board Concerns that were not answered in the previous Correspondence

President Kennedy stated that the Board has tried to obtain information but the company refuses to respond.

President Kennedy stated that they want to surrender their non-resident pharmacy permit.

On motion by Mr. Van Hassel and seconded by Mr. Blaire, the Board unanimously agreed to open a complaint against the company.

AGENDA ITEM 29 – Call to the Public

President Kennedy 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.

Bereket Gebre- Egziabher came forth. Mr. Gebre- Egziabher stated that he has concerns with the CVS pilot program. Mr. Gebre- Egziabher that there is no guarantee that the patient will destroy the prescription. Mr. Gebre- Egziabher stated that he would like the regulation to fax prescriptions extended to hospice sites.

Robert Wilson came forth to indicate his interest in serving on the committee to update USP 797 and USP 800. Mr. Wilson stated that he is a nuclear pharmacist and it should include the practice of nuclear pharmacy

AGENDA ITEM 30– Future Agenda Items

The following items will be placed on a future agenda for discussion:

1. Board Members requested that New Pharmacies submit acceptable floor plans.
2. Board Members requested that the Board reach out to the Pharmacy Technician Schools.
3. Mr. Van Hassel asked if the Board Staff could prepare a report showing pharmacy complaints by location.
4. Dr. Dang asked that the Board consider the licensing of pharmacists and technicians that work at non-resident pharmacies that process prescriptions for Arizona patients.
5. Mr. Van Hassel asked that a committee be formed to review USP 800.

AGENDA ITEM 31- Adjournment

There being no further business to come before the Board, President Kennedy adjourned the meeting at 3:50 P.M.