



**Arizona State Board of Pharmacy**

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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING AUGUST 24 & 25, 2016  
MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – August 24, 2016**

President Kennedy convened the meeting at 8:30 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 staff members were present: Compliance Officers Tom Petersen, Steve Haiber, Karol Hess, Sandy 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 2 – Introduction of New Director for the Controlled Substance Monitoring Program – Elizabeth Dodge**

President Kennedy introduced Elizabeth Dodge. Ms. Dodge is the new director for the Controlled Substance Monitoring Program. Ms. Dodge gave a brief overview of her educational and professional background.

**AGENDA ITEM 3 – Introduction of New Pharmacist Board Member – Douglas Skvarla**

President Kennedy introduced Douglas Skvarla the newly appointed Pharmacist Board Member. Mr. Skvarla was appointed to replace Mr. Francis. Mr. Skvarla gave a brief overview of his educational and professional background.

**AGENDA ITEM 4 – 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 15, Schedule P, Special Request for Robert Goodwillie.

Due to having a “substantial interest” in the matter, Mr. Blaire recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Approval of Minutes.

Due to having a “substantial interest” in the matter, Mr. Skvarla recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Approval of Minutes.

Due to having a “substantial interest” in the matter, Mr. Skvarla recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 7, Chang Pak – Proposed Consent Agreement.

Due to having a “substantial interest” in the matter, Mr. Skvarla recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Chang Pak – Vacation of Hearing.

Due to having a “substantial interest” in the matter, Mr. Skvarla recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 9, Chang Pak- Formal Hearing.

Due to having a “substantial interest” in the matter, Mr. Skvarla recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 15, Schedule P, Special Request for Mohamad Abou-Zahra.

Due to having a “substantial interest” in the matter, Mr. Skvarla recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 20, Schedule S, Complaint #4505 and #4514.

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 N, Non-Resident Pharmacy Permit for Walgreens #15331.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 16, Schedule Q, License Applications for the following applicants: Joseph Johnson, Alberto Durazo, Denise Lint, Matt Collins, Miguel Rivera, Tyler Johannes, and Gary Nelson.

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 20, Schedule S, Complaint #4480, 4498, 4501, 4504, 4507, and 4509.

#### **AGENDA ITEM 5– 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. Snair**, the Board Members unanimously approved the minutes for the Regular Meeting and Executive Session held on June 8, 2016. The Board Members also approved the minutes for the USP 800 Committee Meeting held on July 1, 2016.

**AGENDA ITEM 6 – Consent Agenda**

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

**6. (1) Resident Pharmacy Permits – Schedule A**

**RESIDENT PHARMACY PERMITS**

Pharmacy	Location	Owner
CVS/Pharmacy #10742	2385 N. Silverbell Rd., Tucson, AZ 85745	German Dobson CVS, LLC
Fry’s Pharmacy ##657	25401 N. Lake Pleasant Pkwy., Peoria, AZ 85383	Smith’s Food and Drug Centers, Inc.
Fry’s Pharmacy #694	2800 W. Dove Valley Rd., Phoenix, AZ 85085	Smith’s Food and Drug Centers, Inc.
CVS/Pharmacy #10425	20 Airport Rd., Sedona, AZ 86336	German Dobson CVS, LLC
Curahealth Northwest Phoenix	13216 N. Plaza Del Rio Blvd., Peoria, AZ 85381 (O)	Curahealth Phoenix, LLC
Curahealth Phoenix	40 East Indianola Ave., Phoenix, AZ 85012 (O)	Curahealth Phoenix, LLC
Curahealth Tucson	355 North Wilmot Rd., Tucson, AZ 85711 (O)	Curahealth Phoenix, LLC
CVS/Pharmacy #11144	100 North Broad St., Globe, AZ 85501 (O)	German Dobson CVS, LLC

(O) = Ownership Change

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

**NON-RESIDENT PHARMACY PERMITS**

Pharmacy	Location	Owner
BeneVi Health, LLC	13000 Weston Parkway, Suite 105, Cary, NC 27513 (O)	BeneVi Health, LLC
Welcare Pharmacy	1921 W. San Marcos Blvd. #140, San Marcos, CA 92078	Claire Vo
AccuServ Pharmacy	8731 Route 10, North Huntingdon, PA 15642	Marvin Shaffler
ORLRX, LLC	1490 Sunshadow Dr., Suite 3020, Casselberry, FL 32707	ORLRX, LLC
King Park Slope, Inc.	357 Flatbush, Brooklyn, NY 11238	King Park Slope, Inc.
St. Pauls Pharmacy 2	8809 Whittier Blvd., Pico Rivera, CA 90660	Tramanh Nu Ton
Tarrytown Expocare	8500 Shoal Creek Blvd., Ste. 200, Austin, TX 78757	Mark Newberry
Prescription Dispensing Laboratories	101 Commercial Parkway, Cedar Park, TX 78613 (O)	Daniel Volney
Apex Specialty Pharmacy	616 NW Platte Valley Dr., Riverside, MO 64150	Riverside Pharmacy Associates, LLC
Medicine Man Pharmacy	13737 Artesia Blvd., Suite 202, Cerritos, CA 90703	Neima Ghassemian

(O) = Ownership Change

**6. (2) Non-Resident Pharmacy Permits (Out of State) – Schedule B - Continued**  
**NON-RESIDENT PHARMACY PERMITS**

Pharmacy	Location	Owner
PURE Compounding Pharmacy	603 E. Diehl Rd., Ste. 131, Naperville, IL 60563	Anjum Usman
Maxxon Home Healthcare, LLC	1550 NW Federal Hwy., Stuart, Florida 34994	US MED, LLC
Minnesota Cancer Care Pharmacy	1580 Bean Ave, Maplewood, MN 55109	Minnesota Cancer Care Pharmacy(Partnership)
Heritage Biologics, Inc.	255 NW Victoria Dr., Lee’s Summit, MO 64086	Heritage Biologics, Inc.
Amerita, Inc.	7307 South Revere Parkway, Unit 200, Centennial, CO 80112	Amerita, Inc.
Tailor Made Compounding, LLC	2640 Merrick Rd., Bellmore, NY 11710	Jeremy Delk
RxCare Specialty Pharmacy, LLC	6300 Commerce Dr., Westland, MI 48185	RxCare Specialty Pharmacy, LLC
National Pharmacy	7420 Santa Monica Blvd., West Hollywood, CA 90046	National Pharmacy, Inc.
Excel Pharmacy	375 E. Elm St., Ste. 110-C, Conshocken, PA 19428	Thomas Garlick
ASPCares	1401 E. Ridge Rd., Unit B, McAllen, TX 75234	AB Pharmacy, Inc.
Brookside Rx, LLC	11020 Q Street, Omaha, NE 68137	Brookside Rx, LLC
Allcare Pharmacy, Inc.	12 Plymouth St., Suite 100, Worcester, MA 01608	Allcare Pharmacy, Inc.
Hy-Vee Pharmacy 1632	3000 S. Minnesota Ave., Sioux Falls, SD 57105	Hy-Vee, Inc.
TNH Pharmacy 2	16211 Vanowen St., Suite 301, Van Nuys, CA 91405 (O)	Valley Campus Pharmacy, Inc.
Compoundia Pharmacy, Inc.	766 Lakefield Rd., Unit E, Westlake Village, CA 91361	Compoundia Pharmacy, Inc.
Mohegan Pharmacy	67 Sandy Desert Rd., Uncasville, CT 06382	Mohegan Tribe of Indians of Connecticut
Premier Infusion Care	19500 Normandie Ave., Torrance, CA 00502	Pharmaco, Inc.
Hy-Vee Pharmacy #4	19000 S. Marion Rd., Sioux Falls, SD 57106	Hy-Vee Corp.
Favre’s Baytown Pharmacy	620 Blue Meadow Rd., Bay St. Louis, MS 39520	Bay Town Pharmacy, LLC
Kay Pharmacy, Inc.	2313 W. Olive Ave., Burbank, CA 91506	Kay Pharmacy, Inc.
Pioneer Pharmaceuticals, LLC	5101 Avenue H, Suite 18, Rosenberg, TX 77471	Pioneer Pharmaceuticals, LLC
One Source Pharmacy, LLC	6191 Orange Dr., Suite 6177 Davie, FL 33314	One Source Pharmacy, LLC
Gem Drugs, Inc.	139 Central Ave., Reserve, LA 70084	Gem Drugs, Inc.
The Pill Club	133 Arch St., Suite 7, Redwood City, CA 94062	Roy Chang
Southside Specialty Pharmacy	3416 Old Greenwood Rd., Fort Smith, AR 72903	Arkansas Liver and Gastroenterology, P.A.
Preferred Pharmacy	3939 Hillcroft St., Suite 120, Houston, TX 77057	Medalways Pharmacy, Inc.

(O) = Ownership Change

**6. (2) Non-Resident Pharmacy Permits (Out of State) – Schedule B - Continued**  
**NON-RESIDENT PHARMACY PERMITS**

Pharmacy	Location	Owner
Baxter Healthcare Corporation	One Baxter Parkway, Building DF4, Deerfield, IL 60015	Baxter Healthcare Corporation
Acro Pharmaceutical Services, LLC	313 Henderson Drive, Sharon Hill, PA 19079 (O)	Acro Pharmaceutical Services, LLC
Wal-Mart Central Fill 10-2670	608 Spring Hill Dr., Bldg. 3, Suite 300, Spring, TX 77386	Wal-Mart Stores Texas, LLC
Thies Lombard Pharmacy, Inc	805 S. Main, Lombard, IL 60148	Thies Lombard Holdings, LL
NuFactor, Inc.	41093 County Center Dr., Suite B, Temecula, CA 92591 (O)	NuFactor, Inc.
R & R Compounding , LLC	2950 Thousand Oaks Dr., San Antonio, TX 78247 (O)	Ronda Wenzel and Rachel Pittman
Bluegrass Pharmacy of Lexington, LLC	395 Elaine Drive, Ste. 110, Lexington, KY 40504 (O)	Bluegrass Pharmacy of Lexington, LLC
McDaniel Pharmacy	1005 Market St., Port Gibson, MS 39150 (O)	FTFRX, LLC
Gordian Medical II, Inc.	5834 Louetta Rd., #D, Spring, TX 77379	Gordian Medical, Inc.
Horizon Pharmacy	1591 Rt. 37 West, Suite F-3, Toms River, NJ 08755	Horizon, Inc.
Option Care	2050 S. Finley Rd., Suite 20, Lombard, IL 60148	Option Care Enterprises, Inc.
Flora Pharmacy, LLC	740 Hwy 49, Suite U, Flora, MS 39071	Flora Pharmacy, LLC
Pumps It Pharmacy	10601 Grant Rd., Ste. 101, Houston, TX 77070	Gwen Gerlofs
Assurance Infusion	2626 S. Loop West, Ste. 555, Houston, TX 77054	Nanobots Healthcare, LLC
Paragon Healthcare Specialty	17111 Preston Rd., Suite 100, Dallas, TX 75248	Paragon Healthcare, Inc.
Riverfront Rx, LLC	91277 Conifer Lane, Council Bluffs, IA 51503 (O)	JTK Medical, LLC
PharmLogix, LLC	2360 Campbell Creek Blvd., Suite 530, Richardson, TX 75082	Montalcino Holdings III, LLC

(O) = Ownership Change

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

**RESIDENT WHOLESALER PERMITS**

Wholesaler	Location	Owner
Lexicon Medical Supply Co. (Full Service)	707 N. Main Ave., Tucson, AZ 85705	Jeff Bell
Chester Distributors, Inc. (Full Service)	12416 N. 28 <sup>th</sup> Dr., Unit 24, Phoenix, AZ 85029	Talant Sultanov

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

**NON-RESIDENT WHOLESALER PERMITS**

<b>Wholesaler</b>	<b>Location</b>	<b>Owner</b>
Keysource Acquisition, LLC (Full Service)	7820 Palace Drive, Cincinnati, OH 45249 (O)	Keysource Acquisition, LLC
Nipro Medical Corporation (Full Service)	5260 Naiman Parkway, Solon, OH 44139	Nipro Corporation (100 Percent)
Physician Supply Company, Limited (Full Service)	5041 Spencer, Ste. 904, Pasadena, TX 77505	Physician Supply Company, Limited
AWC Specialty Rx Consulting, LLC (Full Service)	12655 N. Central Expy., Suite 730, Dallas, TX 75243	AWC Specialty Rx Consulting, LLC
Cardinal Health 200, LLC (Full Service)	7000 Cardinal Place OCLC-QRA, Dublin, OH 43017	Cardinal Health 200, LLC
Reliable Pharmaceutical Returns, LLC (Full Service)	1420 Donelson Pike, Suite B-10, Nashville, TN 37217	Reliable Pharmaceutical Returns, LLC
Supplies Distributors, Inc. (Non-Prescription)	4638 Shelby Dr., Memphis, TN 38118	Business Supplies Distributors Holdings, LLC
Medline Industries, Inc. (Full Service)	1500 Medline Place, McDonough, GA 30253	Medline Industries, Inc.
McKesson Drug Company (Full Service)	2101 12 <sup>th</sup> Avenue S., Clear Lake, IA 50428	McKesson Drug Company
Respiroics Logistics Services, LLC	174 Tech Center Dr., Suite 200, Mt. Pleasant, PA 15666	Respiroics Logistics Services, LLC
RxTPL, LLC (Full Service)	8695 Seward Rd., Fairfield, OH 45011 (O)	360 Pharma Group, LLC
FFF Enterprises, Inc. (Full Service)	41093 County Center Dr., #A, Temecula, CA 92591	FFF Enterprises, Inc.
FFF Enterprises, Inc. (Full Service)	1601 Old Greensboro Rd., Kernersville, NC 27284	FFF Enterprises, Inc.
Smith Medical Partners, LLC (Full Service)	195 E. Elk Trail, Carol Stream, IL 60188	H.D. Smith, LLC
Prodigy Innovation, LLC (Full Service)	100 Overlook Center, 2 <sup>nd</sup> Floor, Princeton, NJ 08540	Mihir Patel
P & G Prestige Products, Inc. (Non- Prescription)	614 Route 303 South, Blauvelt, NY 10913	P & G Prestige Products, Inc.
Larken Laboratories, Inc. (Full Service)	276 Nissan Parkway, Building A, Suite 200, Canton, MS 39046	Larken Laboratories, Inc.
HFC Prestige International U.S. LLC (Non-Prescription)	5950 Grassy Creek Blvd., Winston Salem, NC 27105	HFC Prestige International U.S. LLC
HFC Prestige International U.S. LLC (Non-Prescription)	5576 Ontario Mills Parkway, Unit B, Ontario, CA 91764	HFC Prestige International U.S. LLC
HFC Prestige International U.S. LLC (Non-Prescription)	4608 Appliance Dr., Belknap, MD 21017	HFC Prestige International U.S. LLC

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

**RESIDENT MANUFACTURER PERMITS**

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
PharmaAC LLC	1997 W. Prince Rd., Tucson, AZ 85705	Scott Zellingner
Avella of Deer Valley, Inc. #38	24416 N. 19 <sup>th</sup> Ave., Phoenix, AZ 85085	Avella of Deer Valley, Inc.

**6. (6) Non-Resident Manufacturer Permits – (Out of State) Schedule F**

**NON-RESIDENT MANUFACTURER PERMITS**

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
Cangene biopharma, LLC	1111 South Paca St., Baltimore, MD 21230 (O)	Emergent BioSolutions, Inc
Noramco, Inc.	500 Swedes Landing Rd., Wilmington, DE 19801 (O)	Noramco US Holdings, Inc.
West-Ward Pharmaceuticals Corp.	1809 Wilson Rd., Columbus, OH 43228 (O)	West-Ward Pharmaceuticals Corp.
Spacelabs Healthcare	35301 SE Center St., Snoqualmie, WA 98065	Spacelabs Healthcare
HZNP USA, Inc. (Virtual)	150 Saunders Rd., Suite 200, Lake Forest, IL 60045	HZNP USA, Inc.
Horizon Pharma USA, Inc. (Virtual)	150 Saunders Rd, Suite 400, Lake Forest, IL 60045	Horizon Pharma USA, Inc
Crealta Pharmaceuticals (Virtual)	150 Saunders Rd., Ste 150, Lake Forest, IL 60045	Horizon Pharma Rheumatology, LLC
Independence Pharmaceuticals, LLC (Virtual)	10 West 4 <sup>th</sup> St., Newport, KY 41071	Independence Pharmaceuticals, LLC
Fenwal International, Inc.	Route 122, KM 0.5, Parque Industrial Camino Real , San German, Puerto Rico, 00683	Fenwal International, Inc.
Merrimack Pharmaceuticals, Inc.	One Kendall Square, Suite B7201, Cambridge, MA 02139	Merrimack Pharmaceuticals, Inc.
Lupin Pharmaceuticals, Inc. (Virtual)	111 S. Calvert St., Harborplace Twr #2150, Baltimore, MD 21202	Lupin Limited
Advanced Accelerator Applications USA, Inc.	57 E. Willow St., Milburn, NJ 07941	Advanced Accelerator Applications USA, Inc.
Wells Pharmacy Network, LLC	450 US Hwy 51 Bypass N, Dyersburg, TN 38024	Wells Pharmacy Network, LLC
Blu Pharmaceuticals	301 Robey St., Franklin, KY 42134 (O)	PuraCap Laboratories, LLC
Cipher Pharmaceuticals, Inc.	115 Central Island St., Ste. 300, Charleston, SC 29492 (O)	Cipher Pharmaceuticals, Inc.
Carie Boyd's Prescription Shop	122 Grapevine Hwy, Hurst, TX 76054	Right Value Drug Stores
Respironics, Inc.	174 Tech Center Dr., Suite100, Mt. Pleasant, PA 15666	Respironics, Inc.
Sincerus Florida, LLC	3265 W. McNab Rd., Pompano Beach, FL 33069	Sincerus Florida, LLC
TerSera Therapeutics, LLC (Virtual)	305 Second Ave., Suite 200, Cedar Rapids, IA 52401	TerSera Intermediate Inc.

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

The Board approved the 79 New Pharmacist Licenses listed on the attachments.

**6. (8) – New Interns – Schedule H**

The Board approved the 43 New Intern Licenses listed on the attachments.

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

The Board approved the 491 New Pharmacy Technicians listed on the attachments.

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

The Board approved the 138 Pharmacy Technician Trainee Reapply requests listed on the attachments. The Pharmacy Technician Trainees are approved for one additional two year period.

**6. (11) – Complaints with No Violations – Schedule K**

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

<b>Complaint #4489</b>
<b>Complaint #4495</b>
<b>Complaint #4496</b>
<b>Complaint #4497</b>
<b>Complaint #4502</b>
<b>Complaint #4506</b>

**AGENDA ITEM 7 – Chang Pak – Proposed Consent Agreement – Case 16-0017-PHR**

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

The following individuals were present to discuss proposed consent agreement:

1. Chang Pak - Pharmacist
2. Amy Cotton Peterson and Christopher Dang – Legal Counsel for Mr. Pak

President Kennedy opened the discussion by asking Mr. Pak to address the proposed consent.

Mr. Pak indicated that he had a relapse while in the PAPA program. Mr. Pak stated that he had entered into the PAPA program in May of 2011. Mr. Pak stated that he was issued a consent agreement from the Board that was effective July of 2011.

Mr. Pak stated that he was terminated from his employment on May 13, 2016. Mr. Pak stated that he entered an inpatient treatment program for 30 days. Mr. Pak stated that upon his discharge he signed a new PAPA agreement. Mr. Pak stated that he is more active in his recovery and would like to enter into a new Consent Agreement with the Board. Mr. Pak stated that he would like to practice again.

Mr. Dang stated that the proposed consent would require Mr. Pak to sign a new PAPA contract with a 6 month suspension.

Mr. Van Hassel asked Mr. Pak to explain the cause of his relapse. Mr. Pak stated that he was having marriage problems. Mr. Pak stated that he tried to reconnect with his father and that did not go well.

Mr. Van Hassel asked Mr. Pak if he was still attending meetings at this time. Mr. Pak stated yes and his therapist did notice the change. Mr. Pak stated that he told his counselor that nothing was going on. Mr. Pak stated that he started drinking alcohol.

Mr. Van Hassel asked Mr. Pak if he just used alcohol. Mr. Pak stated that he started with alcohol and then used opiates.

Mr. Kennedy asked Mr. Pak what opioids he was taking. Mr. Pak stated that he was taking Promethazine and Codeine.

Ms. Snair asked Mr. Pak about the diversion of the Promethazine and Codeine. Mr. Pak stated that he filled prescriptions for Promethazine and Codeine for his mother-in-law and father-in-law. Mr. Pak stated that he would fill the prescriptions, pay for the prescriptions, and deliver them to his in-laws. Mr. Pak stated that in late December he started taking some out for himself. Mr. Pak indicated that the prescriptions were legitimate prescriptions.

Mr. Pak stated that he was terminated on May 13, 2016. Mr. Pak stated that he was confronted about filling these medications for these two patients. Mr. Pak stated that he did not want his in-laws to know that he diverted from them. Mr. Pak stated that he told them that he filled the prescriptions without authorization in hopes that they would not be contacted.

Dr. Dang asked Mr. Pak if the prescribing doctor is a family member. Mr. Pak stated that the doctor is his brother-in-law.

Dr. Dang asked Mr. Pak if they are aware of the diversion. Mr. Pak stated that his brother-in-law, his mother-in-law, and his father-in-law are aware of the diversion.

Mr. Blaire noted that there were prescriptions for 60 pints in 5 months since his diversion started in December.

Ms. Snair asked what kind of doctor is his brother-in-law. Mr. Pak stated that he is an anesthesiologist.

Mr. Kennedy asked about the presence of hydrocodone on his drug screens. Mr. Pak stated that he had also taken some Hycodan syrup.

Mr. McAllister asked Mr. Pak why he wanted to be in pharmacy. Mr. Pak stated that he is passionate about pharmacy. Mr. Pak stated that being a pharmacist is a position of trust and he violated that trust.

Mr. Dang stated that the Board Members could go into Executive Session to hear about Mr. Pak's medical history. The Board Members voted not to go into Executive Session.

**On motion by Mr. Van Hassel and seconded by Dr. Dang,** the Board unanimously agreed to reject the Proposed Consent.

#### **AGENDA ITEM 8 – Chang Pak – Case 16-0017-PHR – Vacation of Hearing**

**On motion by Mr. Blaire and seconded by Dr. Dang,** the Board unanimously agreed to vacate the hearing today.

#### **AGENDA ITEM 9 – Chang Pak – Case 16-0017- PHR – Formal Hearing**

**On motion by Mr. Blaire and seconded by Dr. Dang,** the Board unanimously agreed to continue the hearing at the November meeting.

Ms. Galvin stated that the summary suspension will remain in effect and will continue until the Hearing.

#### **AGENDA ITEM 10– Resident Pharmacy Permits – Schedule M**

##### **1. Haven Senior Horizons**

President Kennedy stated that a representative from Haven Senior Horizons Pharmacy was present to answer questions from Board Members.

The following individual was present:

1. John Kohli- Pharmacist in Charge
2. Christine Cassetta – Legal Counsel for Haven Senior Horizons

President Kennedy asked the applicant to describe their business model. Mr. Kohli stated that the hospital is a psychiatric hospital where the patients stay for 10 days.

Mr. Kohli stated that they are undergoing an ownership change and are asking to continue the deviations that they received when they opened for space and hours.

Mr. Kohli stated that they have a limited formulary and medications are delivered to the units where they have an automated dispensing machine.

Mr. Van Hassel asked if they would be adding an additional nursing unit. Mr. Kohli stated that they would be adding a wing with 12 beds.

Mr. Blaire asked how many employees would be on staff. Mr. Kohli stated that there would be one pharmacist and one technician.

Mr. Kohli stated that they would have up to 75 beds with no parenteral beds. Mr. Kohli stated that the existing pharmacy hours are from 8 to 2.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to approve the application for Haven Senior Horizons continuing the deviations for space and pharmacy hours.

## **2. BGH Pharmacy**

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

The following individual was present:

1. April Al Fatlawi – Pharmacist in Charge and owner

President Kennedy asked the applicant to describe their business model. Ms. Al Fatlawi stated that the pharmacy would be a small independent pharmacy. Ms. Al Fatlawi stated that they would be delivering prescriptions to the patients and offer Arabic translations.

Ms. Al Fatlawi stated that she owns another pharmacy and would be hiring a new Pharmacist in Charge for this pharmacy.

Mr. Kennedy asked if they would be doing any compounding. Ms. Al Fatlawi stated that they would not be doing any sterile compounding. Ms. Al Fatlawi stated that they would be compounding medications such as Miracle Mouth Wash.

Mr. Van Hassel asked where the privacy area would be located. Ms. Al Fatlawi stated that they would have an area upfront that they are converting.

Mr. Van Hassel asked Ms. Al Fatlawi if this is a free standing building. Ms. Al Fatlawi stated that the pharmacy would be located in a retail strip.

Mr. Blaire asked about the adjacent wall to the pharmacy and the other shop. Ms. Al Fatlawi stated that the pharmacy would have sheet rock from the floor to the ceiling.

**On motion by Mr. Van Hassel and seconded by Ms. Snair**, the Board unanimously agreed to approve the application for BGH Pharmacy.

## **3. Pinnacle Pharmacy Solutions, LLC**

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

The following individual was present:

1. Kathleen Craig – Pharmacist in Charge

President Kennedy opened the discussion by asking Ms. Craig to describe their business model. Ms. Craig stated that they would be a central processing pharmacy. Ms. Craig stated that they would take DUR doctor calls. Ms. Craig stated that they would have no medications on site. Ms. Craig stated that they are owned by JKT medical.

Mr. Kennedy asked if they planned to have shared service agreements. Ms. Craig stated that they would be a processing center.

Ms. Snair asked where the prescriptions would come from that they would be processing. Ms. Craig stated it would be a closed door business providing services to another pharmacy. Ms. Craig stated that JKT medical gets prescriptions from Alliance Health

Mr. Blaire asked if they planned on billing Medicare. Ms. Craig stated that she did not know.

Mr. Blaire asked about the lease that is unsigned and made out to another entity. Ms. Craig stated that she does not know about the lease.

Mr. McAllister stated that he is not comfortable with Ms. Craig's knowledge of the business plan.

**On motion by Mr. McAllister and seconded by Ms. Locnikar**, the Board unanimously agreed to table the application until the November meeting.

#### **4. Sun Pharmacy, LLC**

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

The following individual was present:

1. Devin Meier – Owner
2. Roger Morris and Christopher Dang – Legal Counsel for Sun Pharmacy

President Kennedy opened the discussion by asking Mr. Meier to describe their business model. Mr. Meier stated that the pharmacy would be a community retail pharmacy. Mr. Meier stated that they do not plan to do any compounding.

Mr. Kennedy asked Mr. Meier if he has owned a pharmacy. Mr. Meier stated that they have owned a pharmacy in Utah since 2012. Mr. Meier stated that he is a pharmacist but is not licensed in Arizona.

Mr. Van Hassel asked about the floor plan where the space is marked warehouse space. Mr. Morris stated that the space is a suite.

Mr. Van Hassel asked how many employees would be employed by the pharmacy. Mr. Meier stated that they would have one pharmacist and up to three technicians.

Mr. Blaire asked about the clients that the pharmacy would serve. Mr. Meier stated that they would reach out to doctor offices in the area.

Mr. Skvarla asked about the hours the pharmacy would be opened. Mr. Meier stated that they would be open Monday through Friday from 9:00 A.M. to 6:00 P.M. Mr. Meier stated that they could possibly be open on Saturday.

Mr. Kennedy asked if there are any plans to share with the Utah pharmacy. Mr. Meier stated that they would only be sharing the training program. Mr. Meier stated that they would not be sharing prescriptions or inventories.

**On motion by Mr. McAllister and seconded by Mr. Blaire**, the Board unanimously agreed to approve the application for Sun Pharmacy, LLC.

## **5. Thumb Butte Pharmacy**

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

The following individual was present:

1. Pedram Pezeshki – Pharmacist In Charge and Owner

President Kennedy opened the discussion by asking Mr. Pezeshki to describe their business model. Mr. Pezeshki stated that the pharmacy would be a community pharmacy opening in January of 2017. Mr. Pezeshki stated that they would only be compounding ointments and creams.

Mr. Kennedy asked Mr. Pezeshki if he has been a Pharmacist in Charge. Mr. Pezeshki replied yes at Wal-Mart.

Mr. Kennedy asked Mr. Pezeshki if he has ever owned a pharmacy. Mr. Pezeshki replied no. Mr. Pezeshki stated that he will be moving to Arizona.

Mr. Blaire asked Mr. Pezeshki if he is familiar with USP 800. Mr. Pezeshki stated that he is taking a 6 week course on October 11, 2016.

**On motion by Mr. Van Hassel and seconded by Dr. Dang**, the Board unanimously agreed to approve the application for Thumb Butte Pharmacy.

## **6. Freedom Pharmacy of Arizona at Red Mountain**

President Kennedy stated that representatives from Freedom Pharmacy were present to answer questions from Board Members.

The following individuals were present:

1. Chris Shaler – Owner and Pharmacy Technician
2. Michael Franklin – Pharmacist in Charge

President Kennedy opened the discussion by asking Mr. Shaler to describe their business model. Mr. Shaler stated that the pharmacy would be a retail pharmacy and they would be not be compounding any medications.

Mr. Kennedy asked about the layout of the pharmacy. Mr. Shaler stated that they share a lobby with a physical therapy office and a lab.

Mr. Kennedy asked Mr. Shaler how many pharmacies he owns. Mr. Shaler stated that this would be the third pharmacy.

Mr. Kennedy asked Mr. Franklin if he has ever been a Pharmacist in Charge. Mr. Franklin stated that he has been a pharmacist in charge at Safeway for three years.

Mr. Kennedy asked Mr. Shaler about the staffing of the pharmacy. Mr. Shaler stated that the staff would consist of one pharmacist and two technicians.

Mr. Shaler stated that they would be filling assisted living prescriptions.

Mr. Blaire asked who would control the keys to the pharmacy. Mr. Shaler stated that he would not have keys to the pharmacy. Mr. Shaler stated that the office is outside the pharmacy area.

Ms. Snair asked if they would have a drive-thru window. Mr. Shaler replied no. Mr. Shaler stated that the pharmacy is 1,200 square feet with the space divided up into different sections.

Dr. Dang asked where consultation would occur. Mr. Shaler stated that consultation can occur at the window or the adjoining office. Mr. Shaler stated that they would not be giving any immunizations. Mr. Shaler stated that the build out is not complete yet. Mr. Shaler stated that shelving to store products would be placed above the counter.

Dr. Dang asked about the pharmacy hours. Mr. Shaler stated that they would be open Monday through Friday from 9:00 A.M. to 5:00 P.M.

Mr. Skvarla asked Mr. Shaler about the other two pharmacies that he owns. Mr. Shaler stated that one pharmacy is a closed door pharmacy and the other pharmacy is a retail pharmacy. Mr. Shaler stated that he has owned MedHealth since October of last year and Westgate pharmacy since April of this year. Mr. Shaler indicated that he does all the bookkeeping for the pharmacies.

Mr. Skvarla asked how many prescriptions he fills a day. Mr. Shaler stated that he fills about 20 to 50 prescriptions a day. Mr. Skvarla stated that he is not making much money from the pharmacies to run three pharmacies at a time.

Mr. Van Hassel asked about the square footage of the pharmacy. Mr. Shaler stated that the area of the pharmacy would be 305 square feet.

**On motion by Dr. Dang and seconded by Mr. Blaire**, the Board unanimously agreed to approve the application for Freedom Pharmacy of Arizona at Red Mountain.

## 7. Diabetic Apothecary, LLC

President Kennedy stated that representatives from Diabetic Apothecary, LLC were present to answer questions from Board Members.

The following individuals were present:

1. Collette Rittenour – Designated Representative
2. Roger Morris and Christopher Dang – Legal Counsel for Diabetic Apothecary, LLC

President Kennedy opened the discussion by asking Ms. Rittenour to describe their business model. Mr. Morris stated that the pharmacy is located in a medical office building and would be providing diabetic care.

Mr. Kennedy asked if this would be a retail pharmacy. Mr. Morris replied that the pharmacy would be involved with insulin related products.

Ms. Rittenour stated that they have not hired a pharmacist yet.

Mr. Kennedy asked about the hours of the pharmacy. Ms. Rittenour stated that the pharmacy would be open Monday through Friday from 7:30 A.M. to 5:00 P.M.

**On motion by Mr. Van Hassel and seconded by Ms. Snair**, the Board unanimously agreed to approve the application for Diabetic Apothecary, LLC.

## RESIDENT PHARMACY PERMITS

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

### RESIDENT PHARMACY PERMITS – Schedule M

Pharmacy	Location	Owner
Haven Senior Horizons	1201 S. 7 <sup>th</sup> Ave., Phoenix, AZ 85007 (O)	Haven Senior Horizons
BGH Pharmacy	3544 W. Glendale, Suite E, Phoenix, AZ 85051	April Al Fatlawi
Sun Pharmacy, LLC	4838 E. Baseline Rd., #127, Mesa, AZ 85206	Justin Meier
Thumb Butte Pharmacy	3120 Willow Creek Rd., #B, Prescott, AZ 86301	Pedram Pezeshki
Freedom Pharmacy of Arizona at Red Mountain	8035 E. Brown Rd., Mesa, AZ 85207	Chris Shaler
Diabetic Apothecary, LLC	15640 N. 28 <sup>th</sup> Dr., Suite Pharmacy, Phoenix, AZ 85053	Sasha Kumar

(O) = Ownership Change

**AGENDA ITEM 11– Resident Manufacturer Permit – Schedule O**

**1. Precision Science Inc.**

President Kennedy stated that a representative from Precision Science Inc. was present to answer questions from Board Members.

The following individual was present:

1. Bryan Vincent – Owner

President Kennedy opened the discussion by asking Mr. Vincent to describe his business. Mr. Vincent stated that they need the permit at this time because they are manufacturers of medicated feed additives. Mr. Vincent stated that one of the additives coming from Merck uses testosterone and they need a permit to apply for a DEA permit.

Mr. Van Hassel asked if they manufacture feed. Mr. Vincent stated that they are a contract manufacturer. Mr. Vincent stated that the testosterone would not be in the finished product. Mr. Vincent stated that the analytical work requires testosterone as a test ingredient.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to approve the application for Precision Science Inc.

**RESIDENT MANUFACTURER PERMITS**

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

**RESIDENT MANUFACTURER PERMITS – Schedule O**

Manufacturer	Location	Owner
Precision Science, Inc.	1517 W. Knudsen Dr., Phoenix, AZ 85027	Precision Science, Inc.

**AGENDA ITEM 13- Merry X-Ray Approval of Non-Resident Wholesaler Permit Application and Certificate of Deposit**

President Kennedy stated that Merry X- Ray has sent a letter to the Board requesting that the Board accept a Certificate of Deposit in lieu of a surety bond. Mr. Kennedy stated that the Board usually only accepts a surety bond or line of credit for \$100,000.

Ms. Snair asked if the Certificate is good at this time.

Ms. Galvin stated that the Certificate of Deposit is made out to the Board and is good at this time. Ms. Galvin stated that the Board could accept the Certificate of Deposit.

**On motion by Mr. McAllister and seconded by Ms. Snair**, the Board unanimously agreed to approve the application for Merry X-Ray and to accept the Certificate of Deposit made out to the Board of Pharmacy in lieu of a surety bond.

**Non-Resident Wholesaler Permit**

Wholesaler	Location	Owner
Merry X-Ray Corporation	1045 W. National Dr., Suite 9, Sacramento, CA 95834	Merry X-Ray Corporation

**AGENDA ITEM 14 – Avella of Deer Valley Pharmacy #38 – Deviation Request of R4-23-609 (F) – Permanent Barrier**

President Kennedy opened the discussion by stating that a representative from Avella was present to discuss their deviation request.

The following individual was present:

1. Christopher Dinoffria – Pharmacist in Charge

Mr. Kennedy asked Mr. Dinoffria to address their deviation request. Mr. Dinoffria stated that they are requesting a deviation request for R4-23-609 (F) which states that the pharmacy must have a floor to ceiling barrier. Mr. Dinoffria stated they are asking for the deviation based on technological advances.

Mr. Dinoffria stated that they are the only tenants in the building. Mr. Dinoffria stated that they are a national mail order and 503B operation. Mr. Dinoffria stated that the building has dropped ceilings. Mr. Dinoffria stated that the building allows for airflow and the barrier would affect the airflow.

Mr. Dinoffria stated that they are proposing to have 24 hour security monitoring. Mr. Dinoffria stated that access to the pharmacy is by badge access. Mr. Dinoffria stated that they would install IR cameras and video. Mr. Dinoffria stated that any breach would result in the pharmacy being notified and the security company being notified. Mr. Dinoffria stated that they could notify the Board of any outage or breach. Mr. Dinoffria stated that they could report semiannually to the Board identifying each and every time the system is triggered. Mr. Dinoffria stated that the cameras add an additional layer of protection from the unauthorized access to the area.

Mr. McAllister asked why they could not install the barrier. Mr. Dinoffria stated that the nature of the building and the vents required does not allow for the required airflow.

Mr. Van Hassel asked if the alarm could be turned off. Mr. Dinoffria stated that only a pharmacist authorized to disarm the system could turn the alarm off.

Mr. Skvarla asked what would happen if there was an electrical outage. Mr. Dinoffria stated that there is a battery backup.

**On motion by Mr. McAllister and seconded by Ms. Locnikar** the Board unanimously agreed to approve the deviation request made by Avella of Deer Valley Pharmacy #38 for R4-23-609(F) due to technological advances. Mr. McAllister stated any breaks in the system would be noted at the annual inspection

## **AGENDA ITEM 15– Special Requests – Schedule P**

### **#1 Greg Mowers**

Greg Mowers, appeared on his own behalf to request to amend Board Order 14-0014-PHR to remove the stipulation that he must work with another pharmacist. Deb Marcum, PAPA administrator, and Julian Pickens (PAPA counselor) were also present.

President Kennedy asked Mr. Mowers to address his request. Mr. Mowers stated that he is asking that the Board remove the stipulation that he must work with another pharmacist. Mr. Mowers stated that he is unable to find a job. Mr. Mowers stated that he did not set good boundaries in the past. Mr. Mowers stated that he participated in a relapse prevention program. Mr. Mowers stated that he attended 4 to 5 meetings a week. Mr. Mowers stated that he is working part-time teaching junior high on the Indian reservation.

Mr. Kennedy asked Mr. Mowers what has changed. Mr. Mowers stated that he has confronted his problems. Mr. Mowers stated that he wants to work in a pharmacy. Mr. Mowers stated that he has changed.

Mr. Kennedy asked Mr. Mowers how long it has been since he worked in a pharmacy. Mr. Mowers stated that he has not worked in a pharmacy for 2½ years.

Dr. Pickens stated that Mr. Mowers attends his Monday morning counseling sessions. Dr. Pickens stated that Mr. Mowers has faced some difficult family problems. Dr. Pickens stated that Mr. Mowers has experienced some financial problems as a result of not working as a pharmacist and obligations to his ex-wife. Dr. Pickens stated that Mr. Mowers is working a program of recovery. Dr. Pickens stated that Mr. Mowers has developed a new way of thinking and acting.

Ms. Snair asked Mr. Mowers what reasons did the employers give him for turning down his application. Mr. Mowers stated that in the retail sector he has been told that they do not have two pharmacists on duty at the same time. Mr. Mowers stated that he has applied to mail order pharmacies but has not received a response because he is in the PAPA program.

Mr. Minkus asked if anyone told him if he did not have that restriction that they would have hired him. Mr. Mowers replied yes.

Mr. Skvarla asked Mr. Mowers why he should be allowed to work by himself. Mr. Mowers stated that he did not deal with the problems in his life. Mr. Mowers stated that he should have asked for help from others. Mr. Mowers stated that he was going through a nasty divorce. Mr. Mowers stated that he could have left the program but chose to stay in the program. Mr. Mowers stated that he took medications (non-controlled) without a prescription. Mr. Mowers stated that was his dream job.

Mr. Van Hassel told Mr. Mowers at the time he took the medications he was on a consent agreement at that time and did not follow his consent agreement.

Ms. Snair asked Mr. Mowers how many random urine screens he has a year. Mr. Mowers stated that he has 24 screens a year.

**On motion by Mr. Van Hassel and seconded by Mr. Minkus**, the Board unanimously agreed to deny the request made by Mr. Mowers to amend his consent agreement to remove the stipulation that he must work with another pharmacist.

## **#2 Thomas Dalkin**

Thomas Dalkin, appeared on his own behalf to request to terminate the probation per Board Order 12-0007-PHR which terminates 9/27/2016. Deb Marcum, PAPA administrator was also present.

President Kennedy asked Mr. Dalkin to address his request. Mr. Dalkin stated that he is asking the Board to terminate his probation. Mr. Dalkin stated that he has not used any controlled substances in a decade. Mr. Dalkin stated that he did have an alcohol relapse and did two five-year contracts.

Mr. Kennedy asked Mr. Dalkin what has changed in his life. Mr. Dalkin stated that the program teaches you how to live life on lives terms. Mr. Dalkin stated that he is clean and sober and does not want to live like that again.

**On motion by Mr. Van Hassel and seconded by Ms. Snair**, the Board unanimously agreed to terminate the probation imposed on Thomas Dalkin per Board Order 12-0007-PHR effective 9/27/2016 providing there are no intervening events.

## **#3 Mohammad Abou-Zahara**

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

Mohammad Abou-Zahara, appeared on his own behalf to request to terminate the probation per Board Order 11-0050-PHR. Deb Marcum, PAPA administrator and Julian Pickens, PAPA counselor, were also present.

President Kennedy asked Mr. Abou-Zahra to address his request. Mr. Abou-Zahra stated that he is requesting that his probation be terminated. Mr. Abou-Zahra stated that 5 years ago he was arrested for DUI's that caused him to be incarcerated. Mr. Abou-Zahra stated that he has completed his legal requirements, his probation, and the requirements of his consent agreement.

Mr. Kennedy asked Mr. Abou-Zahra what has changed in his life. Mr. Abou-Zahra stated that 5 years ago he had no job and was by himself. Mr. Abou-Zahra stated that he has gotten married and has a daughter with another child on the way. Mr. Abou-Zahra stated that he would like to thank the Board.

Mr. Blaire asked Mr. Abou-Zahra if he is working and he replied yes.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to terminate the probation imposed on Mohammad Abou-Zahra per Board Order 11-0005-PHR.

**#4 Robert Goodwillie**

Mr. Van Hassel was recused due to a conflict of interest.

Robert Goodwillie, appeared on his own behalf to request to terminate the suspension per Board Order 16-0006-PHR. The suspension can be terminated on 9/9/2016 and probation imposed.

President Kennedy asked Mr. Goodwillie to address his request. Mr. Goodwillie stated that his license was suspended for 6 months due to his use of expired drugs to prepare a medication. Mr. Goodwillie stated that he has passed the exams and paid his fine. Mr. Goodwillie stated that he has not completed the ethics course because PEERRx has not completed the course. Mr. Goodwillie stated that he has submitted a letter from PEERRx indicating that the CE units should be available in December of this year.

**On motion by Mr. McAllister and seconded by Ms. Snair**, the Board unanimously agreed to terminate the suspension and impose probation per Board Order 16-0006-PHR effective 9/9/2016. Mr. Goodwillie must complete the ethics course during his probation. Mr. Goodwillie must provide written documentation to the Board by next May on where he is on completion of the ethics course offered by PEERRx.

**#5 Adrienne Jones Rogan**

Adrienne Jones Rogan, appeared on her own behalf to request to take the NAPLEX exam for the fourth time.

President Kennedy opened the discussion by asking Ms. Rogan why she was appearing in front of the Board. Ms. Rogan stated that she is asking to take the NAPLEX exam again.

Ms. Rogan stated that she has had some personal problems. Ms. Rogan stated that she moved here because she had found a job which she lost when she failed the exam. Ms. Rogan stated that her husband remained in Ohio and they were trying to maintain two households.

Ms. Rogan stated that her husband has now relocated and she is able to focus on the test. Ms. Rogan stated that she has purchased the RxPrep course. Ms. Rogan stated that she plans on using the tools and not take the test until she is ready.

Mr. Kennedy asked about the review course. Ms. Rogan stated that she receives online materials and she takes the tests for the reviewed materials.

**On motion by Mr. McAllister and seconded by Dr. Dang**, the Board unanimously agreed to allow Ms. Rogan take the NAPLEX exam one more time.

**#6 Phillip Vaughn**

Phillip Vaughn, appeared on his own behalf to request to take the NAPLEX exam for the fourth time.

President Kennedy opened the discussion by asking Mr. Vaughn why he was appearing in front of the Board. Mr. Vaughn stated that he is asking to take the NAPLEX exam again.

Mr. Vaughn stated that he graduated from Pharmacy School in Missouri in 1982. Mr. Vaughn stated that he passed the exam in 1983.

Mr. Vaughn stated that he went to work for Merck and due to changes in the company has retired early.

Mr. Vaughn stated that he left his licenses expire in Missouri and Illinois and as a result he has to take the NAPLEX exam again. Mr. Vaughn stated that he has taken the RxPrep course. Mr. Vaughn stated that he has passed the MPJE exam

Mr. Van Hassel asked Mr. Vaughn when he last worked in a pharmacy. Mr. Vaughn indicated that he has not been in a pharmacy because he went to work for Merck.

**On motion by Mr. McAllister and seconded by Ms. Locnikar**, the Board unanimously agreed to allow Mr. Vaughn to withdraw his request.

**AGENDA ITEM 16– License Applications Requiring Board Review – Schedule Q**

**#1 Joseph Johnson**

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

Joseph Johnson appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Mr. Johnson why he was appearing in front of the Board. Mr. Johnson stated that he is applying for a pharmacy technician trainee license. Mr. Johnson stated that he was appearing because of his criminal background. Mr. Johnson indicated that he had a felony charge.

**On motion by Mr. Van Hassel and seconded by Mr. Blaire**, the Board unanimously agreed to move to Executive Session because Mr. Johnson's records are sealed.

The Board returned to Regular Session.

**On motion by Mr. Blaire and seconded by Mr. Minkus**, the Board unanimously agreed to deny Mr. Johnson's Pharmacy Technician Trainee application based on his felony conviction (32-1907.01 (A) (6)). A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair-aye, Mr. McAllister – aye, and Mr. Van Hassel – aye)

**AGENDA ITEM #18 – Lindsey Dalzell-Thai – Case 16-0014-PHR- Proposed Consent Agreement**

President Kennedy stated that Ms. Dalzell-Thai has signed her consent and the Board needs to approve the consent and the stipulations. Ms. Dalzell-Thai has submitted a new address as the other documents were returned to the Board Office.

**On motion by Ms. Snair and seconded by Mr. McAllister**, the Board unanimously agreed to approve the signed consent agreement for Case 16-0014-PHR for Lindsey Dalzell-Thai.

**AGENDA ITEM 19 – Reports**

**Executive Director**

1. Pharmacist Scope of Practice – Immunization – Dr. Gandhi stated that they are currently working on the language for this statute change
2. Financials – Dr. Gandhi discussed the financials with the Board Members.
3. Clearance Cards – Dr. Gandhi stated that the Board is no longer accepting Fingerprint Cards but has now moved to accepting Fingerprint Clearance Cards.
4. New Licensing Software – Dr. Gandhi stated that he has signed a contract with i-gov for the Board's new licensing software.
5. NABP Licensing Exam Changes – Dr. Gandhi stated that the NAPLEX exam will change effective the beginning of November. Dr. Gandhi stated that the number of questions will increase as will the time to take the exam. Dr. Gandhi stated that the waiting period to take the exam between failures will decrease to 45 days beginning in November.
6. NABP District 6, 7, and 8 Meeting – Dr. Gandhi stated that the meeting will be held from September 11-14, 2016 in Portland, Oregon. Dr. Gandhi stated that he can serve as the delegate for the Board.
7. Renewal Update – Dr. Gandhi reviewed the renewal procedures for this year.

**Deputy Director Report**

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

During the months of May, June, and July the Compliance Staff issued letters for the following violations:

### **Pharmacy Violations**

1. Expired Rx products in Pharmacy -5
2. Hot water not working properly –6 (one water was rusty)
3. Extra employee in pharmacy - 1
4. Pharmacy Technician Trainee Compounding – 1
5. Pharmacy Technician accepting refusal of counseling – 1
6. Media Fill test not completed for employees compounding sterile products – 1
7. No Pharmacist In Charge – 1
8. CII safe broken – 1
9. Drug Product in Non- Secure Training Room – 1
10. No CQA Program – 2
11. Security – Unlocked doors – 2
12. Policies and Procedures Not Available - 1
13. Expired Pharmacy Technician Working – 1

### **Controlled Substance Violations**

1. Controlled Substance Overage -22
2. Controlled Substance Shortage -19
3. Annual Controlled Substance Inventory Incomplete -2
4. Filling Faxed Controlled Substance Prescriptions without prescriber's signature - 1
5. Change of PIC Controlled Substance Inventory not signed or dated – 1
6. Controlled Substance Invoices missing receipt date – 2
7. Controlled Substance Annual Inventory Not available - 3

### **Documentation Violations**

1. Pharmacist administered immunizations information sent to physician or missing physician information – 6
2. Counseling Documentation – 9 (no counseling available or incomplete counseling documentation)
3. Compounding Documentation -3
4. No Technician Compounding Training Program – 3
5. Automation documentation – 4 (Includes training , accuracy testing, maintenance)
6. Telephone prescriptions missing required documentation – 2
7. No Technician Trainee Training Program – 1
8. Daily sig log not signed - 1

### **Areas outside the pharmacy inspection:**

1. PIC must be named immediately upon resignation of former PIC
2. Report of Unprofessional Conduct

Complaints - 10 New complaints to be assigned  
Reviewing 2 pharmacies to open complaints  
5 DEA 106 forms indicating employee theft – No report – Investigating and Subpoenas for documentation  
2 complaints with compliance pending responses

## **PAPA Report – Schedule R**

Deborah Marcum, PAPA administrator, was present to represent the PAPA program. Ms. Marcum stated that there are a total of thirty-four (34) participants in the PAPA program. Ms. Marcum stated that two participants (2) have completed the program, one (1) participant is appearing in front of the Board to terminate probation, and six new participants are entering the program. Ms. Marcum stated that that two contracts have been terminated for non-compliance and they have been reported to the Board.

## **AGENDA ITEM 20– Complaint Review – Consideration of Complaints on Schedule S**

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

**Complaint #4480 -Mr. Kennedy was recused due to a conflict of interest.**

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

**Complaint #4498 -Mr. Kennedy was recused due to a conflict of interest.**

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

**Complaint #4499**

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to issue an advisory letter to the permit holder concerning the central fill issues.

**Complaint #4500**

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to issue a non-disciplinary advisory letter to the pharmacist and pharmacy technician requesting that they complete 8 hours of CE on patient safety. The CE units must be completed within 90 days of the letter date.

**Complaint #4501 -Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. McAllister and seconded by Ms. Snair**, the Board agreed to offer a Consent Agreement to the Pharmacist with the following terms: \$500 fine and 8 hours of CE on patient safety. If not signed, the case will move to hearing.

**Complaint #4504- Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Ms. Snair and seconded by Mr. Blaire**, the Board unanimously agreed to ask the pharmacist and both pharmacy technicians to appear for a conference.

**Complaint #4505- Mr. Skvarla was recused due to a conflict of interest.**

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

**Complaint #4507 -Mr. Kennedy was recused due to a conflict of interest.**

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

**Complaint #4508**

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

**Complaint #4509 – Mr. Kennedy was recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Dr. Dang,** the Board unanimously agreed to issue an advisory letter to the pharmacist, pharmacy technician, and permit holder concerning outdated medications.

**Complaint #4510**

**A motion was placed on the floor by Mr. McAllister and seconded by Ms. Snair to dismiss the complaint. The motion was withdrawn after discussion**

**On motion by Mr. Blaire and seconded by Ms. Snair,** the Board unanimously agreed to issue an advisory letter to the pharmacist concerning his compounding practices.

**Complaint #4512**

**On motion by Ms. Locnikar and seconded by Mr. Van Hassel,** the Board unanimously agreed to ask the permit holder to appear for a conference.

**Complaint #4513**

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

**Complaint #4514 – Mr. Skvarla recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Mr. McAllister,** the Board unanimously agreed to offer the pharmacist a consent agreement for a new 5- year PAPA contract without the 6 month suspension

### **Complaint #4515**

**On motion by Mr. Van Hassel and seconded by Mr. Minkus**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for a 5- year PAPA contract. Since the pharmacy technician is in an outlying area, he can work with PAPA to establish a program that will meet the requirements of the PAPA contract.

### **AGENDA ITEM 21 – Addition of Members to USP 800 Committee**

**On motion by Tom Van Hassel and seconded by Ms. Snair**, the Board unanimously agreed to add the following members to the committee:

1. Sarah Simmers
2. Robert Wilson
3. Linda Carboni

### **AGENDA ITEM 22 – Assisted Living Facilities Committee**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that this agenda item involves the relay of a prescription from the assisted living facility to the pharmacy. Dr. Gandhi stated that he has received approval from the Governor's office to proceed. Dr. Dang agreed to serve as chairperson for the committee. Mr. Blaire also asked to serve on the committee.

### **AGENDA ITEM 23 - Collaborative Practice – Exemption from Rulemaking**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that with Board approval he would ask for an exemption to rulemaking since the rules were repealed when the new Statute was approved for collaborative practice. Dr. Gandhi stated that a committee could be formed to work with AZPA.

### **AGENDA ITEM 24 – Opioid Antagonist Committee**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that the Bill was approved and the Board needs to write rules. The Board agreed to form a committee and Mr. Skvarla agreed to serve as chairperson.

### **AGENDA ITEM 25 – Statutory Change to add Schedule 5 medications to the Monitoring Program –**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that currently Schedule 5 medications are not monitored by the CSPMP program. Dr. Gandhi stated that he is requesting Board approval to change the statute.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board authorized Dr. Gandhi to proceed with the statutory change to add Schedule 5 medications to the monitoring program.

**AGENDA ITEM 26 – Statutory change to be able to take action against entities not licensed in Arizona**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that entities not licensed in Arizona are shipping product to Arizona without a license and the request is to change the statutes to allow the Board to take action against these entities.

**On motion by Ms. Snair and seconded by Ms. Locnikar**, the Board unanimously agreed to allow Board staff to begin the process.

**AGENDA ITEM 27 –Ownership changes – What level requires a new application**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that the law states that if there is a change in voting stock of 33% a new application is required. Dr. Gandhi asked how far up the ownership chain does this apply. Ms. Galvin suggested tabling the agenda item to look at the rules.

**AGENDA ITEM 28 – Wells Pharmacy – Allowing Florida Board Inspection in lieu of Compliance Staff Traveling to Florida for an Inspection**

President Kennedy stated that Wells Pharmacy is requesting that the Board remove their probation. President Kennedy stated that it was proposed to see if Florida would conduct an inspection to see if the pharmacy meets the requirements to remove the probation.

**On motion by Mr. Kennedy and seconded by Ms. Locnikar**, the Board authorized Dr. Gandhi to contact Florida to see if they would conduct an inspection at the pharmacy for the Arizona Board.

**AGENDA ITEM 29 – Proposed Rules**

President Kennedy stated that two rules needed to be reviewed. The first rule was for the Certificate of Free Sale and the second rule was for the Pharmacist Administered Immunizations.

**On motion by Mr. Blaire and seconded by Dr. Dang**, the Board authorized the approval to proceed with the rulemaking for the Certificate of Free Sale

**On motion by Mr. McAllister and seconded by Ms. Snair**, the Board authorized the approval to proceed with the rulemaking for the Pharmacist Administered Immunizations.

**AGENDA ITEM 30 – Technology Assisted Validation of Product Committee Additional Members.**

President Kennedy asked Dr. Gandhi to address this agenda item. Dr. Gandhi stated that approval was given by the governor's office to proceed with rulemaking. Dr. Gandhi stated that if any retail pharmacists would like to be added to the committee please send him a written request.

**AGENDA ITEM 31 – Banner Pharmacy Services –FDA Warning Letter and 483 Inspection**

President Kennedy asked Compliance Officers Dennis Waggoner and Steve Haiber to address this agenda item.

Mr. Haiber stated that in response to a FDA Warning Letter and 483 Inspection the Board Compliance Staff was asked to conduct an inspection at the site.

Mr. Haiber and Mr. Waggoner indicated that most of the problems have been corrected.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to take no action at this time until Banner's response is reviewed by the FDA.

**AGENDA ITEM 32 – 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.

Roger Morris came forth to address the Board. Mr. Morris stated that the Board may have difficulty in determining the ownership change issues.

The meeting recessed at 3:00 P.M.

**AGENDA ITEM 1 – Call to Order – August 25, 2016**

President Kennedy convened the meeting at 8:30 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 staff members were present: Compliance Officers Tom Petersen, Steve Haiber, Karol Hess, Sandy 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 11 –Non-Resident Pharmacy Permits – Schedule N**

**#1 US Compounding, Inc.**

President Kennedy stated that a representative from US Compounding, Inc. was present to answer questions from Board Members.

The following individual was present:

1. Rebecca Mitchell – Vice President of Regulatory Affairs

President Kennedy asked the applicant to describe their pharmacy model. Ms. Mitchell stated that they do sterile and non-sterile compounding.

Mr. Kennedy asked Ms. Mitchell to address their disciplinary actions. Ms. Mitchell stated that in 2008 they did not zero report to Colorado's controlled substance monitoring program. The Hawaii Board took action against them due to Colorado's action.

Ms. Mitchell stated that in 2014 they sent a prescription to Colorado and listed "Horse" as the patient's name which did not meet Colorado regulations. Ms. Mitchell stated that they Colorado Board took action against them. The Michigan Board took action against them due to Colorado's action.

Ms. Mitchell stated that in 2015 they were cited by the Michigan Board for not having sufficient patient information on a veterinary prescription.

Mr. Van Hassel asked about the FDA recall. Ms. Mitchell stated that in August of 2015 they received a 483 letter. Ms. Mitchell stated that they recalled some products and there were no adverse events as a result of the recalled products. Ms. Mitchell stated that there was a lapse in documentation including alternate plans.

Mr. Skvarla asked why they did not respond to the Boards in a timely fashion. Ms. Mitchell stated that as the company grew licensing and Human Resources did not recognize the timeliness of reporting.

Ms. Locnikar asked about the quality assurance aspect. Ms. Mitchell stated that there were no sterility failures in the dispensed product. Ms. Mitchell stated that the recall was precautionary. Ms. Mitchell stated that they were cited for environmental monitoring due to growth in the hood. Ms. Mitchell stated that the hood was put out of commission. Ms. Mitchell stated that they needed to document the root cause of the growth.

Dr. Dang asked about the business. Ms. Mitchell stated that the business started in 2008 and is being purchased by Adamis Pharmaceuticals Corporation.

Ms. Mitchell stated that a consultant has joined the team and two people are responsible for the QA documentation.

**On motion by Mr. Van Hassel and seconded by Dr. Dang,** the Board unanimously agreed to approve the non-resident pharmacy application for US Compounding, Inc.

**#2 Walgreens #15331 – Mr. Kennedy recused due to a conflict of interest.**

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar,** the Board unanimously agreed to approve the non-resident pharmacy for Walgreens Pharmacy #15331.

**NON -RESIDENT PHARMACY PERMITS**

The Board unanimously approved the non-resident pharmacy permits listed below:

**RESIDENT PHARMACY PERMITS – Schedule M**

Pharmacy	Location	Owner
US Compounding, Inc.	1270 Dona Lane, Conway, AR 72031 (O)	Adamis Pharmaceuticals Corporation
Walgreens #15331	500 Parnassus Avenue, J Level Room MU- 145, San Francisco, CA 94143	Walgreen Co.

(O) = Ownership Change

**AGENDA ITEM 16– License Applications Requiring Board Review – Schedule Q**

**#1 John Burton**

President Kennedy stated that Mr. Burton requested to appear telephonically.

Mr. Burton did not answer the phone call from the Board.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to deny Mr. Burton’s Pharmacy Technician Trainee application based on his criminal record. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair-aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Kennedy - aye)

**#2 Andrew Hicks**

Mr. Kennedy recused himself when he learned that the applicant worked at Convergys.

Andrew Hicks appeared telephonically on his own behalf to request to proceed with Pharmacy Technician Trainee Reapply licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Mr. Hicks why he was appearing in front of the Board. Mr. Hicks stated that he is reapplying for a pharmacy technician trainee license. Mr. Hicks stated that he was arrested for driving under the influence. Mr. Hicks stated that he completed his probation and paid his fine. Mr. Hicks stated that the charge was reduced to a misdemeanor. Mr. Hicks stated that it was a one- time mistake.

Mr. Blaire asked Mr. Hicks if his civil rights were restored. Mr. Hicks replied yes.

Dr. Gandhi asked Mr. Hicks if he planned to take the certification test. Mr. Hicks stated that he did not take the test due to his criminal record and plans to take the test in the next two years. Mr. Hicks stated that Convergys does not offer training for the test.

**On motion by Ms. Snair and seconded by Dr. Dang**, the Board unanimously agreed to approve Ms. Hicks's pharmacy technician trainee reapply application.

### **#3 Adrianna Levene**

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

Adrianna Levene appeared telephonically on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Ms. Levene why she was appearing in front of the Board. Ms. Levene stated that she is applying for a pharmacy technician trainee license. Ms. Levene stated that she has an ongoing disciplinary case with the Nursing Board concerning her Certified Nursing Assistant License (CNA). Ms. Levene stated that she worked at the hospital for 12 hour shifts as a per-diem employee. Ms. Levene stated that she could work 3 to 7 days a week. Ms. Levene stated that she had issues at work due to her personal issues. Ms. Levene stated that she no longer works as a CNA and is now working at Walgreens.

Mr. Van Hassel asked Ms. Levene if she could work as a CNA. Ms. Levene stated that she could work as a CNA but she has an immune system issue. Ms. Levene stated that she has submitted the paperwork required by the Nursing Board.

Ms. Snair asked Ms. Levene what her position is at Walgreens. Ms. Levene stated that she is a designated hitter. Ms. Levene stated that she works in the front of the store and would like to work in the pharmacy.

Mr. Blaire asked Ms. Levene if she has taken a pharmacy technician training program. Ms. Levene stated that Walgreens will pay for her books for the test and her testing fee but she must be licensed as a pharmacy technician.

Dr. Dang asked Ms. Levene about her lapses in patient care. Ms. Levene explained her lapses in patient care. Ms. Levene stated that she did not know about changes in procedures, left a patient unattended, and made up a reading for a patient's temperature that she forgot to record.

Mr. Skvarla asked Ms. Levene when she last spoke with the Nursing Board. Ms. Levene stated that she has written the Board to set up a conference and there has been no other

**A motion was placed on the floor by Mr. Skvarla to table the application until her case is resolved with the Nursing Board.** Ms. Galvin stated that the resolution with the Nursing Board could take a long time. The motion was withdrawn.

Mr. Blaire asked Ms. Levene if she has any intention of maintaining her nursing license. Ms. Levene stated no that she no longer wants to be a nurse. Ms. Levene stated that her work schedule at Walgreens is better because she works 40 hours a week and works days.

Mr. Blaire asked Ms. Levene what changes she has made in her life. Ms. Levene stated that her personal relationships have changed and she has attended counseling sessions.

Ms. Snair stated that the reasons she was fired was for mistreating the patients.

Dr. Dang indicated that Ms. Levene stated that she was not treated nicely by the nursing team and managers and apparently took out her issues on her patients.

Mr. Skvarla asked Ms. Levene about following policies and procedures in the pharmacy. Ms. Levene stated that in the pharmacy the team shows the way things should be done. Ms. Levene stated that she has had two raises since being hired.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to deny Ms. Levene's Pharmacy Technician Trainee application based on her moral character for leaving patients unattended. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – nay Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye)

Mr. Blaire indicated that nursing is a tough position with a different skill set. Mr. Blaire indicated that the applicant has provided enough proof that she has turned her life around and deserves a chance.

#### **#4 Melodie Glassbrook**

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

Melodie Glassbrook appeared telephonically on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Ms. Glassbrook why she was appearing in front of the Board. Ms. Glassbrook stated that she is applying for a pharmacy technician trainee license. Ms. Glassbrook stated that she has several charges brought against her by the police that were made up. Ms. Glassbrook stated that she did not get in trouble as a CNA but received complaints at PIMA Community College in the LPN program.

**On motion by Mr. Minkus and seconded by Ms. Locnikar**, the Board unanimously agreed to deny Ms. Glassbrook's Pharmacy Technician Trainee application based on her criminal background and mental health issues. A roll call vote was taken. (Dr. Dang – aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye)

**#5 Alberto Durazo**

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

Alberto Durazo did not come forth when his name was called.

**On motion by Mr. Blaire and seconded by Ms. Locnikar**, the Board unanimously agreed to deny Mr. Durazo's Pharmacy Technician Trainee application based on his felony convictions.. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye)

**#6 Denise Lint**

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

Denise Lint appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Ms. Lint why she was appearing in front of the Board. Ms. Lint stated that she is applying for a pharmacy technician trainee license. Ms. Lint indicated that she still has an ongoing DUI case since 2014. Ms. Lint stated that she has attended classes, and has an ignition lock on her car.

Ms. Locnikar asked Ms. Lint if she has an alcohol or drug problem. Ms. Lint stated that she used to work in the food service and bar area. Ms. Lint stated that she wanted out of the scene and she got a job at Walgreens. Ms. Lint stated that is why she wants a pharmacy technician license.

Ms. Locnikar asked Ms. Lint if she is currently drinking. Ms. Lint replied no.

Mr. Blaire asked Ms. Lint what she does at Walgreens. Ms. Lint stated that she is a cashier in the pharmacy. Mr. Blaire asked Ms. Lint if her job is in jeopardy if she does not get her license. Ms. Lint replied that she could work in other positions in the store.

Mr. Minkus stated that he has concerned about the drug paraphernalia charges.

**On motion by Mr. Skvarla and seconded by Dr. Dang**, the Board unanimously agreed to deny Ms. Lint's Pharmacy Technician Trainee application based on her violation of federal law. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye)

**#7 Phyllis Sandle**

Mr. Kennedy recused himself when Ms. Sandle indicated that she worked at Walgreens.

Phyllis Sandle appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Sandle why she was appearing in front of the Board. Ms. Sandle stated that she is applying for a pharmacy technician trainee license. Ms. Sandle explained that in 1997 and 1998 she had charges related to family issues. Ms. Sandle stated that the charge of child abuse was because she used a belt to discipline her daughter. Ms. Sandle stated that she was placed on probation for 3 years and she finished her probation early. Ms. Sandle explained that her license was suspended for no insurance.

Ms. Sandle stated that she is employed at Walgreens as a customer service person at the photo lab.

**On motion by Ms. Snair and seconded by Mr. Blaire**, the Board approved Ms. Sandle's Pharmacy Technician Trainee application A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – nay, Ms. Locnikar – nay Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye)

**#8 Michael McAninch**

Michael McAninch appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Mr. McAninch why he was appearing in front of the Board. Mr. McAninch stated that he is working at CVS specialty pharmacy. Mr. McAninch stated that in 2001 he had a DUI charge. Mr. McAninch stated that in 2009 he took a nap in his car because he had too much to drink and drove off and was arrested. Mr. McAninch stated that in 2006 he had a domestic violence charge because he was arguing and the lady down stairs called the police. Mr. McAninch stated that his possession charge in 2001 was dropped against him.

Mr. Kennedy asked why he wants a trainee license. Mr. McAninch stated that he is attempting to get a job in the pharmacy phone center to be able to take orders. Mr. McAninch stated that he is currently working in the benefit side.

**On motion by Dr. Dang and seconded by Ms. Snair**, the Board unanimously approved Mr. McAninch's pharmacy technician trainee application.

**#9 Dana Capp**

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

Dana Capp appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Capp why she was appearing in front of the Board. Ms. Capp stated that she is applying for a pharmacy technician trainee license. Ms. Capp stated that she was charged with DUIs in 2003 and 2010. Ms. Capp stated that she had to take classes for both charges and all requirements have been fulfilled. Ms. Capp stated that she has not been drinking since 2010.

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

**#10 Anthony Martinez**

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

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Mr. Martinez why he was appearing in front of the Board. Mr. Martinez stated that he is applying for a pharmacy technician trainee license. Mr. Martinez stated that he is a student at Arizona College. Mr. Martinez stated that in 2015 he was charged with a felony theft and was placed on probation for 18 months.

Mr. Martinez stated that his cousin was working at UPS and asked him to pick up some packages. Mr. Martinez stated that he was pulled over and charged with theft because the packages were stolen.

Mr. Kennedy asked if he only picked up packages once. Mr. Martinez stated that he picked up packages twice.

Ms. Snair asked if there were names on the packages. Mr. Martinez stated that he did not see any names on the packages.

Mr. Minkus asked if there were shipping labels on the packages. Mr. Martinez replied yes. Mr. Minkus asked how he received the packages. Mr. Martinez stated that his cousin brought the packages to his car through the lobby.

Mr. Martinez stated that his probation ended early and his charge was reduced to a misdemeanor.

Mr. Skvarla asked if he knew his cousin came in front of the Board. Mr. Martinez stated that he does not have much contact with his cousin since moving to Arizona. Mr. Martinez stated that all items were returned to UPS.

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

**#11 Danielle Ramirez**

Danielle Ramirez appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Ramirez why she was appearing in front of the Board. Ms. Ramirez stated that she is applying for a pharmacy technician trainee license. Ms. Ramirez stated that she started working as a cashier at CVS two months ago. Ms. Ramirez stated that she had a marijuana and drug paraphernalia charge that was dismissed after deferred disposition.

Mr. Kennedy asked Ms. Ramirez why she wanted to be a technician. Ms. Ramirez stated that her aunt is a technician and speaks highly of the job. Ms. Ramirez stated that she has completed some of the online training modules.

Ms. Snair asked Ms. Ramirez if she used marijuana before she was caught. Ms. Ramirez stated that was the first time and she got caught.

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

**#12 Matt Collins**

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

Matt Collins appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Mr. Collins why he was appearing in front of the Board. Mr. Collins stated that he is applying for a pharmacy technician trainee license. Mr. Collins explained that he had been charged with a fraud scheme related to his unemployment benefits. Mr. Collins stated that the case was dismissed after he repaid the fines.

Mr. Collins stated that in 1984 he was involved in a protest at his college campus and entered an area where he should not have been and was charged with burglary. Mr. Collins stated that the charges were reduced to criminal trespassing. Mr. Collins stated that in 2003 he was inebriated and fell thru a window and the tenants thought they were being burglarized. Mr. Collins stated the charges were dropped to a misdemeanor trespassing charge.

Mr. Collins stated that he is currently a lead cashier and trainer at Walgreens. Mr. Collins stated that he has just moved back to Arizona after taking care of a family member in Texas.

Dr. Dang asked Mr. Collins why he wants to be a technician. Mr. Collins stated that he is interested in health care and has good communication skills.

**On motion by Ms. Snair and seconded by Dr. Dang,** the Board unanimously approved Mr. Collin's pharmacy technician trainee application.

### **#13 Miguel Rivera**

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

Miguel Rivera appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Mr. Rivera why he was appearing in front of the Board. Mr. Rivera stated that he is applying for a pharmacy technician trainee license. Mr. Rivera stated that he has a shaky background. Mr. Rivera stated that he was charged with a DUI in 2007 and 2013. Mr. Rivera stated that in 2014 he was charged with promotion of gambling.

Mr. Rivera stated that they had a store that did screen-printing. Mr. Rivera stated that in the back of the store they had 3 tables and ran poker games. Mr. Rivera stated that they were caught by the gambling commission and were charged with a misdemeanor for dealing cards. Mr. Rivera indicated that it was a grey matter if the action was legal.

Mr. Van Hassel asked Mr. Rivera how he was paid in the poker room. Mr. Rivera stated that he was paid under the table.

**On motion by Ms. Snair and seconded by Dr. Dang,** the Board unanimously denied Mr. Rivera's pharmacy technician trainee application based on his criminal background. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye)

**#14 Tyler Johannes**

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

Tyler Johannes appeared telephonically on his own behalf to request to proceed with Pharmacy Technician licensure.

Dr. Gandhi swore in the applicant.

Vice President Van Hassel opened the discussion by asking Mr. Johannes why he was appearing in front of the Board. Mr. Johannes stated that he is applying for a pharmacy technician license. Mr. Johannes stated that he had 2 underage consumptions 7 to 8 years ago. Mr. Johannes stated that he received a DUI in January. Mr. Johannes stated that he has completed the DUI and alcohol classes and the only thing outstanding is the fine. Mr. Johannes stated that he is on unsupervised probation and cannot drink alcohol.

Mr. Johannes stated that he has worked at Walgreens for 4 years. Mr. Johannes stated that he had a trainee licensee and was not aware that he had to apply for technician license. Mr. Johannes stated that he put in his application and his background check showed his charges.

**On motion by Dr. Dang and seconded by Ms. Snair**, the Board unanimously approved Mr. Johannes's pharmacy technician application.

**#15 Erin Dye**

Erin Dye appeared on her own behalf to request to proceed with Pharmacy Technician trainee licensure.

Dr. Gandhi swore in the applicant.

President Kenney opened the discussion by asking Ms. Dye why she was appearing in front of the Board. Ms. Dye stated that she is applying for a pharmacy technician trainee license. Ms. Dye stated that she was drinking with friends and was charged with a minor in possession of alcohol. Ms. Dye stated that she was charged with failure to appear for a ticket for drug paraphernalia. Ms. Dye stated that she served 24 hours.

Mr. Blaire asked why she missed her court appearance. Ms. Dye indicated that she was working and going to college and it slipped her mind. Ms. Dye stated that she plans to return to college to get her AA degree.

Ms. Dye stated that she used marijuana recreationally but had quit when she had her daughter two years ago.

Ms. Dye stated that she works at CVS for 3 years as a shift supervisor and would like to be a technician.

**On motion by Ms. Locnikar and seconded by Dr. Dang**, the Board unanimously approved Ms. Dye's pharmacy technician trainee application.

**#16 April Bertoline**

April Bertoline appeared on her own behalf to request to proceed with Pharmacy Technician licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Bertoline why she was appearing in front of the Board. Ms. Bertoline stated that she is applying for a pharmacy technician license. Ms. Bertoline stated that she was charged with Domestic Violence and completed all the requirements. Ms. Bertoline stated that she was charged with DUI in 2003 and 2005 and completed all the classes and requirements. Ms. Bertoline stated that in 2007 she was charged with disorderly conduct and completed the required courses and counseling. Ms. Bertoline stated that she was charged with criminal damage in 2012 when she threw a rock at a vehicle and the complaint was dismissed.

Mr. Van Hassel asked Ms. Bertoline where she works. Ms. Bertoline stated that she works at Pharmerica assisting the pharmacists in the after- hours department.

Mr. Skvarla asked Ms. Bertoline if she has any anger issues. Ms. Bertoline replied no.

Ms. Locnikar asked Ms. Bertoline about her domestic violence charges. Ms. Bertoline stated that she was struggling with her boyfriend and his sister called the cops. Ms. Bertoline stated that she was arrested because she pulled off his necklace. Ms. Bertoline stated that the judge dismissed that case. Ms. Bertoline stated that in 2012 her boyfriend was arrested for domestic violence and the case against her was dismissed.

Mr. Kennedy asked Ms. Bertoline about her job. Ms. Bertoline stated that she likes her job and has been offered a supervisor position. Ms. Bertoline stated that she declined because also has another job.

Mr. Blaire asked Ms. Bertoline if she consumes alcohol. Ms. Bertoline replied occasionally.

**On motion by Mr. Blaire and seconded by Dr. Dang,** the Board unanimously approved Ms. Bertoline's pharmacy technician application.

**#17 Joseph Tytler**

Joseph Tytler appeared on his own behalf to request to proceed with Pharmacy Technician licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Mr. Tytler why he was appearing in front of the Board. Mr. Tytler stated that he is applying for a pharmacy technician license.

Mr. Tytler stated that he has had a pharmacy technician trainee license since 2012 and has taken and passed the certification test. Mr. Tytler stated that he was charged with Domestic Violence in 2014 and the charges were dismissed.

Mr. Tytler indicated that in 2014 he had a verbal altercation with his girlfriend and the neighbor called the cops. Mr. Tytler stated that he went to jail and the charges were dismissed.

Mr. Tytler stated in 2016 he was arrested for assault. Mr. Tytler stated that he accepted the plea deal. Mr. Tytler stated that he was placed on probation and had to take anger management classes. Mr. Tytler stated that he was charged with a class 6 undesignated felony.

Ms. Snair asked about the domestic violence. Mr. Tytler stated that he placed his hands around her throat and she claimed he impeded her breathing.

Mr. Tytler stated that they are co-parenting their daughter and communicating through family members.

Ms. Locnikar asked if this was the same person in both charges. Mr. Tytler replied yes.

On motion by Mr. Blaire and seconded by Ms. Locnikar, the Board moved to Executive Session. The Board returned to regular session.

**On motion by Ms. Snair and seconded by Mr. Minkus**, the Board denied Mr. Tytler's pharmacy technician application based on his moral character and criminal charges. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – nay, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye, Mr. Kennedy - aye)

**On motion by Mr. Van Hassel and seconded by Mr. Skvarla**, the Board decided to open a complaint against Mr. Tytler's pharmacy technician trainee license. A roll call vote was taken. (Dr. Dang –nay, Mr. Blaire – nay, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye, Mr. Kennedy - aye)

## **#18 Natalie Aviles**

Natalie Aviles appeared on her own behalf to request to proceed with Pharmacy Technician licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Ms. Aviles why she was appearing in front of the Board. Ms. Aviles stated that she is applying for a pharmacy technician license. Ms. Aviles stated that she works at Pharmerica. Ms. Aviles stated that she has been charged with 2 DUIs. Ms. Aviles stated that her DUIs occurred in 2011 and 2014. In 2014, she was in a car accident as a result of the DUI.

Ms. Aviles stated that she does drink occasionally but does not drive. Ms. Aviles stated that she has taken all the court ordered classes.

Ms. Aviles stated that she has worked at Pharmerica for 4 years. Ms. Aviles stated that she had completed an internship at Pharmerica and accepted a job there.

**On motion by Mr. Van Hassel and seconded by Dr. Dang**, the Board unanimously approved Ms. Aviles's pharmacy technician application.

**#19 Celeste Wirth - Lopez**

Celeste Wirth - Lopez did not come forth when her name was called.

**On motion by Ms. Snair and seconded by Ms. Locnikar**, the Board unanimously agreed to deny Ms. Wirth-Lopez's Pharmacy Technician Trainee application based on her felony convictions, her moral character, and her criminal background. A roll call vote was taken. (Dr. Dang –aye, Mr. Blaire – aye, Mr. Skvarla-aye, Mr. Minkus – aye, Ms. Locnikar – aye, Ms. Snair- aye, Mr. McAllister – aye, Mr. Van Hassel – aye. Mr. Kennedy - aye)

**#20 Gary Nelson**

Gary Nelson appeared on his own behalf to request to proceed with Pharmacy Technician trainee licensure.

Dr. Gandhi swore in the applicant.

President Kennedy opened the discussion by asking Mr. Nelson why he was appearing in front of the Board. Mr. Nelson stated that he is applying for a pharmacy technician trainee license because he is applying for a job at Walgreens.

The Board Members asked Mr. Nelson about his charges. The Board Members determined that they did not have paperwork for one charge and would like additional information.

**On motion by Mr. Skvarla and seconded by Ms. Snair**, the Board moved to Executive Session.

**On motion by Mr. Blaire and seconded by Dr. Dang**, the Board unanimously agreed to table Mr. Nelson's application request until the next meeting to allow him to submit the missing documentation

**AGENDA ITEM 17 – Curtis Ivy Request to extend his trainee license due to the Extension of his court case**

Curtis Ivy was present to discuss his request.

President Kennedy opened the discussion by asking Mr. Ivy to discuss his request. Mr. Ivy stated that he was with a friend on Mill Avenue and he had been drinking and he was pushed into a female. Mr. Ivy stated that he apologized and he was arrested 20 minutes later for sexual abuse. Mr. Ivy stated that he is accepting a plea deal that would charge him with attempted sexual abuse which is a class 6 undesignated felony. Mr. Ivy stated that his lawyer is requesting that the charge be classified as a misdemeanor.

**On motion by Mr. Van Hassel and seconded by Mr. Blaire**, the Board unanimously agreed to approve Mr. Ivy's pharmacy technician reapply application contingent upon the charges being classified as a misdemeanor. The Board Office may issue the license if the charges are a misdemeanor charge.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to deny the application if the charge is a felony conviction.

**On motion by Mr. Van Hassel and seconded by Ms. Locnikar**, the Board unanimously agreed to extend Mr. Ivy's trainee license through September 12, 2016.

#### **AGENDA ITEM 32 – 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.

#### **AGENDA ITEM 33– Future Agenda Items**

The following topics were recommended as future agenda items:

1. Address updates
2. Allow Compounding of OTC products without a prescription
3. Live CE

#### **AGENDA ITEM 34- Adjournment**

There being no further business to come before the Board, President Kennedy adjourned the meeting at 1:58.