

Complaint Review Committee

November 27, 2018

10:00 AM

Arizona Board of Pharmacy Office

1616 W. Adams St. Suite 120

Phoenix, AZ 85005



Complaint Review Committee



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1616 W. Adams St. Suite 120
Phoenix, AZ 85005
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NOTICE AND AGENDA OF A COMPLAINT REVIEW COMMITTEE

Pursuant to A.R.S. § 38-421.02, notice is hereby given to the members of the Arizona State Board of Pharmacy (Board) and to the general public that the Board will hold a regular meeting open to the public on:

Date(s):

November 27, 2018
10:00 AM

Location:

Arizona Board of Pharmacy Office
1616 W. Adams St. Suite 120
Phoenix, AZ 85005

One or more members of the Board may participate in the meeting by Telephone.

Title 2 of the Americans with Disability Act (ADA) prohibits the Board from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation by contacting the Board Office at 602-771-2727. Requests should be made as early as possible to allow time to arrange the accommodation.

During the course of the meeting, the Board, upon a majority vote of a quorum of the members, may hold an executive session for any of the following purposes:

- Pursuant to A.R.S. § 38-431.03 (A)(1) - personnel matters
- Pursuant to A.R.S. § 38-431.03 (A)(2) - discussion or consideration of confidential material
- Pursuant to A.R.S. § 38-431.03 (A)(3) - obtaining legal advice

The executive session will be held immediately after the vote and will not be open to the public. The agenda is subject to change up to 24 hours prior to the meeting. The Board president reserves the right to change the order of the items on the agenda, except for matters set for a specific time.

AGENDA - November 27, 2018

- 1. Call to Order**
- 2. Declaration of Conflicts of Interest**
- 3. Concerns**

Discussion, consideration and possible action on whether to open a complaint.

3.a. Concern #1

Staff received a notice from the Department of Public Safety regarding the suspension of a licensee's fingerprint clearance card. The card was later reactivated. The licensee may have failed to disclose the charge that led to the suspension of her clearance card within ten working days as required by A.R.S. § 32-3208.

3.b. Concern #2

Staff received a notice from the Department of Public Safety indicating that a licensee had been arrested for Misdemeanor Assault-Intent/Reckless/Injure. The licensee may have failed to disclose the charge within ten working days as required by A.R.S. § 32-3208.

3.c. Concern #3

The Board received a letter from a patient concerned about the rude behavior of the pharmacist and technician trainee.

4. Complaints without Violations per Staff

Discussion, consideration and possible action regarding complaints without violations per staff.

4.a. 18-0259

A pharmacist allegedly held a prescription until it expired

4.b. 18-0337

Pharmacist refused to replace defective prescription sumatriptan pen

4.c. 18-0223

Unauthorized Disclosure of Protected Health Information

- 4.d.** 18-0274
Records for a Prescription Transfer Not Maintained / Not Available
- 4.e.** 18-0280
Unauthorized Release of Protected Health Information
- 4.f.** 18-0251
Pharmacy did not fill a prescription and did notify the prescriber
- 4.g.** 18-0335
Prescription not filled for full amount
- 4.h.** 18-0297
Prescriptions are refilled without customers request or authorization
- 4.i.** 18-0271
Pharmacy did not dispense the full quantity of a prescription
- 4.j.** 18-0282
Valsartan recall
- 4.k.** 18-0281
Complainant not receiving medication after order transferred to affiliated pharmacy
- 4.l.** 18-0295
Complainant believes that her HIPPA rights were violated
- 4.m.** 18-0262
Pharmacist refused to refill a prescription.
- 4.n.** 18-0269
Pharmacist was verbally abusive and refused to investigate a potential medication error.

- 4.o. 18-0278
No pharmacist in the pharmacy and tiny particles in a bottle of compounded eye drops.
- 4.p. 18-0287
Pharmacy could not find prescription for her pet and then refused to dispense prescription without providing counseling.
- 4.q. 18-0289
Full drug name not printed on patient label.
- 4.r. 18-0294
Pharmacist received a refill request from another pharmacy with him as the prescriber and his pharmacy as his office address.
- 4.s. 18-0333
Physician states that a pharmacy chain has been using outdated contact information, including address, phone number and fax number, for his office for 2 & 1/2 years.
- 4.t. 18-0338
Pharmacy staff confused when presented with a prescription for cloxacillin.

5. **Complaints with Violations per Staff**

Discussion, consideration and possible action regarding complaints with violations per staff.

- 5.a. 18-0218

A licensee failed to disclose an arrest on her license renewal application.
- 5.b. 18-0241

A licensee disclosed her second DUI on her 2017 license renewal application.
- 5.c. 18-0331

On his permit renewal application, a permit holder disclosed that he had been charged with dangerous drug violations. He also disclosed that he was under investigation by the Department of Liquor Licenses and Control.

5.d. 18-0373

A licensee disclosed his second DUI on his 2018 license renewal application.

5.e. 18-0376

A licensee disclosed his second DUI on his 2018 license renewal application.

5.f. 18-0175

A pharmacy sold a patient the wrong prescription and lost a prescription

5.g. 18-0205

Refusal to Dispense Medication Due to Moral/Ethical Reason(s)

5.h. 18-0260

Unprofessional Conduct - Failure to Disclose Arrest & Conviction

5.i. 18-0279

A patient received another patients medication in her bag

5.j. 18-0300

Board staff opened a complaint in response to notification from the Arizona Department of Public Safety indicating that a pharmacist intern was arrested for DUI. The licensee may have failed to disclose the charge within 10 working days as required by A.R.S. § 32-3208.

5.k. 18-0388

Board staff opened complaint, pharmacy failed to report unprofessional conduct

5.l. 18-0265

A permit holder non-compliantly participated in shared services

5.m. 18-0184

Firm distributing drug product to retailer without a valid wholesaler permit. This complaint was tabled at the September 2018 meeting.

5.n. 18-0276
Failure to Report Controlled Substance Dispensed to the AZ CSPM Program

5.o. 18-0392

A licensee disclosed his second DUI and an alcohol-related disorderly conduct charge on his 2018 license renewal application.

5.p. 18-0328

Board staff opened a complaint after receiving notice of a licensee's second DUI. The licensee may have failed to disclose the charge within 10 working days as required by A.R.S. § 32-3208.

5.q. 18-0375

A licensee disclosed his fourth DUI on his 2018 license renewal application.

5.r. 18-0342

Unprofessional Conduct - Dispensing a Prescription Drug without a Valid Prescription
Violation of Consent Agreement - PAPA Required Random Drug Screen Failure

5.s. 18-0386

A licensee may have failed to notify the Board of a DUI charge within 10 working days as required by A.R.S. § 32-3208.

5.t. 18-0387

A licensee may have failed to report a DUI charge within 10 working days as required by A.R.S. § 32-3208.

5.u. 18-0173

A licensee disclosed his second DUI. The licensee was disciplined by the Board of Pharmacy in the state in which he resides for the DUI.

5.v. 18-0398

A licensee disclosed his second DUI on his 2018 license renewal application. The licensee may have failed to report the charge within 10 working days as required by A.R.S. § 32-3208 and may have failed disclose his previous DUI on his 2010 license renewal application.

5.w. 17-0170

A licensee failed to notify the Board of a DUI charge within 10 working days as required by A.R.S. § 32-3208.

5.x. 18-0285

Prescriptions Labeled with Incorrect Directions
Product Substitution without Prescriber Approval

5.y. 18-0390

A technician trainee was terminated from his employment for testing positive during a routine drug screening.

5.z. 18-0288

Prescription Errors - incorrect quantity & mixed drug product dispensed

5.aa. 18-0273

Pharmacist attempted to dispense one tablet that had fallen onto the pharmacy's front counter

5.ab. 18-0303

A pharmacy allegedly filled the wrong medication strength

5.ac. 18-0324

A licensee failed to disclose a conviction on her initial application for licensure submitted in 2010.

5.ad. 18-0164

Pharmacist to plead guilty to diverting Hydrocodone from patient prescriptions for personal use

- 5.ae.** 18-0284
Complainant received another patient's medication
- 5.af.** 18-0296
Wrong prescriber entered in pharmacy database and reported to CSPMP
- 5.ag.** 18-0383
Controlled substance accountability
- 5.ah.** 18-0336
Received 2 strengths of Losartan mixed in vial, unknown quantity of incorrect strength taken
- 5.ai.** 18-0290
A pharmacy refused to take back a prescription on auto refill
- 5.aj.** 18-0268
Dispensing CII medications without data entry record and current labeling
- 5.ak.** 18-0201
Unprofessional Conduct - falsifying prescription record(s)
- 5.al.** 18-0283
Patient received another patient's prescription with a similar name.
- 5.am.** 18-0291
Pharmacist refused to fill a prescription for Viagra that a physician was prescribing for himself.
- 5.an.** 18-0332
Prescription written as Keflex 500mg was filled as Kepra 500mg.
- 5.ao.** 18-0434

A licensee disclosed charges of DUI and Possession of Drug Paraphernalia on his 2018 license renewal application. The licensee failed to disclose the charges within ten working

days as required by A.R.S. § 32-3208.

5.ap. 18-0374

A licensee disclosed marijuana and drug paraphernalia violations on her 2018 license renewal application. The licensee failed to disclose the charges within ten working days as required by A.R.S. § 32-3208.

5.aq. 18-0186

Employee Diversion of Controlled Drug
Employee Removal and Return of Possible Adulterated Controlled Drug

5.ar. 18-0247

Controlled Substance Diversion & Use of Potentially Adulterated Product

6. Call to the Public

The Board may make an open call to the public during the meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the Board on any issue(s) within its jurisdiction. Pursuant to A.R.S. §38-431.91 (G), members of the Board are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, the Board may ask staff to review the matter or may ask that the matter be placed on a future agenda.

7. Board Meeting Date

The recommendation from the Complaint Review Committee will be presented at the December 5-6, 2018 Board meeting on the Consent Agenda.

8. Meeting Adjourned