

**Arizona State Board of Pharmacy  
March 22, 2018  
Arizona Board of Pharmacy Office  
1616 W. Adams, Suite 120  
Phoenix, AZ 85005**



**Committee MEETING**

**on**

**Consumer Concerns and Complaint Review**



**Arizona Board of Pharmacy Office**  
**1616 W. Adams, Suite 120**  
**Phoenix, AZ 85007**  
**Telephone (602) 771-2727 Fax (602) 771-2749**  
**[WWW.AZPharmacy.gov](http://WWW.AZPharmacy.gov)**

**NOTICE AND AGENDA OF A Committee Meeting**  
**OF THE ARIZONA STATE BOARD OF PHARMACY**  
**To Review Consumer Concerns and Complaints**

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):**

March 22, 2018 – Start time 10:00 a.m.

**Location:**

Arizona State Board of Pharmacy Office  
1616 W. Adams, First Floor Board Room  
Phoenix, AZ 85007

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 based on 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 meeting, the Board, upon a majority vote of a quorum of the members, may hold an executive session for the purposes of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03 (A)(3) and may hold an executive session on agenda items for the purpose of discussion or consideration of confidential materials pursuant to A.R.S. § 38-431.03 (A)(2). 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 – March 22, 2018**

The agenda for the meeting is as follows:

1. Call to Order – President Blaire
  - a. Requirements to earn C.E. for the meeting – NO C.E.
  - b. Meeting etiquette.
2. Declaration of Conflicts of Interest
3. Review of:
  - a. Consumer Concerns, Item 10(a) from Board Agenda,
  - b. Complaints without known violations (observations), item 10 (b) from Board Agenda.
  - c. Complaints with known violations (observations), item 11 from Board Agenda.

Recommendations of the committee to be presented at the Board Meeting Schedule March 28-29, 2018.

### **99. 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.

**100. Board Meeting Date: March 28-29, 2018**

**101. Meeting Adjourned.**



10.(a) CONCERNS  
WITHOUT KNOWN  
VIOLATIONS PER STAFF -  
SCHEDULE “W-1”



## 10.(a.) Concerns Without Violations Per Staff – Schedule “W-1”

**Concern**

**Number      Recommendation**

#1	
#2	
#3	
#4	
#5	
#6	
#7	
#8	
#9	
#10	
#11	
#12	
#13	
#14	
#15	
#16	
#17	
#18	
#19	



10.(b.) COMPLAINTS/CONCERNS  
WITHOUT KNOWN VIOLATIONS  
PER STAFF -  
SCHEDULE “W-2”



## 10.(b) Complaints Without Violations Per Staff - Schedule "W-2"

Reference Number	Complaint Number	Respondent(s)
<b>1</b>	17-0177	Patient alleges that the pharmacy changed the prescription to generic without the prescriber's authorization.
<b>2</b>	18-0012	Patient alleges that the mail order pharmacy was inaccurately billing his daughter's credit card for payment and then withheld sending his medications due to non-payment.
<b>3</b>	18-0038	Patient alleges that the pharmacist altered her prescription.
<b>4</b>	18-0004	Patient's mother complained that the pharmacist refused to fill her son's medication. The refill was early but patient claims that he lost the medication.
<b>5</b>	17-0182	Patient complained that the pharmacy did not have the proper signage.
<b>6</b>	17-0184	Patient alleges the pharmacist refused to fill her pain medication and destroyed her prescription.
<b>7</b>	NP2017001	Consumer complaint states that a wholesaler, not permitted with ASBP, is distributing emergency kits into Arizona with items repackaged from the manufacturer's original packaging.
<b>8</b>	17-0192	A complaint was opened by Board staff after several DEA 106 forms were submitted to the Board.
<b>9</b>	17-0164	Consumer alleges that a technician used her access to a Medicaid system in order to find out where she lives.
<b>10</b>	17-0187	Pharmacist states that a fellow pharmacist coworker inappropriately refuses to fill her medications.
<b>11</b>	17-0116	Prescriber complained that multiple fax requests were coming from an unidentified company for new prescriptions.
<b>12</b>	18-0065	Patient alleges that the pharmacy is delaying the fill of her medication.



11. COMPLAINTS WITH  
VIOLATIONS PER STAFF-  
SCHEDULE "X"



## 11. Complaints With Violations Per Staff - Schedule "X"

Reference Number	Complaint Number	Overview
1	17-0140	A pharmacist alleges that the pharmacy does not follow that Board's rules pertaining to the transfer of prescriptions.
2	17-0137	A medical provider filed a complaint that the pharmacist failed to give the patient the correct starting dose prescription and as a result the patient started on lamotrigine 100mg twice daily rather than slowly titrating with lamotrigine 25mg.
3	17-0191	Complainant states that the pharmacy filled the wrong quantity for an ointment. The pharmacist corrected the error and the copay was higher. The patient refused to pay the higher copay. The pharmacy did reverse the initial incorrect quantity from the insurance.
4	18-0003	The patient alleges that the pharmacy filled a prescription for amlodipine 10mg with furosemide 20mg in error.
5	18-0015	Patient alleges that the pharmacy's new computer system is losing prescription information, patient information and insurance information.
6	18-0018	Patient alleges that the pharmacy lost two of his prescriptions.
7 & 8	18-0002 – PIC AND 18-0050 – Permit Holder	During a routine inspection on 1/11/18, the compliance officer discovered that the PIC failed to renew his pharmacist license.
9 & 10	18-0001 – Pharmacist  18-0049 – Permit Holder	On 12/29/17, the Board's staff was notifying Mr. Gortler of the January Board meeting regarding a different matter. When staff looked up his license for his address, it was discovered that the pharmacist failed to renew his license. In addition, during the renewal process Mr. Gortler disclosed misdemeanors.
11	18-0008	Patient complaint alleges that the pharmacy incorrectly transferred a prescription for her daughter but during the process put her name on the prescription for birth control rather than her daughter's name.
12	18-0025	Patient's son alleges that the pharmacy did not fill the correct or proper quantity.
13	18-0039	Complaint opened at the January 2018 Board meeting by Board member against pharmacist who performed counseling during review of complaint 17-0134.
14	18-0033	Repeatedly notified the non-prescription permit holder regarding the expired permit and the renewal process but the entity has not renewed.
15	17-0040	Technician self-reported history of 3 DUIs.
16	17-0153	The Board was notified by the DEA that a technician was involved with fraudulent prescriptions for Phenergan with Codeine.

*(CONTINUED) 11. Complaints With Violations Per Staff - Schedule "X"*

<b>Reference Number</b>	<b>Complaint Number</b>	<b>Respondent(s)</b>
17	17-0159	Technician self-reported to the board that he had two arrests including disorderly conduct and a DUI.
18	18-0014	Pharmacist reported the Board that he received a 2 <sup>nd</sup> DUI in 2016. He recently voluntarily surrendered his California Pharmacist license as he could not agree to California's Board of Pharmacy's terms.
19	17-0178	Permit holder notified the Board that a technician admitted to theft of tramadol products.
20	17-0165	A complaint was opened in response to a DEA 106 indicating a loss of 1460 tablets of tramadol 50mg. The permit holder had not identified the employee on the forms submitted to the Board office.
21	17-0183	A patient complaint alleges that the pharmacy reduced the quantity of the prescription without consulting her or the prescriber. The pharmacist could not provide any reason or documentation for the decrease in quantity.
22	17-0158	A patient complaint alleges the pharmacy provided her with wrong directions which caused her to experience anxiety due to the decreased dosage. An Arizona pharmacist was involved with the data entry and verification but the prescription was dispensed out of a pharmacy in New Mexico.
23	17-0162	The Board received notification from a pharmacy that a technician was terminated for failure to disclose a prior conviction for theft of controlled substances at a prior pharmacy.
24	18-0055	A patient alleges the pharmacist gave the wrong patient her medication.
25	18-0020	Pharmacy notified the Board that they terminated a pharmacist because the pharmacist sent unencrypted emails to a personal gmail account that contained patient name, medical record number, and other PHI.
26-31	17-0144	Pharmacy with alleged delinquent CSPMP reporting.
	18-0081	Pharmacy with alleged delinquent CSPMP reporting.
	18-0082	Pharmacy with alleged delinquent CSPMP reporting.
	18-0083	Pharmacy with alleged delinquent CSPMP reporting.
	18-0084	Pharmacy with alleged delinquent CSPMP reporting.
	18-0085	Pharmacy with alleged delinquent CSPMP reporting.