

**Arizona State Board of Pharmacy
May 18, 2018
Arizona Board of Pharmacy Office
1616 W. Adams, Suite 120
Phoenix, AZ 85005**



**Committee Meeting
on
Review of Consumer
Concerns and Complaints**



Arizona Board of Pharmacy Office
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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):

May 18, 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 – May 18, 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
Scheduled May 23-24, 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: May 23-24, 2018

101. Meeting Adjourned.



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



Schedule W-1 Concerns Without Violations Per Staff

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



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



10. Complaints Without Violations Per Staff - Schedule "W-2"

Reference Number	Complaint Number	Complaint Info
1	18-0104	Technician Trainee self-reported her conviction for a Misdemeanor Level 1 assault of a peace officer.
2	18-0096	The Board of Pharmacy received an anonymous complaint indicating that the pharmacy had incidences of controlled substances going missing.
3	18-0094	Patient complaint alleging the pharmacist refused to fill her prescription.
4	18-0064	Physician indicates that a pharmacy delays and impedes patient care by arguing about diagnosis code and electronic signature on diabetic supply prescriptions.
5	18-0067	A complaint was filed by an employee of the veterinarian concerning the basis of the pharmacist's refusal to fill a prescription. The employee alleges the pharmacist refused to fill the prescription for a non-controlled medication because the veterinarian did not have a DEA number.
6	18-0061	A complaint filed by a patient's daughter concerning an allegation of the pharmacy contacting another provider to continue filling of prescriptions discontinued.
7	18-0103	A complaint was filed by a former employee (also a patient at the pharmacy) that worked in a different department with the store. The former employee alleges that the pharmacy inappropriately disclosed her information regarding an investigation of an altered prescription.
8	18-0100	The complainant alleges that on at least two occasions the pharmacy filled her mother's prescription with the wrong medication. However, the complainant never responded to the compliance officer's request for more information.
9	18-0027	Complainant alleges that the pharmacy automatically puts prescriptions on auto refill even if the prescription has no refills remaining and that the pharmacy continues to refill medications after the patient requests no refills.
10	18-0007	Prescriber filed a complaint alleging the pharmacy refilled a prescription for alprazolam without authorization.
11	18-0011	Prescriber alleges that the pharmacist should have called her because the pharmacy was out of medication.
12	18-0026	A prescriber alleges that a CII prescription written for #42 tablets was filled for only #30 tablets without the pharmacy notifying him.
13	18-0073	A pharmacy notified the Board that a technician trainee was terminated for gross misconduct/integrity involving theft of general merchandise.
14	18-0097	A patient complaint alleges the pharmacy shorted him #10 pills and billed his insurance for the full quantity.

(CONTINUED) 10. Complaints without Violations - Schedule "W-2"

Reference Number	Complaint Number	Respondent(s)
15	18-0102	Pt states she received methimazole instead of levothyroxine. The pharmacy had both prescriptions on the patient's profile.
16	18-0037	A prescriber filed a complaint because a pharmacist refused to fill an antibiotic medication he prescribed. The prescriber states the pharmacist refused to fill the prescription because it was out of his scope of practice. However, the prescriber is an MD and practicing ophthalmologist.
17	18-0095	A patient complaint alleges that the pharmacy failed to deliver medications on 5 occasions and was charged for medication he did not authorize to be filled.



11. COMPLAINTS WITH VIOLATIONS PER STAFF- SCHEDULE “X”



11. Complaints with Violations Per Staff - Schedule "X"

Reference Number	Complaint Number	Overview
1	18-0068	The pharmacy changed the floor plan without Board approval and now the sink is not in the main pharmacy area.
2 & 3	18-0001	The pharmacist failed to renew his pharmacist permit and continued to work during the period of 11/1/17 to 1/2/18.
	18-0049	The permit holder failed to notice that his pharmacist's license was expired during the period of 11/1/17 to 1/2/18.
4	18-0107	Pharmacist failed to comply with the Board's Order regarding complaint 17-0169.
5	18-0080	Pharmacy may not be following appropriate shared services procedures.
6	18-0056	Previous employer notified the Board of the theft of alprazolam and trihexyphenidyl from the pharmacy by a technician.
7	17-0161	A technician notified the Board of his drug paraphernalia charge on December 8, 2017. He was also charged with Marijuana – Possession/Use. On January 8, 2018, the technician pleaded guilty to the Drug Paraphernalia – Possession/Use charges.
8	18-0031	A complaint was filed by a pharmacist alleging that pharmacy management was trying to force him to use the PMP for an investigation of a medical provider.
9	18-0090	A pharmacy notified the Board that a technician failed a random drug screening test performed on 3/6/18. The technician tested positive for a controlled substance and failed to provide a valid prescription.
10 & 11	18-0016	The application was approved for a change of ownership in December 2017. As a result, the Board's Compliance Officer inspected the pharmacy. During the inspection several violations were noted.
	18-0063	The application was approved for a change of ownership in December 2017. As a result, the Board's Compliance Officer inspected the pharmacy. During the inspection several violations were noted.
12	18-0059	The pharmacy notified the Board at the pharmacist was terminated for intentionally filling a CII narcotic prescription under the incorrect prescriber.
13	17-0192	At the March 2018 Board meeting, the Board voted to keep the complaint open until a compliance inspection was complete. An inspection was done on April 19, 2018. The compliance officer issued violations regarding the controlled substance recordkeeping discrepancies. The pharmacy changed PICs on April 9, 2018.
14	18-0013	An anonymous complaint was received alleging dispensing errors in which the patient had received either incorrect medications or the patient received another patient's medication.

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

Reference Number	Complaint Number	Respondent(s)
15	18-0123	Employer notified the Board the pharmacy technician was terminated from employment due to her failure to notify them along with the Board of her drug paraphernalia charge and guilty plea.
16	18-0045	Patient's prescription was filled with morphine sulfate 15 mg instead of the prescribed morphine sulfate 30mg.
17	18-0028	Pharmacy Technician self-reported that he dispensed a prescription only medication to a nurse in the hospital without pharmacist verification.
18	18-0106	A pharmacy notified the Board that a pharmacy technician was terminated because he failed a random drug test.
19	17-0174	The Board was notified by the courts of a pharmacy technician's arrest for 4 counts Felony Narcotic Drug Possession for Sale/Use, 2 counts Felony Dangerous Drugs Possession for Sale/Use, 2 counts Felony Drug Paraphernalia Possession and Felony Possession/Use Weapon in Drug Offense on or about August 5, 2017. On or about August 6, 2017, the technician was also arrested for Threatening or Intimidating with Injury-Damage to Property. The technician failed to report the charges.
20	18-0048	A complaint was opened by Board staff in response to a routine inspection conducted on February 5, 2018 due to a large number of shortages of controlled substances.
21	18-0093	A patient alleges that the pharmacy filled a prescription incorrectly because the doctor had written "Dispense as written" for a prescription and the pharmacy inappropriately filled it with a different generic.
22	18-0070	Three successive violations for the failure to have Yuyama documentation.
23 & 24	18-0135	Pharmacy technician trainee was working with an expired license from 4/30/17 to 3/27/18.
	18-0139	Pharmacy technician trainee was working with an expired license from 4/30/17 to 3/27/18.
25	18-0112	Pharmacy notified the Board that a pharmacy technician tested positive for Marijuana during a random drug screen.
26	18-0101	Patient alleges pharmacy shorted her 30 tablets of alprazolam 2mg.
27	18-0111	Pharmacy notified the Board that a pharmacy technician tested positive for Amphetamines/Methamphetamines without a valid prescription.
28	18-0099	Patient received medications for another patient and no counseling was done which may have prevented the error.

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

Reference Number	Complaint Number	Respondent(s)
29	18-0134	Patient alleges the pharmacy is reusing eye drops and that the eye drops he received did not have the tamper proof seal intact.
30	18-0060	The permit holder notified the Board that a pharmacy technician (also the Store Manager) was disciplined for violating company policy and state law because he overrode the expiration date on a driver's license in order to sell a pseudoephedrine product.
31	18-0069	The compliance officer has issued three successive violation for failure to have Yuyama documentation. A violation was issued on 10/2015 and 11/2016 to the pharmacy. The pharmacy did not make the changes and a third violation was issued on 2/28/18 during a pharmacy inspection.
32	18-0092	A prescriber complained that a pharmacy dispensed #60 tablets of a CII medication instead of the prescribed #6 tablets.
33	18-0010	Patient complaint alleges the pharmacy dispensed brand name instead of generic manufacturer specified on the prescription.
34	18-0046	Pt complaint indicates she received a medication that the doctor had not prescribed to her.