



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MARCH 17 and 18, 2011
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – March 17, 2011

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

The following Board Members were present: President Steve Haiber, Vice President Dan Milovich, Jim Foy, Joanne Galindo, Dennis McAllister, John Musil, Nona Rosas, and Tom Van Hassel. The following Board Member was not present: Kyra Locnikar. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Sandra Sutcliffe, Dean Wright, Drug Inspector Melanie Thayer, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 2 – Reappointment of Board Member by Governor

President Haiber announced that Mr. McAllister has been reappointed by the Governor to serve as a Board Member for another five year term.

AGENDA ITEM 3 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Schedule A, Non-Resident Permits for Medco Health Solutions of Richmond, LLC, Medco Health Solutions of Spokane, LLC, Medco Health Solutions of Irving, LLC, and Medco at Home, LLC.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Schedule A, Resident Pharmacy Permit for Prescott Valley Pharmacy.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 7, Schedule C, License Applications Requiring Board Review for Mohamed Abou-Zahra.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 11, Schedule E, Conference #2 for Complaint #3903.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 13, Schedule G, Consent Agreements for Eberenna Egwu, Loretta Thorkelson, and Thomas Coppola.

Due to having a “substantial interest” in the matter, Ms. Rosas recused herself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, University Medical Center request to deviate from A.C.C. R4-23-653 (E) and (I) to allow verification of automated dispensing cabinets by pharmacy technicians utilizing technology scanning system to ensure accuracy.

AGENDA ITEM 4– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Mr. Milovich**, the minutes of the Regular Meeting held on January 27 and 28, 2011 were unanimously approved by the Board Members.

AGENDA ITEM 5– Permits and Licenses

President Haiber stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

RESIDENT PERMITS

Prescott Valley Pharmacy

Dr. Foy was recused due to a conflict of interest.

Owner Mohamed Eslam Elmissirey was present to answer questions from Board Members. Mr. Elmissirey is also the Pharmacist in Charge.

President Haiber opened the discussion by asking Mr. Elmissirey to describe his business. Mr. Elmissirey stated that the pharmacy would be an independent pharmacy serving the Prescott Valley area. Mr. Elmissirey stated that the pharmacy would be a multi-purpose Pharmacy. Mr. Elmissirey stated that they would do some compounding.

Mr. Haiber asked if this is an ownership change. Mr. Elmissirey stated yes. Mr. Elmissirey stated that the business is owned by three pharmacists and he would be the pharmacist in charge.

Mr. Haiber asked if the pharmacy would have walk in business. Mr. Elmissirey replied yes.

BioRx

Steve Lerch, Director of Phoenix Pharmacy, and Randy Broyles, National Director of Operations, were present to answer questions from Board Members.

President Haiber opened the discussion by asking the applicants to describe their business.

Mr. Lerch stated that the pharmacy would be a closed door pharmacy. Mr. Lerch stated that it would be a limited service mail order pharmacy. Mr. Lerch stated that the pharmacy specializes in providing medications for primary immune deficiencies and for hemophilia. Mr. Lerch stated that they would not be compounding any medications. Mr. Lerch stated that they would be labeling and dispensing commercially available products. Mr. Lerch stated that the medications would be patient-specific. Mr. Lerch stated that nursing staff would be available to go to the patient's home to either administer the medication or show the patient how to administer the medication.

Mr. Lerch stated that the company's headquarter is located in Cincinnati, Ohio. Mr. Lerch stated that the Phoenix pharmacy would serve the western United States.

Mr. Lerch stated that the site would also house their wholesale business. Mr. Lerch stated that the business leased 5,500 square feet and 800 square feet is dedicated to the pharmacy. Mr. Lerch stated that there is a separate area dedicated to the wholesale business. Mr. Lerch stated that he is familiar with the requirements for a wholesale business.

Mr. Milovich asked if they have conducted a similar business in other jurisdictions. Mr. Lerch replied that this is an ongoing business.

Mr. Milovich asked if there have been any issues with the business. Mr. Broyles replied no.

Mr. Van Hassel asked if all the pharmacies have the same model. Mr. Broyles stated that the Cincinnati site is the same as the Phoenix site. Mr. Broyles stated that the Boston site provides nutritional services and the Iowa site only provides pharmacy services.

Mr. Van Hassel asked if they would be wholesaling medications to doctor offices or clinics. Mr. Lerch stated that they would be wholesaling to other pharmacies.

Mr. Van Hassel asked if they are part of any group purchasing. Mr. Broyles stated that they are associated with Innovatex.

Dr. Foy asked if this is a self-standing pharmacy. Mr. Lerch stated that the pharmacy has a dedicated location at the site and has limited access. Mr. Lerch stated that there would be no access to the pharmacy if the pharmacist is not present.

Mr. Haiber asked if there is a separate area for the wholesale business. Mr. Lerch stated that there is a dedicated area with locking doors.

Mr. Haiber asked if they would be applying for non-resident permits in the states that they would be serving. Mr. Lerch stated that after being approved for the permit in Arizona they would be applying for non-resident permits in the western states that they would be serving.

RESIDENT (In Arizona)

On motion by Mr. Milovich and seconded by Dr. Musil, the Board unanimously approved the resident application listed below pending final inspection by a Board Compliance Officer.

Dr. Foy was recused due to a conflict of interest.

Pharmacy	Location	Owner
Prescott Valley Pharmacy	3050 N. Windsong Dr., #103 Prescott Valley, AZ 86314 (O)	HSP Inc.

O = Ownership Change

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously approved the resident applications listed below pending final inspection by a Board Compliance Officer.

Pharmacy	Location	Owner
Cigna Healthcare of Arizona Pharmacy	36305 N. Gantzel Rd., Queen Creek, AZ 85140	Cigna Healthcare of Arizona
Costco Pharmacy #1079	1650 E. Marketplace Blvd., Tucson, AZ 85713	Costco Wholesale Corporation
Banner MD Anderson Cancer Center	2946 Banner Gateway Dr., Gilbert, AZ 85234	Banner Health
Walgreens Pharmacy #13758	6200 N. Scottsdale, Scottsdale, AZ 85253	Walgreen Co.
Wal-Mart Pharmacy #10-5835	34399 Cave Creek Rd., Cave Creek, AZ 85331	Wal-Mart Stores
QoL meds	404 W. Aero Dr., Payson, AZ 85547	QoL meds
QoL meds	1701 N. Douglas Ave., Douglas, AZ 85607	QoL meds
BioRx	9045 E. Pima Center Parkway, Scottsdale, AZ 85258	BioRx, LLC.

NON-RESIDENT PERMITS

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously approved the non – resident permits listed below.

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

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Medco Health Solutions of Richmond, LLC	9210 Forest Hill Avenue, Suite B2, Richmond, VA 23235	Medco Pharmacy, LLC
Medco Health Solutions of Spokane, LLC	East 23102 Appleway Ave., Liberty Lake, WA 99019	Medco Pharmacy, LLC
Medco Health Solutions of Irving, LLC	8111 Royal Ridge Parkway, Irving, TX 75063	Medco Pharmacy, LLC
Medco at Home, LLC	575 Anton Blvd., Ste 550, Mesa, CA 92626	Medco Pharmacy, LLC

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously approved the non – resident permits listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Diplomat Specialty Pharmacy	3320 Beecher Rd., Flint, MI 48532	Diplomat Specialty Pharmacy
AxelaCare Health Solutions, LLC	4H Raymond Dr., Havertown, PA 19083	AxelaCare Holdings, Inc.
BioRx	10828 Kenwood Rd., Cincinnati, OH 45242 (O)	BioRx, LLC
BioRx	3821 71 st St., Suite C, Urbandale, IA 50322 (O)	BioRx, LLC
Valley Vet Pharmacy	1118 Pony Express, Marysville, KS 66508	Valley Veterinary Clinic, LTD
Acro Pharmaceutical Services, LLC	313 Henderson Dr., Sharon Hill, PA 19079	Acro Pharmaceutical Services, LLC
Coram Healthcare Corporation of Utah	1149 West 2240 South , Suite A Salt Lake City, UT 84119	Coram Specialty Infusion Services, Inc.
Retail Pharmacy Customer Care Center	2100 Highland Park Dr., Cumberland, RI 02664	CVS Rx Services
CDF Rx	6900 N. Dallas Rarkway, Suite 125, Plano, TX 75024	CDF Rx, Inc.

O = Ownership Change

Wholesaler Permits

President Haiber stated that all permits were in order for resident wholesalers.

Resident Wholesalers

On motion by Mr. Milovich and seconded by Dr. Musil, the Board unanimously approved the wholesalers permit listed below.

WHOLESALER	LOCATION	OWNER
GE Healthcare (Full Service)	20601 N. 19 th Ave., Phoenix, AZ 85027 (O)	Medi-Physics, Inc.
VHS of Phoenix, Inc. (Full Service)	2000 W. Bethany Home, Phoenix, AZ 85015	VHS of Phoenix, Inc.
HUB Pharmaceuticals, LLC (Full Service)	8857 E. Calle Brisas, Scottsdale, AZ 85255	Rose Stone Enterprises, Inc.
Gallipot, Inc.	15955 N. Dial Blvd., Scottsdale, AZ	Gallipot, Inc.

(Full Service)	85260 (O)	
Environmental Pharmaceuticals, LLC (Full Service)	7326 E. Evans Rd. B, Scottsdale, AZ 85360 (O)	Christopher Ellis
BioRx (Full Service)	9045 E. Pima Center Parkway, Scottsdale, AZ 85258	BioRx, LLC

O = Ownership Change

Manufacturer Permit

President Haiber stated that all permits were in order for resident manufacturers.

Resident Manufacturer

On motion by Mr. Milovich and seconded by Dr. Foy, the Board unanimously approved the manufacturer permit listed below.

MANUFACTURER	LOCATION	OWNER
Fusion Formulations (FDA Licensed Vitamin Manufacturer)	1335 W. 21 st St., Tempe, AZ 85282	Fusion Formulations

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

President Haiber stated that all license requests and applications were in order.

On motion by Dr. Foy and seconded by Mr. Milovich, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Milovich and seconded by Dr. Foy, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Ms. Rosas and seconded by Mr. Milovich, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

AGENDA ITEM 6 – Special Requests

#1 Harry Pitcher

Harry Pitcher appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 10-0019-PHR be terminated.

President Haiber opened the discussion by asking Mr. Pitcher why he was appearing in front of the Board. Mr. Pitcher stated that he is requesting his probation be terminated. Mr. Pitcher stated that when he applied to Arizona for licensure he was on probation in New Mexico and he signed a Consent Agreement with the Arizona Board that mirrored his New Mexico Consent Agreement. Mr. Pitcher stated that New Mexico cleared his stipulated consent agreement and released him. Mr. Pitcher stated that he supplied the

Board with a letter of support from the New Mexico monitoring program. Mr. Pitcher stated he wants to move to Arizona because his father is ill.

Mr. McAllister stated that the Arizona Board followed the New Mexico Board action and feels it would be appropriate to terminate his probation.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the request by Mr. Pitcher to terminate the probation of his pharmacist license imposed by Board Order 10-0019-PHR.

#2 James Peterson

James Peterson appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0042-PHR be terminated.

President Haiber opened the discussion by asking Mr. Peterson why he was appearing in front of the Board. Mr. Peterson stated that he would like the Board to terminate his probation.

Mr. Haiber asked Mr. Peterson if he signed the consent agreement. Mr. Peterson replied yes.

Mr. Haiber asked Mr. Peterson when his probation would end. Mr. Peterson stated that his probation would end in 2013. Mr. Peterson stated that his license was suspended in 2008.

Mr. Haiber asked Mr. Peterson to explain the reason for wanting early termination of his probation. Mr. Peterson stated that the probation was not appropriate or necessary. Mr. Peterson stated that he has sent letters of recommendation to the Board. Mr. Peterson stated that his doctor has assessed him to be confident. Mr. Peterson stated that he is not addicted to drugs. Mr. Peterson stated that he has submitted quarterly reports from his doctor. Mr. Peterson stated that his doctor cannot figure out why he is on probation.

Mr. Peterson stated that he is a certified pharmacotherapist. Mr. Peterson stated that he has the highest regard for his license. Mr. Peterson stated that he is requesting that the Board put his license in good standing. Mr. Peterson stated that he has not worked in pharmacy since 2007. Mr. Peterson stated that he is currently volunteering at the University of Arizona. Mr. Peterson again stated that he feels the probation is not necessary or appropriate.

Mr. Haiber asked Mr. Peterson why he signed the consent agreement if he felt it was not appropriate. Mr. Peterson stated that he signed it against his judgment. Mr. Peterson stated that his attorney wanted more money and he did not have the extra money, so against his will he signed the agreement. Mr. Peterson stated that his attorney told him that if the doctor evaluating his case made a deposition in front of the Board he would not succeed.

Dr. Foy asked if a PAPA agreement was signed. Ms. Campbell stated that the consent was amended to indicate that Mr. Peterson did not need to sign a PAPA agreement.

Mr. Van Hassel asked Mr. Peterson if his CE is current. Mr. Peterson replied that he has completed CE credits and probably has more CE units than necessary.

Dr. Foy asked about the recommendation letter that was sent to Mr. Peterson then forwarded to the Board. Mr. Wand stated that after he received that e-mail from Mr. Peterson he asked Mr. Peterson to have all reference letters sent to him directly.

Mr. Haiber stated that there were underlying issues that led to the consent agreement. Mr. Peterson stated that his confidence has been questioned and he does not want to argue the original case.

On motion by Mr. Milovich and seconded by Ms. Rosas, the Board agreed to deny the request by Mr. Peterson to terminate the probation of his pharmacist license imposed by Board Order 08-0042-PHR. There were two nay votes by Mr. Van Hassel and Mr. McAllister.

AGENDA ITEM 7– License Applications Requiring Board Review

#1 Douglas Birkhimer

Douglas Birkhimer appeared on his own behalf to request to proceed with reciprocity.

President Haiber opened the discussion by asking Mr. Birkhimer why he was appearing in front of the Board. Mr. Birkhimer stated that he would like to continue with reciprocity.

Mr. Haiber asked Mr. Birkhimer if he had action taken against his license in Ohio. Mr. Birkhimer stated that his license was suspended in April of 2003. Mr. Birkhimer stated that his license was reinstated in 2005. Mr. Birkhimer stated that he signed a contract with the Ohio Pro-Rehabilitation program and completed the contract in 2010. Mr. Birkhimer stated that he has signed a second contract with the Ohio program to show his willingness to continue monitoring. Mr. Birkhimer stated that he is currently practicing in Ohio.

Mr. Van Hassel asked Mr. Birkhimer if he has a job in Arizona. Mr. Birkhimer stated that he does not currently have a job in Arizona. Mr. Birkhimer stated that he has bought a home in Arizona and anticipates moving to Arizona in a few months. Mr. Birkhimer stated that he currently works for an independent in Ohio.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve Mr. Birkhimer's application to proceed with reciprocity.

#2 Brandee Provo

Brandee Provo appeared on her own behalf to request that the Board reinstate her surrendered pharmacy technician license.

President Haiber opened the discussion by asking Ms. Provo why she was appearing in front of the Board. Ms. Provo stated that she is requesting that the Board reinstate her surrendered technician license. Ms. Provo stated that she has been clean since June of

2009. Ms. Provo stated that she has reconciled with her husband and her life is back on track. Ms. Provo stated that she is ready to give 100% in order to get her license back.

Ms. Rosas asked Ms. Provo if she has completed any CE lessons. Ms. Provo stated that she was unaware that she could do CE lessons while she did not have a license.

Mr. Haiber asked Ms. Provo if she surrendered her license due to a positive drug screen. Ms. Provo stated that she had a positive drug screen at UMC. Ms. Provo stated that she was sent for a “for cause” drug test. Ms. Provo stated that it was reported to the Board and she surrendered her license.

Mr. Haiber asked Ms. Provo if she received any kind of treatment. Ms. Provo stated that she saw a counselor at St. Mary’s to deal with her relapse and other issues in her life.

Mr. Haiber asked Ms. Provo if she participated in TASC or the PAPA program. Ms. Provo stated that she was not offered those options.

Dr. Foy asked Ms. Provo why she was sent for a drug screen. Ms. Provo stated that she left work early one day because she did not feel well and then called in sick for the next two days. Ms. Provo stated that when she returned to work she was sent for a drug screen.

Mr. McAllister noted that the Board does not have any knowledge of a current substance abuse program.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to offer Ms. Provo a consent agreement for reinstatement of her technician license with the following conditions: Ms. Provo must participate in a random drug screening program approved by Board staff, such as TASC. The screenings should occur twice monthly while Ms. Provo is not working and four times monthly while Ms. Provo is working. The costs of the screenings would be at Ms. Provo’s expense. Ms. Provo must notify her employers that she has signed a consent agreement with the Board.

#3 Sabhi Moswadeh

Sabhi Moswadeh appeared on his own behalf to request to be issued an Intern license without proof that the applicant is certified by the Foreign Pharmacy Graduate Examination Committee.

President Haiber opened the discussion by asking Mr. Moswadeh why he was appearing in front of the Board.

Mr. Moswadeh stated that he is requesting that the Board allow him to apply for an Intern license. Ms. Moswadeh stated that he is from Israel and is a foreign graduate. Mr. Moswadeh stated that he has passed the FPGE exam but is unable to pass the TOEFL ibt. Mr. Moswadeh stated that he has taken the TOEFL exam several times and has not passed all sections of the exam. Mr. Moswadeh stated that he has moved to the United States because he is married to an American citizen and now has a visa that would allow him to work in the United States. Mr. Moswadeh stated that he requesting that the Board allow him to have an Intern license while he tries to pass the TOEFL exam.

Mr. Haiber stated that there has been a change in the law and the Board cannot override the rule which would require him to pass the TOEFL exam.

Mr. Moswadeh stated that he was granted an Intern license in Florida. Mr. Moswadeh stated that he has taken a course at Paradise Valley Community College in order to help him pass the exam. Mr. Moswadeh stated that he is having issues in paying for the exam.

Dr. Foy asked if the Board could grant him an Intern license. Ms. Campbell stated that Ms. Moswadeh is not able to show that he is certified by the Foreign Pharmacy Graduate Examination Committee and therefore is unable to meet the Board's requirements in order to be issued an Intern license.

Mr. Haiber told Mr. Moswadeh that at this time the Board does not have the authority to issue an Intern license to him because he does not meet the requirements for licensure as an Intern.

#4 Mohamed Abou-Zahra

Dr. Foy was recused due to a conflict of interest.

Mohamed Abou- Zahra appeared to request that the Board reinstate his revoked Pharmacist license per Board Order 07-0034-PHR. Larry Cohen, Legal Counsel, for Mr. Abou-Zahra was also present.

President Haiber opened the discussion by asking Mr. Abou-Zahra why he was appearing in front of the Board. Mr. Cohen stated that Mr. Abou-Zahra would like the Board to reinstate his pharmacist license. Mr. Cohen stated that Mr. Abou-Zahra has faced several life changing issues and is putting together an action plan to have his license reinstated. Mr. Cohen stated that Mr. Abou-Zahra admits that he has done some things that are wrong and he wants to work with the Board in hopes of reinstating his license.

Mr. Haiber asked Mr. Abou- Zahra if he would like to address the Board. Mr. Abou-Zahra stated that he has honestly made some bad mistakes. Mr. Abou-Zahra stated that he has made some bad decisions due to life changing events that occurred at the same time. Mr. Abou-Zahra stated that at the time he could not think clearly. Mr. Abou-Zahra stated that he has gone through a lot and his priorities have changed. Mr. Abou-Zahra stated that he is a better person all around because of his experiences.

Mr. Milovich asked about the statement in the original complaint where Mr. Abou-Zahra stated that the pills fell into his pocket and he took them home. Mr. Cohen stated that Mr. Abou-Zahra acknowledges that he took the pills intentionally. Mr. Abou-Zahra stated that he did take the tablets.

Mr. Haiber stated that he has reviewed the letters submitted. Mr. Haiber asked Mr. Abou-Zahra when he last worked with the individuals that submitted the letters. Mr. Abou-Zahra stated that he last worked with the individuals in 2006. Mr. Abou-Zahra stated that these co-workers also knew him on a personal level and would state that he is a different person today versus when he worked with them in 2006. Mr. Abou-Zahra stated that a chain of events led to the unfortunate decisions that he made.

Mr. Haiber asked Mr. Abou-Zahra if he left the country for 2 years. Mr. Abou-Zahra stated that he left the country and returned to Egypt due to the death of his grandparents.

Mr. Cohen stated that his office asked the individuals to sent the letters to comment about Mr. Abou-Zahra's life.

Mr. Milovich asked Mr. Abou-Zahra about the DUIs that were never reported to the Board. Mr. Abou-Zahra stated that he was wrong in not reporting the incidents to the Board. Mr. Abou-Zahra stated that he reported that incidents because he wants to start with a clean slate and has accepted what has happened to him.

Mr. Milovich asked Mr. Abou-Zahra if he has a unrestricted driver's license. Mr. Abou-Zahra stated that he has a restricted license.

Mr. Milovich asked Mr. Abou-Zahra when he last drank alcohol. Mr. Abou-Zahra stated 2 years ago.

Dr. Musil asked Mr. Abou-Zahra what he did in Egypt for the two years that he was there. Mr. Abou-Zahra stated that after the death of his grandparents in stayed in Egypt to help his family. Mr. Abou-Zahra stated that the process took a long time. Mr. Abou-Zahra stated that while he worked as a pharmacist in the United States he helped support his family in Egypt. Mr. Abou-Zahra stated that while he was in Egypt he worked at a high position in a closed gym and was able to offer some support to his family.

Dr. Musil asked Mr. Abou-Zahra if he is current on his CE credits. Mr. Abou-Zahra stated that he has completed some CE. Mr. Cohen stated that there is some possible financial issues in obtaining the CE.

Dr. Musil asked Mr. Abou-Zahra if he could pass the NAPLEX exam. Mr. Abou-Zahra replied yes.

Mr. McAllister stated that Mr. Abou-Zahra has significant issues with the Board. Mr. Abou-Zahra stated that he described his crisis in his letter. Mr. Abou-Zahra stated that it was wrong for him not to contact the Board. Mr. Abou-Zahra stated that he was overwhelmed with what had happened to him and his family.

Ms. Rosas asked Mr. Abou-Zahra if he left for Egypt before the Consent Agreement arrived. Mr. Abou-Zahra stated that he had planned on contacting the Board but left for Egypt when he learned of his grandparents death.

Mr. Haiber asked Mr. Abou-Zahra if he is in the right state of mind today. Mr. Abou-Zahra stated that he is a changed person today as a result of all the problems that he faced.

Mr. Haiber asked Mr. Abou-Zahra if the board offered him a consent agreement today would there be a different outcome. Mr. Abou-Zahra replied yes.

Mr. Van Hassel asked Mr. Abou-Zahra why he did not accept the counseling offered to him prior to his termination. Mr. Abou-Zahra stated that he was going through a divorce

at the time and due to pride he did not accept the help. Mr. Abou-Zahra stated that he should have accepted the help.

Mr. Haiber asked Mr. Abou-Zahra how many CE credits he has completed. Mr. Abou-Zahra stated that he has completed about 20 hours and would do whatever is needed to catch up.

A motion was placed on the floor by Mr. Milovich and seconded by Dr. Musil to offer Mr. Abou-Zahra a consent agreement with the stipulation that his license be suspended until he completes an evaluation and petitions the board to remove the suspension. The probation period and subsequent actions, such as PAPA, would be based on the evaluator's report.

Mr. Wand stated that the evaluation would determine if Mr. Abou-Zahra has an addiction problem and if treatment is necessary. Mr. Wand stated that the evaluation would not be evaluating his skills as a pharmacist.

Ms. Campbell stated that the Board has several options. Ms. Campbell stated that the Board could reinstate his license on suspension pending an evaluation and then he could petition the Board to remove the suspension. Ms. Campbell stated that the Board could continue its consideration of the case to allow him to have an evaluation by a Board approved evaluator.

Mr. Wand asked about the time frame for Mr. Abou-Zahra to obtain an evaluation. Ms. Campbell stated that the Board could review the evaluation at the May or July meeting which would give Mr. Abou-Zahra time to have the evaluation completed.

Mr. Wand stated that the Board has approved Dr. Sucher and Phillip Leff as evaluators.

Mr. Cohen stated that they would like to have the evaluation completed by May and have the Board consider his request at the meeting. Mr. Cohen stated that Mr. Abou-Zahra could also complete any CE requirements to bring his license current.

On motion by Mr. Milovich and seconded by Dr. Musil the original motion placed on the floor was withdrawn.

Mr. McAllister stated that he did not support the original motion because Mr. Abou-Zahra could have reached out to the Board and explained his situation and stated that he would like to come back and practice as a pharmacist.

Dr. Musil stated that he felt that Mr. Abou-Zahra was not in the frame of mind to make that decision at the time. Dr. Musil stated that Mr. Abou-Zahra was not even sure that he was coming back to Arizona.

Mr. Van Hassel stated that he felt that Mr. Abou-Zahra did not sign the original consent and the Board should not forget what happened in the past.

Mr. Haiber stated that since Mr. Abou-Zahra did not sign the original consent he would like Mr. Abou-Zahra to complete the evaluation to show that he is not a risk.

Mr. Milovich stated that he would like to see the evaluation prior to making a determination of what action the Board should take in this case.

A motion was placed on the floor by Mr. McAllister and seconded by Mr. Van Hassell to deny Mr. Abou-Zahra's request to reinstate his revoked pharmacist license based on A.R.S. §32-1927 (A) and (S) which permits the Board to deny a pharmacist license if the Board determines the applicant has committed an act of unprofessional conduct. A roll call vote was taken. (Mr. McAllister – aye, Mr. Van Hassel – aye, Dr. Musil – nay, Ms. Galindo – nay, Ms. Rosas – nay, Mr. Milovich – nay, President Haiber – nay). The motion failed.

On motion by Dr. Musil and seconded by Mr. Milovich, the Board agreed to table the request to allow Mr. Abou-Zahra to submit a plan to the Board which would include the following: a plan to have an evaluation scheduled in the next 30 days by an evaluator approved by Board staff and the completion of 60 CE credits. A roll call vote was taken. (Mr. McAllister – nay, Mr. Van Hassel – nay, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas – aye, Mr. Milovich – aye, President Haiber – aye). The motion carried.

AGENDA ITEM 8 – University Medical Center's request to deviate from A.C.C. R4-23-653 (E) and (I) to allow verification of automated dispensing cabinets by pharmacy technicians utilizing a technology scanning system to ensure accuracy

President Haiber opened the discussion by stating that a representative from University Medical Center (UMC) was present to request a deviation from Board rules.

Kurt Weibel, assistant director of pharmacy of UMC, stated that he submitted a proposal for a waiver to deviate from state Board rules, specifically the rule that requires a pharmacist to verify medications before they are stocked in an automated dispensing cabinet on the units.

Mr. Weibel stated that the process would include the use of technology and experimentation.

Mr. Weibel stated that the technology that they would be using is called PARx. Mr. Weibel stated that the experimentation that they would be using would be quarterly audits of the dispensing cabinets. Mr. Weibel stated that currently they are doing twice yearly audits.

Mr. Weibel stated that prior to using PARx technology when they had the pharmacists visually checking the medications their error rate was 1.4%. Mr. Weibel stated using PARx technology and bar-code scanning the error rate is 0.4%. Mr. Weibel stated that they had a significant decrease in the number of errors.

Mr. Weibel stated that PARx is a hand-held device that the technicians use when refilling the Pyxis. Mr. Weibel stated that the technician scans the barcode. Mr. Weibel stated that items that are not pre-packaged with the barcode will have a barcode placed on the item by the hospital. Mr. Weibel stated that the barcoding is overseen by a pharmacist. Mr. Weibel stated that he is not asking for a waiver for that part of the process.

Mr. Weibel stated that the technician scans the product and a label prints and the technician puts the label on the bag and puts the item in the bag. Currently, a pharmacist checks that the product is correct by scanning the product. The product is then delivered to the floor by a second technician who scans the product when it is placed into the dispensing cabinet.

Mr. Weibel stated that the part he is asking for a waiver for is where the pharmacist does the scan check. Mr. Weibel stated that he would like a pharmacy technician to do that step of the process. Mr. Weibel stated the he feels that the pharmacist's expertise is not adding to the safety of the process. Mr. Weibel stated that it is not an attempt to reduce pharmacists hours and would like to use pharmacists in a different capacity. Mr. Weibel stated that they would like to expand their clinical services.

Mr. Weibel stated that additional safety features that they have in place are that 64 out of 68 of the dispensing cabinets are on Profile dispense which means that the nurses only have access to the medications for which the pharmacists have reviewed the orders. The four exceptions are procedural areas where the physician is present when the medications are given. Mr. Weibel stated that they have a very low override of the Pyxis cabinet.

Mr. Weibel stated that his proposal is to do quarterly audits for the first year, re-evaluate the program, and if the error rate is low he would do twice yearly audits.

Dr. Musil asked Mr. Weibel if he was also asking for a waiver for the four cabinets that are not on lock down. Mr. Weibel stated that he is asking for a waiver for all the cabinets.

Dr. Musil asked about the barcoding that they do on site. Mr. Weibel stated that they try to purchase medications from the manufacturer with the barcode. Mr. Weibel stated that if they cannot purchase the medication then they would purchase stock bottles and use their repackaging machine to barcode the product. Mr. Weibel stated that the barcode is tied to the NDC number through their own internal system. Mr. Weibel stated that the repackaged product is verified by a pharmacist.

Dr. Musil asked if they use their own unique NDC number. Mr. Weibel stated that the NDC number is the number assigned by the manufacturer.

Mr. McAllister stated that he is very familiar with the system. Mr. McAllister stated that the system is clearly better than having people involved.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously approved the request by UMC for their waiver request based on experimentation and technology and verify the quality system at the annual inspection.

Dr. Musil asked if this is an unconditional waiver. Mr. Weibel stated that in addition to the audits they would be doing annual quality checks.

Dr. Musil stated that he would be in favor of looking at this waiver for a year based on the data and the error rates that occurred during that time period.

Mr. Haiber stated that he felt that there should be a point in time where they reported back results to the Board.

Mr. McAllister stated that the system is used throughout the country. Mr. McAllister stated that this is not a new system and has very little experimentation involved. Mr. McAllister stated that this is a safe system for patient care. Mr. McAllister stated that it should be included in the annual inspection to validate the quality system.

Dr. Musil stated that this procedure is different than the pharmacist checking the product prior to putting it in the cabinet.

Mr. Van Hassel stated that the system is used in many hospitals in the country. Mr. Van Hassel stated that if there was not a rules moratorium this request may be for a rules change.

AGENDA ITEM 9 – Avondale Neighborhood Pharmacy – Case #11-0034-PHR

Lameck Nyakweba, representative for the permit holder, was present to request that the Board reconsider Case #11-0034-PHR (Complaint #3838). Ken Baker, legal counsel for Avondale Neighborhood Pharmacy, was present.

President Haiber opened the discussion by asking Mr. Nyakweba why he was appearing in front of the Board. Mr. Baker stated that Mr. Nyakweba is appearing as the representative of the pharmacy.

Mr. Baker stated that Avondale Neighborhood Pharmacy was offered a consent agreement based on a consumer complaint and they are asking that the Board reconsider the case. Mr. Baker stated that he and Mr. Nyakweba reviewed the prescriptions involved in the complaint and feel that there are four prescriptions listed in the findings of fact that were not deficient. Mr. Baker stated that the refill authorization for the one prescription was noted. Mr. Baker stated that the lost prescription was in a stack of prescriptions waiting to be scanned and was located after the inspector left. Mr. Baker stated that one prescription had flavoring added that was approved by the physician but was not documented. Mr. Baker stated that the flavoring will be documented in the future on the prescription and the compounding log. Mr. Baker stated that it was noted that one prescription did not convey the prescriber's directions. Mr. Baker stated that the patient was given a special applicator and counseled on how to use the applicator. Mr. Baker stated that in order to apply one gram the patient had to use 2 applications daily.

Mr. Baker stated that there were deficiencies noted that Mr. Nyakweba did not record the base, wetting agent, and thickening agents that were used in compounding the prescription. Mr. Baker stated that Mr. Nyakweba visited the doctor's in the area and had discussed the formulations with the physicians. Mr. Baker stated that the pharmacy has corrected the compounding logs to reflect the agents used.

Mr. Baker stated that this has been a good learning experience and Mr. Nyakweba has made the necessary corrections. Mr. Baker stated that they are asking that the four prescriptions where they noted that there were no deficiencies be dismissed.

Mr. Baker stated that because the deficiencies have been corrected they are asking that the Board issue a letter of concern and they are willing to pay for an additional inspection to show the Board that the corrections have been made.

Mr. Baker stated that if the Board still wants to consider a fine that the fine be reduced. Mr. Baker stated that they are also asking that the probation period be removed. Mr. Baker stated that changes have been made and there is no reason for the probationary period.

Dr. Musil asked how Mr. Nyakweba logs the formulations. Mr. Nyakweba stated that the formulas are logged on paper.

Dr. Musil asked Mr. Nyakweba to look at the omeprazole formulation. Dr. Musil asked why certain items were crossed off the formula. Mr. Nyakweba stated that he prints the formulas off the PCAA website and if the doctor does not want to use all the ingredients he would cross off the ingredients that he did not use. Dr. Musil noted that the carboxymethylcellulose was crossed off in the formula but still remained in the recipe. Dr. Musil asked Mr. Nyakweba if he used the ingredient in the formula since it was listed in the recipe. Mr. Nyakweba replied no. Mr. Baker stated that Mr. Nyakweba is a member of PCAA.

Dr. Musil asked Mr. Nyakweba what he used to qs the compound. Mr. Nyakweba replied that he used the Sodium Bicarbonate 9% to qs the solution.

Mr. Van Hassel stated that the original consumer complaint involved an overcharge to the patient. Mr. Van Hassel stated that there was a labeling issue noted and the Board asked the Compliance Officer to gather additional information. Mr. Van Hassel stated that the Compliance Officer randomly selected 14 prescriptions and noted problems with each prescription. Mr. Van Hassel stated that he feels that the consent agreement should stand as is.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to deny Mr. Nyakweba's request to reconsider case #11-0034-PHR.

AGENDA ITEM 10 – Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Introduction of New Drug Inspecotr

Mr. Wand stated that a new Drug Inspector has been hired to inspect the Non-Prescription permits throughout the state. Mr. Wand stated that Melanie Thayer has been hired and her resume is in the Board Book.

Legislative Update

Mr. Wand reviewed HB 2136 that would review State Agency Fees. Mr. Wand reviewed HB 2585 which would add the names of individuals receiving Medical Marijuana cards to the Controlled Substance Monitoring database.

Mr. Wand stated that the governor's policy advisor has stated that the Governor would probably continue the rules moratorium when it ends in June.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report with the Board Members. Ms. Frush stated that there is no Drug Inspector Report for January or February because the new Inspector has just been hired.

During the months of January and February, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage -4
2. Controlled Substance Shortage 2
3. Controlled Substance Records not readily retrievable – 5
4. Failure to complete Controlled Substance Count upon change of Pharmacist in Charge - 1

Documentation Violations

1. Failure to document counseling – 2
2. Failure to document mechanical counting devices maintenance –2
3. Failure to document medical conditions – 1

Pharmacy Violations

1. Allowing a technician to work with an expired license – 1
2. Pharmacist with an expired immunization certificate - 1
3. Outdated OTC products within the pharmacy – 1
4. Failure to obtain prescriptions for items taken from emergency boxes – 1

The following areas were noted on the inspection reports for improvement:

1. Having Invoices readily retrievable

Areas outside the inspection reports that may be of interest:

1. Prescriptions from Mexico or Canada cannot be transfers.

Mr. Van Hassel asked what happens if a technician has an expired license. Ms. Frush stated that the Compliance Officer informs the Pharmacist in Charge that the individual cannot work as a technician. The technician is often sent home or asked to go to the Board Office and pay their fees to bring their license current.

Mr. Van Hassel asked what happens to the Pharmacist in Charge if he allows a technician to work without a license. Ms. Frush stated that a violation letter is sent to the Pharmacist in Charge.

Mr. Van Hassel stated that he feels that a complaint should be opened against the Pharmacist in Charge.

Mr. Wand stated that an article could be placed in the newsletter.

Ms. Campbell stated that if the Board wants to change a current procedure that it could be placed on the May agenda to talk about any changes.

PAPA Report

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-eight (48) participants in the PAPA program. Since the last report on January 28, 2010, two (2) participants have completed the program, two (2) new participants came into the program, and there has been one (1) termination of contract.

Ms. Yates stated that the steering committee would be meeting in April and could arrange to have another dinner to explain the PAPA program to new Board Members.

Dr. Musil asked Ms. Yates if she could share a copy of the PAPA contract with the Board Members. Ms. Yates stated that she would send a current copy to the Board Office to share with the Board Members and the contract could be explained at the dinner.

AGENDA ITEM 11- Conferences

Conference 1 – Complaint #3889

The following individual was present to discuss the complaint: Matthew Cook, Pharmacist in Charge.

President Haiber asked Mr. Cieslinski to give a brief overview of the complaint. Mr. Cieslinski stated that the complainant stated that the directions on his prescription for lisinopril were printed incorrectly on the label. Mr. Cieslinski stated that the patient was to take 1-½ tablets daily but his label said to take ½ tablet daily. Mr. Cieslinski stated that the prescription was scanned incorrectly at the mail order facility where the pharmacist had taken the transfer. Mr. Cieslinski stated that the complainant took the medication correctly.

President Haiber asked Mr. Cook to address the complaint. Mr. Cook stated that the image that the pharmacist and technician saw had the directions as ½ tablet instead of 1-½ tablets. Mr. Cook stated that the scanners that are used in the process are the same in both the store and the mail order facility. Mr. Cook stated that they had never seen this error previously and were not able to duplicate the error. Mr. Cook stated that it was not a typical image problem. Mr. Cook stated that there have been no other incidents of this type. Mr. Cook stated that they have instituted a stricter policy in cleaning the scanners.

Mr. Cook stated that they are looking at the scanners daily and are documenting weekly cleanings. Mr. Cook stated that the scanner involved in this incident has been replaced.

Mr. Van Hassel asked if they could identify the person that scanned the prescription. Mr. Cook replied yes.

Mr. Haiber asked if this is a batch scanner. Mr. Cook replied that it is a stand alone scanner used at the central processing facility. Mr. Cook stated that the transfer was taken by the pharmacist and given to the technician who scans the prescriptions. Mr. Cook stated that the technician scans each prescription individually. Mr. Cook stated that the technician looks to see if the prescription is readable with no streaks or discoloration.

Mr. Haiber asked if they audited any other prescriptions. Mr. Cook stated that they audited 10 prescriptions that were scanned in front of the questionable prescription and 10 prescriptions that were scanned after the questionable prescription. Mr. Cook stated that they found no other errors.

Dr. Musil asked about the handwritten copy. Mr. Cook stated that the handwritten image was written by someone at the store and given to the patient.

Mr. Wand asked if the paper was folded when it went thru the scanner. Mr. Cook replied no.

Mr. Haiber asked when the hard copy is returned to the store. Mr. Cook stated that the prescription is sent to the store at the end of the week and the store fills the prescription from the image. Mr. Cook stated that the prescription is sent to the store for recordkeeping purposes.

Mr. Haiber asked if the same procedure is followed for controlled substances. Mr. Cook replied yes. Mr. Haiber stated that the hard copy should be at the store prior to filling.

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

AGENDA ITEM 13 – Consent Agreements

President Haiber asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General’s Office and have been signed.

Dr. Foy was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below.

Eberenna Egwu	-	11-0030-PHR
Loretta Thorkelson	-	11-0035-PHR
Thomas Coppola	-	11-0037-PHR

(Mr. McAllister – aye, Mr. Van Hassel – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas – aye, Mr. Milovich – aye, President Haiber – aye).

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below.

Abimbola Johnson	-	11-0005-PHR
Bijan Parsi	-	11-0031-PHR
Robin O’Nele	-	11-0038-PHR
Robert Logsdon	-	11-0039-PHR

(Mr. McAllister – aye, Mr. Van Hassel – aye, Dr. Musil – aye, Dr. Foy – aye, Ms. Galindo – aye, Ms. Rosas – aye, Mr. Milovich – aye, President Haiber – aye).

On motion by Dr. Musil and seconded by Mr. Milovich, the Board agreed to dismiss the complaint against Lori Allen. There was one nay vote by Mr. Van Hassel.

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously agreed to accept the following consent agreement as presented in the meeting book and signed by the respondent. The consent agreement is listed below.

Mixtures Pharmacy	-	11-0040-PHR
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(Mr. McAllister – aye, Mr. Van Hassel – aye, Dr. Musil – aye, Dr. Foy – aye, Ms. Galindo – aye, Ms. Rosas – aye, Mr. Milovich – aye, President Haiber – aye).

AGENDA ITEM 14 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President Haiber stated that Mr. Wand has reviewed the requests and has approved the individuals for one additional two year period.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

Pharmacy Technician Trainee Requests to reapply for licensure

Maria De Los Angeles Acevedo	Abel Aquilar
Monica Aquilar	Violeta Andric
Lindsey Aranki	Linda Atene
Mikaela Avelar	Alyce Baldwin
Giani Barraza	Robin Bennett
Laurie Berry	Dana Beyers
Janice Blake	Terrance Borthwell
Paige Brening	Tai Centracchio
David Cohee	Deborah Counts
Nolan Draus	Maria Espericueta
Nicholas Flores	Melinda Flota
Shana Folden	Danielle Franks
Valerie Guerrero	Cristin Harding
Sherree Harris	Theresa Hebert
Brittany Hedrick	Evanne Herbst

Melinda Hinkle	Ketrina Irving
Jennifer Jarrett	Brianna Kendall
Deborah Lewis	Sidney Long
Jennifer Marksberry	Cruz Mavis
Delilah Moreno	David Morris
Miranda Newcomer	James Newton
Isabel Ormeno	Vanessa Padilla
Jason Palmisano	Rohann Rezvani
Gabriel Rodriguez	Zorica Rudic
Lynn Scheller	Trenton Scott
Valentina Shabi	Michael Shannon
Thomasita Silas	Zachary Singer
Anna Tibbs	Gayle Tonjes
Erika Vega	Danica Ylagan

AGENDA ITEM 16 – Proposed Substantive Policy Statement or Request for an Attorney General Opinion

President Haiber asked Mr. Wand to address this agenda item.

Mr. Wand stated that the Board staff receives requests about dispensing multiple refills at a time and the Board staff has developed a prescription refill policy statement.

The Board Staff along with the Assistant Attorney General has drafted the following policy statement for Board review and approval.

PRESCRIPTION REFILL POLICY STATEMENT

BACKGROUND: A.A.C. R4-23-402(A) sets out the requirements that a pharmacist, graduate intern, or pharmacy intern must meet in dispensing a prescription medication from a prescription order. Among other things, a pharmacist, graduate intern, or pharmacy intern is required to verify the legality and pharmaceutical feasibility of dispensing a drug based upon the frequency of refills. See A.A.C. R4-23-402(A)(5)(e). In addition, a pharmacist, graduate intern, or pharmacy intern is required to interpret the prescription order, which includes exercising professional judgment in determining whether to dispense a particular prescription. See A.A.C. R4-23-402(A)(7).

POLICY: It is the opinion of the Board that the requirements of A.A.C. R4-23-402(A) do not prohibit a pharmacist, graduate intern, or pharmacy intern from dispensing multiple refills of a prescription when the prescription is initially filled or refilled as long as this manner of filling is not contrary to the prescriber's directions and the pharmacist, graduate intern, or pharmacy intern complies with all Board statues and rules in dispensing the medication, including the requirement to exercise professional judgment.

Dr. Foy noted that some third party insurance companies may not reimburse for additional quantities if that is not the original quantity on the prescription.

Mr. Wand noted that a permit holder cannot require a pharmacist to fill additional refills if it is against their professional judgment.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to accept the prescription refill substantive policy.

AGENDA ITEM 17 – Pharmacists Assisting Pharmacists of Arizona Report (PAPA) Format

President Haiber opened the discussion by stating that the Board Members had concerns about the names being removed from the PAPA report.

Ms. Campbell stated that the report can list the names of the non-confidential members next to their case number.

AGENDA ITEM 18 – NABP Annual Meeting – San Antonio, Texas – May 21-21, 2011

President Haiber asked Mr. Wand to give a brief overview of this agenda item.

Mr. Wand stated that Board Members may register online for attendance at the meeting.

Mr. Wand stated that a registration form and agenda for the meeting is in the Board Book.

Mr. Wand stated that he is running for the open member position for District 8 on the Executive Committee for NABP.

AGENDA ITEM 20 – NABP-e Profile ID Online

President Haiber asked Mr. Wand to address this issue.

Mr. Wand stated in the last NABP newsletter there was an article concerning the fact that pharmacists and technicians would be able to obtain an ID to allow them to easily track their ACPE –accredited continuing pharmacy education credits beginning in the fall of 2011.

Mr. Wand stated that every ACPE approved continuing education course would be in the database. Mr. Wand stated that the Board would be able to tell if someone has completed the required CE courses.

Mr. Wand stated that there would be no cost to the Boards or the pharmacists and technicians.

AGENDA ITEM 21- September Board Meeting Date

President Haiber opened the discussion by stating that a Board Member has a conflict with the date of the September meeting and is asking if the Board Members would agree to a change of date for the September meeting.

After discussing various dates, the Board Members decided to change the date of the September Board Meeting to September 27 and 28, 2011.

AGENDA ITEM 22 – Call to the Public

President Haiber 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.

Dan Luce, Director of Pharmacy Affairs at Walgreens, came forth to inform the Board that the retraining in the Walgreens stores has been completed. Mr. Luce stated that the prescription process concerns have been addressed. Mr. Luce stated that the patient-prescriber verification would be completed by the pharmacists at the low volume stores and for high volume stores the verification would occur at the central processing facility.

Ms. Smith, CEO of the Arizona Pharmacy Alliance, came forth to give an update on the Alliance's activities.

Ms. Smith reviewed the calendar events for the various conferences that the different academies would hold.

Ms. Smith stated that ACPE providers are being asked to pay fees for the NABP-e profile.

Ms. Smith stated that SB1298 which allows for immunizations of children, a change in collaborative practice, and allows students to immunize has passed through the health committee.

Ms. Smith stated that the senate had passed their state budget. Ms. Smith stated that the budget drops patients from Medicaid and could affect pharmacies and hospitals that accept Medicaid payments.

Mr. Morris came forth to address the Board. Mr. Morris stated that the Board approved a pilot for the University of Arizona medication therapy management program and there is an article published in the Alliance's journal indicating that patients have benefited from the program.

AGENDA ITEM 23 – Discussion of Items to placed on a future meeting agenda

Mr. Van Hassel asked that an item be placed on a future meeting agenda to discuss what action should be taken against a Pharmacist in Charge that allows personnel to work with an expired license.

The meeting recessed at 3:05.

AGENDA ITEM 1 – Call to Order – March 18, 2011

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

The following Board Members were present: President Steve Haiber, Vice President Dan Milovich, Joanne Galindo, Dennis McAllister, John Musil, Nona Rosas, and Tom Van Hassel. The following Board Members were not present: Jim Foy and Kyra Locnikar. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Drug Inspector Melanie Thayer, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 11- Conferences

Conference 2 – Complaint #3903

The following individuals were present to discuss the complaint: Harold Shapiro- Pharmacist, Silvia Vargas – Pharmacy Technician, Charlie Curtis – Pharmacy Supervisor, and Richard Mazzoni – Director of Government Affairs. Roger Morris, Legal Counsel, for CVS, was also present.

President Haiber asked Mr. Hunter to give a brief overview of the complaint. Mr. Hunter stated that the complainant had two prescriptions filled for his wife. Mr. Hunter stated that when they got home they realized that the prescriptions were filled under the wrong patient's name. The prescriptions were filled for the correct medication. The complainant returned the prescriptions to the store and asked for the prescriptions back. The pharmacy deleted the prescriptions out of the system and returned the original hardcopies to the complainant. Mr. Hunter stated that they were unable to produce a copy of the original prescriptions. Mr. Hunter stated that the originals should have remained at the store because the prescriptions were dispensed.

President Haiber asked the respondents to address the complaint. Mr. Morris stated that when the prescription was entered the technician picked the wrong name from the drop down menu. Mr. Morris stated that the pharmacist that verified the prescription did not catch the error. Mr. Morris stated that the prescription was given to the patient's spouse. Mr. Morris stated that the complainant brought the prescription back to the pharmacy and stated that the wrong patient's name was on the labels. The complainant requested a

refund and the return of his prescriptions. The pharmacy refunded the money and returned the original hardcopies to the patient.

Mr. Morris stated that the prescriptions were deleted because they could not leave the prescriptions under the wrong patient's name. Mr. Morris stated that they had deleted the prescription information and were unable to enter the prescription information under the correct patient's name because the information was no longer available.

Mr. Morris stated that when Mr. Hunter asked for the prescriptions the help desk told the supervisor that they were unable to produce the prescriptions because they were unfamiliar with the request. Mr. Morris stated that the corporate office was able to reproduce the information.

Mr. Milovich stated that he has concerns because they deleted the prescriptions and they were unable to obtain the information that the compliance officer needed at the time of the investigation.

Mr. Haiber asked what would normally happen if the prescriptions were entered on the wrong patient profile. Mr. Morris stated that the prescriptions would be removed from the incorrect patient's profile and moved to the correct patient. Mr. Morris stated that the edits would show the movement of the prescriptions.

Mr. Haiber asked if counseling occurs when a caregiver picks up the prescription. Mr. Shapiro stated that counseling occurs after the sale is completed. Mr. Shapiro stated that if a patient has a question he is called to the drive thru window or the consultation area to talk to the patient. Mr. Shapiro stated that if the person picking up the prescription is not the patient, then he would tell the caregiver to have the patient call the pharmacy if they have any questions.

Dr. Musil noted that there was no patient information such as address or phone number on the prescription.

Dr. Musil asked when the patient is asked if they want non-safety caps. Ms. Vargas stated at the drop off window.

Dr. Musil asked Ms. Vargas what questions are asked when a patient drops off a prescription. Ms. Vargas stated that they ask the patient if they have had prescriptions filled at the pharmacy. Ms. Vargas stated that they ask the date of birth and ask if they want safety caps.

Dr. Musil asked if the address is put on the prescription. Ms. Vargas stated that they now put the address and date of birth on the prescription. Mr. Curtis stated that if the customer is a new patient the patient is not allowed to leave the drop off window until that information is obtained.

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

AGENDA ITEM 12 – Consideration of Complaints on Schedule “F” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 12 complaints. Ms. Galindo, Ms. Rosas, Dr. Foy, and Mr. Van Hassel served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

- Complaint #3911 - Conference for both pharmacists
- Complaint #3912 - Dismiss
- Complaint #3913 - Dismiss
- Complaint #3914 - Advisory Letter to the Data Entry Pharmacist concerning the checking of the data input
Advisory Letter to the Counseling Pharmacist concerning oral consultation
- Complaint #3916 - Advisory Letter to the Pharmacist in Charge Concerning recordkeeping
Dismiss the complaint against other respondents
- Complaint #3917 - Dismiss
- Complaint #3918 - Dismiss
- Complaint #3919 - Dismiss
- Complaint #3920 - Dismiss
- Complaint #3921 - Dismiss
- Complaint #3922 - Consent Agreement Offered to the Permit Holder for a fine of \$1,000 to be paid in 90 days. If not signed, proceed to hearing
Dismiss the complaint against the Pharmacist
- Complaint #3924 - Dismiss

AGENDA ITEM 15 – Rhonda Eustice – Case #11-0023-PHR

Rhonda Eustice was present to request that the Board reconsider Case #11-0023-PHR (Complaint #3854). Teresa Sanzio, legal counsel for Ms. Eustice was also present.

President Haiber opened the discussion by asking Ms. Eustice why she was appearing in front of the Board. Ms. Sanzio stated that they would like the Board to reconsider the consent agreement offered.

Ms. Sanzio stated that the patient stated that she mailed a prescription to the pharmacy and the patient reported that an insufficient number of capsules was dispensed. Ms. Sanzio stated that Ms. Eustice was listed as the pharmacist who dispensed the prescription. Ms. Sanzio stated that Ms. Eustice was unaware of the complaint until she received the consent agreement.

Ms. Sanzio stated that there is no evidence that Ms. Eustice did not dispense the right number of capsules. Ms. Sanzio stated that Ms. Eustice brought a 60 dram vial and placed the number of capsules that she dispensed in the vial. Ms. Sanzio stated that the capsules would fit in one vial. Ms. Sanzio stated that in the past the patient may have received the capsules in two vials.

Ms. Sanzio stated that they are asking that the Board reconsider the consent agreement offered and dismiss the complaint.

The Board Members looked at the vial Ms. Eustice brought and asked if the capsules were the same size as the capsules dispensed. Ms. Eustice replied yes.

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

AGENDA ITEM 19 – Hearing

The hearing scheduled for Lori Allen was vacated because the Board accepted the Consent signed by Mixtures Pharmacy.

AGENDA ITEM 22 – Call to the Public

President Haiber 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 24 – Adjournment

There being no further business to come before the Board, President Haiber adjourned the meeting at 9:35 A.M.