



Arizona State Board of Pharmacy
1700 W. Washington, Suite 250
Phoenix, AZ 85007
Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JULY 7, 2011
AT THE WESTIN LA PALOMA RESORT
TUCSON, AZ 85718**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – July 7, 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. Board Member Kyra Locnikar participated in the meeting by telephone. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dean Wright, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. Van Hassel recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 4, Schedule A, Part D, Pharmacy Intern License #I010032.

Due to having a “substantial interest” in the matter, Mr. Van Hassel recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 4, Schedule A, Part E, Pharmacy Technician Trainee License #T028087.

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, Schedule D, Complaint #3973.

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 4, Schedule A, Part D, Pharmacy Intern License #I010043.

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 8, Schedule D, Complaint #3968, Complaint #3969, and Complaint #3973.

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 9, Schedule E, Consent Agreement for Mohamed Abou-Zahra.

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 8, Schedule D, Complaint #3955 and Complaint #3963.

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 12, Schedule H, Conference 2 concerning Complaint #3931.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule D, Complaint #3935, Complaint #3940, Complaint #3942, Complaint #3944, Complaint #3949, and Complaint #3972.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Request by Express Scripts to modify the “work at home” pharmacy technician duties.

AGENDA ITEM 3– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Musil and seconded by Dr. Foy**, the minutes of the Regular Meeting held on May 4, 2011 were unanimously approved by the Board Members.

AGENDA ITEM 4– Permits and Licenses

RESIDENT PHARMACY PERMITS

President Haiber stated that there were no resident pharmacy permits to approve.

NON-RESIDENT PHARMACY PERMITS

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

Pharmacy	Location	Owner
CHC Pharmacy Services	7388 Revere Pkwy., #601, Centennial, CO 80112	CHC Pharmacy Services
Wickliffe Pharmaceuticals, Inc.	4340 Georgetown Rd., Lexington, KY 40511	Wickliffe Pharmaceuticals, Inc
Allivet	480 W. 83 rd St., Hialeah, FL 33014	Khaled Abdalla
Royal Palm Specialty Pharmacy	118 Main St., Webster, MA 01570	Royal Palm Specialty Pharmacy, LLC
Westwood Pharmacy Clinical Services	5823 Patterson Ave., Richmond, VA 23226	MAO Pharmacy, Inc.
Main Street Pharmacy, LLC	126 E. Main St., Newbern, TN 38059 (O)	Main Street Pharmacy, LLC
Coastal Express Pharmacy, Inc.	2632 Pacific Ave., Long Beach, CA 90806	Coastal Express Pharmacy, LLC
McKesson Medical-Surgical Medimart, Inc.	8121 10 th Ave. North, Golden Valley, MN 55427	McKesson Medical-Surgical Medimart, Inc.
Senior Care Pharmacy of the West	380 Lawndale Dr., Salt Lake City, UT 84115	Lynn Connor
Cardinal Health 414, LLC	793 Via Lata, Colton, CA 92324	Cardinal Health, Inc.
St. Jude Children’s Research Hospital	262 Danny Thomas Pl., Memphis, TN 38105	St. Jude Children’s Research Hospital
Hemophilia of the Sunshine State	4035 Tampa Rd. #6500, Oldsmar, FL. 34677	Lynnefield Drug, Inc.
Pipeline Health Holdings, Inc .	5600 W. River Rd. #854, Rosemont, IL 60018	Pipeline Health Holdings, Inc.
BioScrip Infusion Services, LLC	2501 NW 34 th Place, Pompano, FL 33069	BioScrip Infusion Services, 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 Mr. Van Hassel, the Board unanimously approved the wholesaler permit listed below.

WHOLESALER	LOCATION	OWNER
Ambulatory Medical Associates (Full Service)	8433 N. Black Canyon Hwy #130, Phoenix, AZ 85021	Ambulatory Medical Associates, PLLC

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

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

Pharmacists

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

Interns

Dr. Foy and Mr. Van Hassel recused themselves due to a conflict of interest.

On motion by Ms. Rosas and seconded by Dr. Musil, the Board unanimously approved the following two intern licenses: I010032 and I010043.

On motion by Ms. Rosas and seconded by Dr. Musil, the Board unanimously approved the remaining Intern licenses listed on the attachments.

Pharmacy Technicians and Pharmacy Technician Trainees

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

On motion by Ms. Rosas and seconded by Dr. Musil, the Board unanimously approved the following Pharmacy Technician Trainee license: T028087.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously approved the remaining Intern licenses listed on the attachments.

AGENDA ITEM 5 – Special Requests

#1 Robin O’Nele

Robin O’Nele appeared on her own behalf to request that the suspension imposed on her Pharmacist license per Board Order 11-0038-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Ms. O’Nele why she was appearing in front of the Board. Ms. O’Nele stated that she is requesting that the Board terminate her suspension and impose probation.

Mr. Haiber asked Ms. O’Nele how long her license has been on suspension. Ms. O’Nele stated that her license has been on suspension for 7 months.

Ms. Yates stated that Ms. O’Nele has been in the program since January 18, 2011. Ms. Yates stated that Ms. O’Nele has just returned from the Utah School. Ms. Yates stated that Ms. O’Nele has been doing very well in the program.

Mr. Haiber asked Ms. O'Nele if she is ready to return to work and what has changed in her life. Ms. O'Nele stated that her life has changed.

Dr. Foy asked Ms. O'Nele what is different in her life at this time. Ms. O'Nele stated that she is not suffering from her addiction problem. Ms. O'Nele stated that she has family support and support from her sponsor. Ms. O'Nele stated that she also has support through the PAPA program.

Dr. Foy asked Ms. O'Nele if she has completed any community service hours. Ms. O'Nele stated that she has not completed any hours but does know where she would like to do her community service hours.

Mr. Haiber stated that there is a support letter from Jim Corrington supporting Ms. O'Nele's request.

Mr. Van Hassel asked Ms. O'Nele if she is done with her addiction. Ms. O'Nele stated that she meant that she is done with her active addiction problem.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously agreed to terminate the suspension of Ms. O'Nele's license and impose probation per Board Order 11-0038-PHR.

Dr. Musil asked that if the PAPA counselors send a letter in support of the participant if they could sign the letter. Ms. Yates stated that the letter was forwarded from the counselor to her office and then faxed to the Board Office. Ms. Yates stated that she would let the counselors know that the Board Members would like them to sign the letters that they issue.

#2 Robert Logsdon

Robert Logsdon appeared on his own behalf to request that the suspension imposed on his Pharmacist license per Board Order 11-0039-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Mr. Logsdon why he was appearing in front of the Board. Mr. Logsdon stated that he is requesting that the Board terminate his suspension and impose probation.

Mr. Haiber asked Mr. Logsdon to give the Board some background information on his situation and what he has been doing since his license was suspended.

Mr. Logsdon stated that he was addicted to Phentermine. Mr. Logsdon stated that he completed a rehab program in Illinois. Mr. Logsdon stated that he came back to his spirituality and he feels good.

Ms. Yates stated that Mr. Logsdon has been in the program since January 26, 2011 and has been compliant with his contract. Ms. Yates stated that Mr. Logsdon has kept in close contact with her.

Dr. Foy asked Mr. Logsdon about his meeting attendance. Mr. Logsdon stated that he attends the PAPA meeting weekly and attends three 12-step meetings a week.

Ms. Yates stated that the weekly meeting is the PAPA peer group meeting.

Ms. Rosas asked Mr. Logsdon if he has a sponsor in Arizona. Mr. Logsdon stated that his sponsor is currently in Illinois. Mr. Logsdon stated that his sponsor is a pharmacist that had a similar problem 10 years ago. Mr. Logsdon stated that he will find a sponsor in Arizona.

Ms. Galindo asked Mr. Logsdon if he has been employed since his license has been suspended. Mr. Logsdon stated that he worked at the concession stand during spring training. Mr. Logsdon stated that he has helped his friend with his children.

Mr. Haiber asked Mr. Logsdon about his criminal charges. Mr. Logsdon stated that it has been traumatic because he has never been in trouble before. Mr. Logsdon stated that his lawyer tried to reduce the charges and was unsuccessful. Mr. Logsdon stated that his case would be heard on July 12, 2011.

Dr. Foy asked if the Board would take action against his license if he is charged criminally.

Ms. Campbell stated that the criminal charges are a result of his theft of the phentermine and the Board has already disciplined him for this conduct. Ms. Campbell stated that he would need to report the charges to the Board, but the Board would not take any further action because he was been disciplined.

Mr. Logsdon stated that he does have a possibility of a job.

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously agreed to terminate the suspension of Mr. Logsdon's license and impose probation per Board Order 11-0039-PHR.

#3 James Green

James Green appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0012-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Mr. Green why he was appearing in front of the Board. Mr. Green stated that he is requesting that the Board terminate his probation.

Mr. Haiber asked Mr. Green to give the Board a background of his problem. Mr. Green stated that five years ago he relapsed because he had an opioid addiction. Mr. Green stated that PAPA has given him the tools to overcome his problem. Mr. Green stated that he appreciates PAPA's help.

Ms. Yates stated that Mr. Green completed his PAPA contact on May 30, 2011. Mr. Yates stated that Mr. Green has been compliant. Ms. Yates stated that the letter from the counselor is brief due to short notice that a letter was needed.

Dr. Musil asked Mr. Green why his license was originally suspended. Mr. Green stated that he had a valid prescription for Vicodin and the prescription expired. Mr. Green stated that he continued to take the Vicodin.

Dr. Musil asked Mr. Green if he abused any other substances. Mr. Green replied no.

Dr. Foy asked Mr. Green what his plans are going forward. Mr. Green stated that he plans to continue working at Medistar. Mr. Green stated that he enters and reviews after-hour orders.

Dr. Foy asked Mr. Green about his support after completing the PAPA program. Mr. Green stated that he plans to attend 12-step meetings.

Dr. Foy asked Mr. Green if he had a letter from his employer. Mr. Green stated that he did not and was not aware of the requirement.

Ms. Campbell stated that the Board should have the letter before proceeding.

On motion by Dr. Foy and seconded by Mr. Van Hassel, the Board unanimously agreed to table this agenda item until the September Board meeting.

#4 Jose Gonzalez

Jose Gonzalez appeared on his own behalf to request that the Board allow him to take the NAPLEX exam for the fourth time.

President Haiber opened the discussion by asking Mr. Gonzalez why he was appearing in front of the Board. Mr. Gonzalez stated that he is asking permission to take the NAPLEX exam again. Mr. Gonzalez stated that he had applied to MidWestern University in Arizona twice and was placed on an alternate list. Mr. Gonzalez stated that he then enrolled in Howard University where he graduated in May of 2010. Mr. Gonzalez stated that he has taken the exam three times. Mr. Gonzalez stated that when he took the exam the first time he was working full time as a pharmacy graduate intern with CVS and only had two weeks to prepare for the exam. Mr. Gonzalez stated that on his second attempt he gave himself more time and should have completed more practice exams. Mr. Gonzalez stated that on his third attempt he missed passing by nine points. Mr. Gonzalez stated that he scheduled the exams before he finished his preparations for the exams.

Mr. Gonzalez stated that since the last exam he has taken the Kaplan review course, has purchased a course online, and also plans to take the two practice exams that are offered on the NABP website. Mr. Gonzalez stated that he does not plan on rescheduling the exam until he is fully prepared.

Dr. Foy asked Mr. Gonzalez if he is currently employed. Mr. Gonzalez stated that he has been in Arizona approximately one month and was told by CVS to do what he needs to do to become licensed and then call them after he passes the exam. Due to a conflict of interest, Dr. Foy recused himself.

Ms. Galindo asked Mr. Gonzales what was his job title is at CVS. Mr. Gonzales stated that he was working as an intern.

Mr. Milovich asked Mr. Gonzales about the Kaplan course. Mr. Gonzales stated that the course was a 3- day course. Mr. Gonzales stated that the course was very informative.

Mr. Haiber asked Mr. Gonzales how he was going to prepare for the exam this time. Mr. Gonzales stated that this time he has flash cards to study, audio tapes , and CDs with practice exams. Mr. Gonzales stated that he is not going to schedule the exam until he is prepared to take the exam.

Dr. Musil asked Mr. Gonzales why it took 6 years to complete the pharmacy program at Howard University since he entered the school as a pharmacy student. Mr. Gonzales stated that anything below a 70% in any class is not passing. Mr. Gonzales stated that there were a couple of courses when he first started that he did not achieve a grade of 70% and had to wait until the next year to take the class over again.

Dr. Musil asked Mr. Gonzales if the Board approved his request when does he plan on taking the test again. Mr. Gonzales stated that it would be several weeks after he prepared for the exam.

Ms. Galindo stated that she has a concern that he has not obtained the average score on the exam nor close to a passing score on the exam.

Ms. Galindo asked if working in a pharmacy has helped. Mr. Gonzales stated that while working as an intern his interactions are mainly customer service and cashier work.

Mr. McAllister asked if there was a review course being offered at Midwestern. It was noted that the course has ended.

Mr. McAllister stated that reviewing the scores from the various schools on the NABP website it appears that something happened at Howard University in 2010. Mr. McAllister stated that in 2007 and 2008 first time test takers passed at the rates of 92% and 94%. Mr. McAllister stated that in 2010 the passing rate for the first time test takers was 74%.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board approved the request by Mr. Gonzales to take the NAPLEX exam for the fourth time. There were two nay votes by Ms. Rosas and Ms. Galindo.

AGENDA ITEM 6– License Applications Requiring Board Review

#1 Franciso Anchondo

Franciso Anchondo appeared on his own behalf to request to reinstate his delinquent pharmacist license and waive the 400 intern hours.

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

Mr. Achondo stated that when he called the office and asked to reactivate his license he was told that he would need to complete 400 hours of internship. Mr. Achondo stated that he plans to work two days a week. Mr. Achondo stated that he is requesting that the Board consider reducing the number of intern hours to 40 hours with 10 hours of CE.

Mr. Haiber asked Mr. Achondo when he last practiced. Mr. Achondo stated that he last practiced in 2004. Mr. Achondo stated that he was suffering from Valley Fever and his recovery took approximately four years. Mr. Achondo stated that when his license was up for renewal in 2005 he notified the Board that he would not be renewing his license.

Mr. Haiber asked Mr. Achondo if he has kept up with his CE. Mr. Achondo stated that in the last three years he has completed CE courses.

Dr. Foy stated that there is a letter in the file dated 8/18/2010 indicating that Mr. Achondo did not send the necessary documents to reinstate his license. Dr. Foy asked Mr. Achondo why he did not respond to the letter. Mr. Achondo stated that he was not sure what documents were required. Dr. Foy stated that the letter sent to Mr. Achondo on 2/3/2010 outlined all the documents that would need to be sent to the office to reinstate his license. Mr. Achondo stated that the form asked how many hours he had worked in the last year and since he had not worked in the last year he did not fill out the form.

Mr. Achondo stated that a new clinic is opening in Eloy and he has the chance to work at the clinic and that is why he is requesting to reinstate his license.

Mr. McAllister asked Mr. Achondo if he would be working alone at the clinic. Mr. Achondo replied no. Mr. Achondo stated that there would be one other pharmacist on duty and several pharmacy technicians.

Mr. McAllister asked Mr. Achondo what types of CE units he completed. Mr. Achondo stated that he completed CE units on diabetes and pain management. Mr. Achondo stated that he has brought the CE certificates with him.

Mr. Haiber asked if he would need to take the MPJE exam again. Mr. Wand stated that if he has been out of practice less than 5 years he would not need to take the MPJE exam.

Dr. Musil asked Mr. Achondo if he would take the position at Eloy if he was allowed to work as an Intern. Mr. Achondo stated that the director told him that he would accept him as an intern but he is not sure if he would allow him to complete the internship over 26 weeks.

Dr. Musil asked Mr. Achondo if he applied for a position as a pharmacist. Mr. Achondo stated that he told them that he was retired. Mr. Achondo stated that they told him to get his license.

Mr. Achondo if he could work more than two days a week to complete his internship.

Mr. Haiber asked Mr. Achondo stated that he could ask if that would be possible.

Ms. Galindo asked if he could complete less intern hours in a year if the Board would reduce the number of hours. Mr. Achondo replied yes.

Dr. Foy stated that Mr. Achondo could work internship hours that were not paid.

Mr. McAllister stated that he feels that 400 intern hours is valid in protecting the public.

Mr. Haiber also asked that Mr. Achondo submit the proof of 30 CE hours.

Dr. Musil asked if the 400 hours of internship was a hard and fast number because the regulation states that the Board cannot require more than 400 hours of internship hours.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board agreed that Mr. Achondo must complete the standard reinstatement process to bring his license current while completing 400 hours of internship. There was one nay vote by Dr. Musil.

#2 Martin Cebreros

Martin Cebreros appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Haiber opened the discussion by asking Mr. Cebreros why he was appearing in front of the Board. Mr. Cebreros stated he attended Arizona Western College for which he had a football scholarship. Mr. Cebreros stated that he began attending Brookline College last year to become a Pharmacy Technician. Mr. Cebreros stated that becoming a pharmacy technician has become his passion. Mr. Cebreros stated that since 2009 he has a bad track record. Mr. Cebreros stated that there have been a few criminal cases that resulted in misdemeanor charges. Mr. Cebreros stated that he is good at math. Mr. Cebreros stated that he has an interest in the pharmacy world. Mr. Cebreros stated that he has completed all the courses except for his internship.

Mr. Haiber asked about his misdemeanors. Mr. Cebreros stated there was a prescription only drug violation. Mr. Cebreros stated that he was caught with two Vicodin tablets without a prescription. Mr. Cebreros stated that it occurred in 2008 or 2009. Mr. Cebreros stated that he had a bad shoulder and his cousin gave him the tablets. Mr. Cebreros stated that he was pulled over and had the medication on him. Mr. Cebreros stated that the judge charged him with a misdemeanor because it was only two tablets. Mr. Cebreros stated that he had other charges. Mr. Cebreros stated that he had a paraphernalia charge because he previously smoked pot. Mr. Cebreros stated that he tends to get in trouble when he does not work. Mr. Cebreros stated that he has made a resolution to change his life. Mr. Cebreros stated that he has one court case pending.

Mr. Cebreros stated that the next court date for that case is July 13, 2011. Mr. Cebreros stated that it is an assault charge and he is not guilty. Mr. Cebreros stated that he went to a club last March and he approached an individual that had been staring at him to ask him if he knew him. Mr. Cebreros stated that the bouncers and officer approached him and he is being charged with assault. Mr. Cebreros stated that he is pleading not guilty.

Mr. Haiber asked if there are any other cases pending. Mr. Cebreros replied no. Mr. Cebreros stated that he had a DUI and a third degree trespassing charge.

Mr. Haiber asked Mr. Cebreros if he is currently working in a pharmacy. Mr. Cebreros stated that he is not working in a pharmacy and if he is given a license he looks forward to working in a pharmacy. Mr. Cebreros stated that he is hoping to change his life.

Ms. Campbell stated that according to the records there are currently 6 counts against Mr. Cebreros.

Dr. Foy asked Mr. Cebreros about his failure to appear in court. Mr. Cebreros stated that he two failures to appear in court. Mr. Cebreros stated that he missed two court dates and he appeared in warrant court.

Dr. Foy stated that there is a conflict between his lack of maturity and his assumption that he is mature enough to be a pharmacy technician.

Dr. Foy asked Mr. Cebreros about his failure to notify Brookline College about all his charges. Mr. Cebreros stated that Brookline told him that he could do the program if he did not have any felonies. Mr. Cebreros stated that he brought in his charges to the school.

Mr. Cebreros stated that he has changed his life and is trying to be a productive person.

Mr. Milovich asked Mr. Cebreros what he would do if the Board denies his request. Mr. Cebreros stated that he probably would get an AA degree in math.

Mr. Cebreros brought a letter of recommendation with him.

Ms. Rosas asked Mr. Cebreros about his grades. Mr. Cebreros stated that his grades are good. Mr. Cebreros stated that he had to retake the IV class. Mr. Cebreros stated that the school told him that he would need to contact the Board because of his charges.

Ms. Galindo asked when the pending charge would be closed. Mr. Cebreros stated that the next court date is scheduled for July 13, 2011.

Ms. Rosas asked Mr. Cebreros if he has sought any help for his marijuana addiction.

Mr. Cebreros stated that he has not. Mr. Cebreros stated that he has not smoked pot in the last year. Mr. Cebreros stated that he wants to have a family and a job in the future and is working on changing his life. Mr. Cebreros stated that he is willing to take a drug test.

On motion by Mr. Haiber and seconded by Dr. Musil, the Board unanimously agreed to deny the request by Mr. Cebreros to proceed with pharmacy technician licensure. The Board cited A.R.S. 32-1927.01 (A) (1) as reason for the denial.

Ms. Galindo asked if the license is denied could he reapply later.

Mr. Haiber stated that he could return and show the Board that he has changed.

#3 Khaja Nazimuddin

Khaja Nazimuddin appeared on his own behalf to request to renew his Pharmacy Intern license that he held for 6 years. John Saliba, who is Mr. Nazimuddin's employer, was also present.

President Haiber opened the discussion by asking Mr. Nazimuddin why he was appearing in front of the Board. Mr. Nazimuddin stated that he is a foreign pharmacist from India. Mr. Nazimuddin stated that his background is in research. Mr. Nazimuddin stated that he moved to Arizona. Mr. Nazimuddin stated that part of his problem is with Visa issues. Mr. Nazimuddin stated that he completed his foreign equivalency tests prior to taking the Boards. Mr. Nazimuddin stated that he would like to request more time so that he can take the NAPLEX exam again and be licensed as a pharmacist.

Mr. Haiber asked Mr. Nazimuddin when his license expires. Mr. Nazimuddin stated that his license expired on June 31, 2011 and was extended until the Board meeting.

Mr. Haiber asked Mr. Nazimuddin when he is scheduled to take the next NAPLEX exam. Mr. Nazimuddin stated that the test is scheduled for July 25, 2011.

Mr. Haiber stated that he has a concern about the low scores that Mr. Nazimuddin has received on the exams. Mr. Nazimuddin stated that he lacked test orienting skills. Mr. Nazimuddin stated that he had time management issues because he did not get to all the

questions. Mr. Nazimuddin stated that he is reviewing the Kaplan material. Mr. Nazimuddin stated that he plans to take a review course prior to taking the exam.

Mr. Haiber asked Mr. Wand how long the Board could extend his license. Mr. Wand stated that the time frame would be up to the Board to decide if they choose to extend his license.

Mr. McAllister asked if the test date is scheduled. Mr. Nazimuddin stated yes and he will go over the Pre-NABPLEX exam again.

Mr. McAllister stated that extending the internship is not going to help in the areas where Mr. Nazimuddin's scores were low because these are areas of basic academic knowledge. Mr. McAllister stated that there is no requirement to have an intern license to take the exam. Mr. McAllister stated that the purpose of intern license is to gain practical experience and that has been completed. Mr. McAllister stated that he does not see a need to extend the intern license.

Mr. Nazimuddin stated that he has passed the law exam.

Mr. Saliba stated that Mr. Nazimuddin has worked at the pharmacy for the last 5 years and has been an integral part of the team. Mr. Saliba stated that Mr. Nazimuddin has very good clinical skills and feels that there is an issue with test taking. Mr. Saliba stated that they are the sponsor for Mr. Nazimuddin's Visa program. Mr. Saliba stated that the staff is helping him study for the test. Mr. Saliba stated that he is asking that the Board consider extending his license.

Dr. Musil stated that he cannot see the relationship between extending his license and taking the test. Mr. Saliba stated that the two are not related. Mr. Saliba stated that the request is to allow him to keep working as an intern.

Mr. Van Hassel stated that the NAPLEX exam tests for minimum competencies and he does not feel that additional time as an intern will improve his scores.

Mr. McAllister asked Mr. Nazimuddin if the maintenance of his intern license bears upon his Visa and his ability to stay in the country. Mr. Nazimuddin stated yes.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board agreed to extend Mr. Nazimuddin's Intern license until August, 15, 2011. A roll call vote was taken. (Mr. Van Hassel – nay, Ms. Rosas- nay, Dr. Musil – aye, Mr. Milovich – aye, Dr. Foy – aye, Ms. Galindo – aye, Mr. McAllister – aye, Ms. Locnikar – aye, and Mr. Haiber – aye).

AGENDA ITEM 7 – Reports

Executive Director Report

Budget Issues

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

Personnel and Interagency contracts

Mr. Wand stated that Monty Lee would be starting August 8, 2011 as the Board's attorney. Ms. Campbell would be leaving the Board as our attorney.

Mr. Haiber presented Ms. Campbell with a honorary pharmacy license.

Mr. Wand stated that the Board Office is interviewing applicants for the non-drug inspector position in Tucson.

Board Funds Transfer

Mr. Wand stated that the Board would have excess funds at the end of the year. Mr. Wand stated that funds could only be transferred to other state agencies. Mr. Wand stated that funds could be transferred to an agency such as the poison control center which will give a presentation later today.

NABP District 8

Mr. Wand stated that he has been re-elected to represent District 8. Mr. Wand stated that they are asking for agenda items for the meeting in Seattle on October 5, 2011. Mr. Wand stated that agenda items could be e-mailed to him.

Mr. Wand stated that Ms. Campbell has been very helpful to the Board.

Deputy Director Report

In Ms. Frush's absence, Mr. Cieslinski reviewed the Compliance Officers Activity Report and the Drug Inspector Report with the Board Members.

During the months of April and May 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 – 3
4. Controlled Substance Audit not completed upon change of PIC -1

Documentation Violations

1. Failure to document allergies –2
2. Failure to document medical conditions – 4
3. Failure to send immunization notification to physician – 1
4. Failure to document counseling - 5

Pharmacy Violations

1. Current renewals not available on site for pharmacy staff - 2

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

1. Counseling documentation

Areas outside the inspection reports that may be of interest:

1. Change of address and employment needs to be changed within 10 days. Current addresses are needed to send notice of renewal.
2. Reportable misdemeanors are listed on our website.
3. Physician assistants will be able to write for a 30 day supply of CII and CIII medications beginning on July 20, 2011 if authorized by their Board and Supervising Physician.

Mr. Wand noted that the only way to find out what level a physician assistant is authorized to prescribe is by going to the Medical Boards Website. The physician assistant may be able to prescribe different quantities based on the authority authorized by the supervising physician.

Dr. Foy asked if there are any significant trends for the non-rx inspections. Mr. Cieslinski stated that most violations are for outdates or not having a license.

Mr. Wand stated that the DEA would like to go out with the Non-Drug Inspectors to visit sites selling pseudoephedrine and ephedrine. Mr. Wand stated that the DEA stated that some retailers are not registered with the DEA to sell these chemicals.

Dr. Foy asked what the follow-up is on the violations. Mr. Cieslinski stated that the Deputy Director will ask the inspector to follow up on the case. Mr. Cieslinski stated that if they do not have a license an application is left and if needed a follow-up visit will be conducted.

Dr. Foy asked what happens if there is not compliance. Mr. Wand stated that the Board can decide if they want to open a complaint against any pharmacy where a violation occurred. Mr. Wand stated that a notice can be placed in the newsletter indicating stronger enforcement will take place concerning violations of pharmacy law. Mr. Wand stated that the pharmacy replies to the letter and if the response is satisfactory then the response is filed.

Dr. Musil asked if we have the ability to go back to a wholesaler to ask who they sell products to and if they have verified their license. Mr. Cieslinski replied yes.

AGENDA ITEM 8 – Consideration of Complaints on Schedule “D” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint review Committee met prior to the Board Meeting to review 37 complaints. Ms. Galindo, Ms. Rosas, Dr. Foy, and Mr. Van Hassel served as the review committee. Board Members were encouraged to discuss issues and ask questions.

On motion by Mr. Milovich and seconded by Dr. Musil, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. President Haiber was recused due to a conflict of interest.

- Complaint #3935 - Dismiss
- Complaint #3940 - Dismiss
- Complaint #3942 - Dismiss and forward to Texas and Missouri Boards of Pharmacy
- Complaint #3944 - Dismiss and forward to Texas and Missouri Boards of Pharmacy
- Complaint #3949 - Dismiss
- Complaint #3972 - Dismiss

On motion by Mr. Milovich and seconded by Ms. Rosas, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Mr. McAllister was recused due to a conflict of interest.

- Complaint #3955 - Conference for the Pharmacist
- Complaint #3963 - Consent Agreement offered to the Pharmacist for Standard PAPA contract with 6 months suspension (credit for time served). If not signed, the case proceeds to hearing.

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Foy was recused due to a conflict of interest.

- Complaint #3968 - Dismiss
- Complaint #3969 - Advisory Letter to the Pharmacist concerning the correction of pharmacy records. Advisory Letter to the Pharmacy Technician concerning the following of policies and procedures.

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

- Complaint #3936 - Dismiss
- Complaint #3937 - Dismiss

- Complaint #3938 - Dismiss
- Complaint #3939 - Dismiss
- Complaint #3941 - Advisory Letter to Pharmacist concerning accuracy (R24-23-402(A)(11))
- Complaint #3943 - Conference with all respondents (2 Pharmacists and 1 Pharmacy Technician) and pharmacy management as a witness
- Complaint #3945 - Consent Agreement offered to the Pharmacist for \$1,000 civil penalty and 6 hours of CE on error prevention to be completed within 90 days. If not signed, the case proceeds to hearing. Advisory Letter to the Pharmacy Technician concerning the following of policies and procedures.
- Complaint #3946 - Dismiss
- Complaint #3947 - Dismiss
- Complaint #3948 - Dismiss
- Complaint #3950 - Dismiss
- Complaint #3951 - Table until September Meeting
- Complaint #3952 - Dismiss
- Complaint #3953 - Consent Agreement offered to the Pharmacy Technician Trainee for \$1,000 civil penalty to be paid in 180 days, 6 hours of CE with 3 in pharmacy law to be completed in 90 days and be placed on probation for a period of one year. If not signed, the case proceeds to hearing.
- Complaint #3954 - Dismiss
- Complaint #3956 - Conference with Pharmacist in charge and Permit Holder
- Complaint #3957 - Conference with Pharmacist
- Complaint #3964 - Consent Agreement offered to the Pharmacist for compliance with Texas PRN Program with quarterly reports from Texas and, if the Pharmacist practices in Arizona, he must be monitored by the PAPA program. If not signed, the case proceeds to hearing.
- Complaint #3965 - Dismiss
- Complaint #3966 - Dismiss
- Complaint #3967 - Consent Agreement offered to the Pharmacist for 30 days suspension, \$1,000 civil penalty, and 3 years probation. If not signed, the case proceeds to hearing.
- Complaint #3970 - Dismiss
- Complaint #3971 - Dismiss
- Complaint #3974 - Advisory Letter to the Pharmacist concerning the checking of prescription order entry.

Advisory Letter to the Pharmacy Technician
concerning the following of policies and
procedures.

Complaint #3976 - Formal Hearing – Permit Holder

President Haiber stated that the whole Board would review Complaint #3973 because the Consumer Complaint Review Committee could not review the complaint due to quorum issues. Dr. Foy and Ms. Rosas were recused due to a conflict of interest.

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

President Haiber stated that the whole Board would review Complaint #3975 because the Consumer Complaint Review Committee recommended that the whole Board review the complaint.

On motion by Mr. McAllister and seconded by Ms. Galindo, the Board unanimously agreed to offer a Consent Agreement to the Pharmacist for a new standard PAPA contract with a 90-day suspension from the effective date of the Consent Agreement to the Pharmacist.

AGENDA ITEM 9 – 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.

President Haiber indicated that there was a revision in the consent signed by Mr. Abou-Zahra. Mr. Haiber indicated that there would be no inpatient treatment requirement.

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 agreement as presented in the meeting book and signed by the respondents. The consent agreement is listed below:

Mohamed Abou-Zahra - 11-0050-PHR

A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Rosas-aye, Dr. Musil – aye, Mr. Milovich – aye, Ms. Galindo – aye, Mr. McAllister – aye, Ms. Locnikar – aye, and Mr. Haiber – aye).

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:

Kenneth Smith	-	11-0041-PHR
Michael Evans	-	11-0044-PHR
Irina Leudy	-	11-0046- PHR
Carl Keefe	-	11-0047-PHR
David Sampedro	-	11-0048-PHR
Chang Pak	-	11-0049-PHR

A roll call vote was taken.(Mr. Van Hassel – aye, Ms. Rosas- aye, Dr. Musil – aye, Mr. Milovich – aye, Dr. Foy – aye, Ms. Galindo – aye, Mr. McAllister – aye, Ms. Locnikar – aye, and Mr. Haiber – aye).

AGENDA ITEM 10 – 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 Mr. Milovich, 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

Nicole Cooper	Troy Belt	Madeleine Arbid
Daniel Tinney	Jaime Mendoza	Rosemarie Delos Santos
Carmen Behm	Andrew Glover	Nakia Wilson
Juan Heredia	Joseph Pham	Denise Cox
Cody Risdon	Victoria Yslas	Angelica Pena
Gregory James	Fernando Silva	Christine Borg
Tiona Michael	Amanda Villa	Martha Rodriguez
Cynthia Liss	Kenneth Petersen	Tanice Stefanich
Michelle Rubio	Joseph Wolfley	Sherissa Willet
Adalberto Morales, Jr.	Jesika Baker	Peter Ruth
Wynette Jensen	Crystal Ortega	Amber Drake
Eliezer Benitez	Evan Gilbo	Valerie Chaira
Lori Rodgers	Benito Zamudio	Marsharne Flannigan
Bridgette Van Den Burg	Marisa Factor	Timothy Archibald
Marsha Thissell	Francine Garcia	Rosalyn Felix
Michael Callan	Selam Asrat	Morgan Robertson
Sylvia Soberano	Socheat Kong	Alexandra Cross
Nicole Lopez	Tamika Howard	Octavian Bondar
Samantha Holmes	Brandee Paz	Krystal Overby
Santos Rodriguez	John Keller	Daniel Goodman
Christian Trejo	Grace Lucas	Vinh Lu
Olga Mendoza	Eduardo Moldez	Shekeylia Johnson
Patricia Lopez		

AGENDA ITEM 11 – Proposed Statutes and Rules

President Haiber opened the discussion by asking Mr. Wright to give a brief overview of the rules package.

Mr. Wand stated that the Board has obtained approval to proceed with the rulemaking on these two packages.

Pharmacist – Administered or Pharmacy Intern Administered Immunizations

Mr. Wright stated that this rules package changes who may administer immunizations. Language has been added to allow Pharmacy Interns to administer immunizations under the supervision of a pharmacist authorized to administer immunizations. Mr. Wright stated that the rule change also allows pharmacists to administer the influenza vaccine to a patient who is at least six years of age, but under eighteen years of age without a prescription based on approved protocols.

Drug Therapy Management

Mr. Wright stated that that legislature changed the language in A.R.S. §32-1970 to allow a pharmacist to enter into a protocol-based drug therapy management agreement with a provider to implement, monitor, or modify the drug therapy of a patient of the provider. The changes remove the requirement that drug therapy management must occur in a particular practice setting. As a result of the statutory language change, the existing rules would be repealed. The statutory standards would be used to establish the standards for drug therapy management by pharmacists.

On motion by Mr. McAllister and Mr. Van Hassel, the Board unanimously agreed to allow Mr. Wright to proceed with the rulemaking packages.

AGENDA ITEM 12 - Conferences

Conference #1

Complaint #3911

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Michael Kellum (Pharmacist), Daniel Luttrell (Pharmacist), Mike Simko (Walgreens Corporate Legal Counsel), and Christine Cassetta (Outside Legal Counsel for Walgreens).

President Haiber asked Mr. Hunter to give a brief overview of the complaint. Mr. Hunter stated that the prescriber filed a complaint stating that she had denied refill authorizations for two patients, one at each of the Walgreen Pharmacies in Kingman, and that both refills were filled and dispensed. Both Mr. Kellum and Mr. Luttrell indicated to the

compliance officer during the investigation that they scanned the refill authorizations with the denials into the system.

Copies of the nurse practitioner's original prescriptions with refill indications, copies of her faxed refill denials that included her reason for denial located toward the bottom of the page, copies of Walgreen's Prescription Refill Request form that has a "denied" box and space for explanation toward the bottom of the form, and copies of Walgreen's incident reports were distributed to the Board and discussed. Mr. Simko enumerated the steps and the number of people involved in the refill process. During discussion, the Board emphasized the need for checking the entire prescription or refill order regardless of the form on which it is written and noted that five people saw the refill authorization form with the denial during the process and none of them noted the denial.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to offer a consent agreement to both pharmacists with the following terms: \$1,000 fine and 6 hours of CE on error prevention to be completed within 90 days. If the consent is not signed, the case would proceed to hearing.

#2 – Complaint #3931

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

The following individuals were present to discuss the complaint: Kristie Henwood, Pharmacist, and Laura Carpenter, Legal counsel for Ms. Henwood.

President Haiber opened the discussion by stating a previous employer filed a complaint indicating that Ms. Henwood appeared to be incompetent to practice pharmacy. Examples were given of a needle stick during the compounding of an IV, failure to understand pharmacy procedures and calculations, and talking to herself. Ms. Henwood provided information from her current employer indicating that she is competent to practice pharmacy. The Board discussed the allegations against her with Ms. Henwood.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously agreed to dismiss the complaint against Ms. Henwood.

AGENDA ITEM 13- On Site Rx – Remote automated dispensing in nursing homes

President Haiber opened the discussion by stating that representatives from OnSite Rx were present to request a deviation from Board rules.

Terry Allard, Chief Pharmacy Officer for OnSite Rx, and Lee Moore, Pharmacist in Charge, were present to answer questions from Board Members regarding a request to deviate from R4-23-614(2) (c) to allow remote automated dispensing machines in nursing homes.

Mr. Allard gave a brief presentation concerning the process and the dispensing machines to be used in the nursing homes. Mr. Allard also passed around samples of the packets that would be dispensed by the machine. Mr. Allard also brought a canister to show the Board how the medications are packaged and sent to the nursing homes.

Mr. McAllister stated that he does not feel that is the correct rule because he feels that only applies to retail pharmacies where patients are picking up refills.

Mr. Van Hassel stated that he has concerns about the canisters and possible jams or miscounts. Mr. Van Hassel also asked respondents if a site visit could be arranged before a decision is made.

Mr. Allard stated that the proprietary software his company has developed and installed has reduced the performance issues Mr. Van Hassel referred to and he agreed that a site visit could be arranged.

On motion by Dr. Musil and seconded by Mr. Milovich, the Board decided to table the matter at this time.

Mr. Wand stated that the staff would review the rules to see if there is a rule for which a deviation would apply.

AGENDA ITEM 14 – Express Scripts – Modification of “Work at Home” Pharmacy Technician duties

President Haiber recused himself due to a conflict of interest.

Vice President Milovich opened the discussion by stating that representatives from Express Scripts were present to request a deviation from Board rules.

Joel Sandstrom and Steve Haiber were present to answer questions from Board Members regarding a request to deviate from R4-23-1104 to allow pharmacy technicians working at home to perform tasks other than data entry.

The proposal was to modify the Work at Home program to allow pharmacy technicians to take inbound calls. The tasks would include: expediting orders, patient profile changes, requests by patients to pay cash, pull prescriptions from hold file, split order per patient request, refill requests, and co-pay inquires. The proposal included technology security.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the request by Express Scripts to allow pharmacy technicians working at home to perform tasks other than data entry based on the experimental and technology aspects of the proposal.

Mr. McAllister stated that the Board should note the waivers given so that when the rules moratorium is lifted the Board can write appropriate rules.

AGEND ITEM 15 – Unit Dose Packaging and Dispensing Substantive Policy Update

President Haiber opened the discussion by asking Mr. Wand to address this issue.

Mr. Wand stated that he asked Mr. Wright to update the Unit Dose Packaging and Dispensing Substantive Policy to include the following statement: When dispensed by a community-pharmacy or limited-service pharmacy the container in which the unit-dose packages are delivered to the facility must be properly labeled for an individual patient as required by A.R.S. § 32-1968.

On motion by Dr. Foy and seconded by Mr. Milovich, the Board unanimously agreed to approve the update to the unit dose packaging and dispensing substantive policy indicating that the package must be labeled properly.

AGENDA ITEM 16 – Practice of Flavoring Substantive Policy

President Haiber opened the discussion by asking Mr. Wand and Mr. Wright to address this issue.

Mr. Wand stated that currently the Board's interpretation of its rules has been that the adding of flavoring agents is compounding. Mr. Wand stated that several states have modified their laws or written rules to allow flavoring of medication without the usual recordkeeping required in compounding.

Mr. Wright stated that the new policy would provide a guide to pharmacists flavoring medications and describe the recordkeeping necessary to comply with existing rules.

Mr. Wright stated that a pharmacist may add flavoring agents up to a maximum of 5% of the total volume of a prescription. The request to flavor the medication could come from the patient, the patient's care giver, or the prescriber. If the prescription medication requires refrigeration then a beyond-use date of 14 days must be placed on the bottle.

Mr. Wright stated that if the addition of flavoring agents exceeds 5% of the total volume then authorization from the prescriber would be required.

Mr. Wright stated that a pharmacist may not add flavoring to an over-the-counter medication without first obtaining a prescription from the prescriber.

Dr. Musil asked Mr. Wright to add a sentence that requires pharmacists to maintain electronic or manual documentation of the flavoring agent and quantity added. Board members agreed with this requirement.

Mr. Wright stated that if the Board approves the policy then the policy would become effective today.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to accept the Practice of Flavoring Substantive Policy.

AGENDA ITEM 17 – Arizona Poison & Drug Information Center (College of Pharmacy –University of Arizona) – Request to Transfer Pharmacy Board Funds

President Haiber opened the discussion by stating that a representative from the Poison Center was present to give a brief presentation.

Dr. Keith Boesen, Managing Director of the Poison and Drug Information Center gave a brief presentation about the poison center. He described the services provided by the poison center and reviewed the budget of the poison center.

Mr. Boesen stated that they are requesting the transfer of funds due to budget cuts and the need to supplement the operating budget of the Poison Center.

Mr. Wand stated that in order to proceed the Board could ask for a statute change to allow the transfer. The Board Members agreed to look at a possible statutory change to allow the transfer of funds to the Poison Center.

AGENDA ITEM 18 – Mark McKee – Case #09-0043-PHR – Request to Modify Consent

President Haiber opened the discussion by stating that Mr. McKee is requesting that the Board modify his consent agreement. Mr. McKee is requesting that his consent agreement be modified to require him to participate in the Pharmacists Assisting Pharmacists of Arizona (PAPA) program for as long as he is licensed by the Arizona Board.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to authorize Ms. Campbell to amend the consent to require Mr. McKee to participate in the PAPA program for as long as he is licensed by the Arizona Board.

AGENDA ITEM 19 – Case #11-0023-PHR

Mike Simko, Corporate Legal counsel for Walgreens, and Christine Cassetta, Outside Counsel for Walgreens, were present to request that the Board reconsider Case #11-0023-PHR.

President Haiber opened the discussion by asking the respondents why they were appearing in front of the Board. Mr. Simko stated that they were appearing to discuss a misfill incident that occurred in September of 2010. Mr. Simko stated that the Board offered a Consent Agreement to L. Chris Wollitz as the Pharmacist in Charge at the Walgreens Mail Service Pharmacy in Orlando, Florida. Mr. Simko stated that at the time of the incident Raymond Yung was the Pharmacist in Charge responsible to the Arizona Board. The Board discussed if a complaint should be opened against Mr. Yung or against

the permit holder. The Board also discussed forwarding the complaint to the Florida Board of Pharmacy.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to dismiss the consent agreement offered to Mr. Wollitz and to forward the complaint to the Florida Board of Pharmacy.

AGENDA ITEM 20 – 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.

A pharmacist came forth to discuss the Immunization and CPR requirements.

AGENDA ITEM 21 – Discussion of Items to placed on a future meeting agenda

President Haiber asked if there were any items that Board Members would like to discuss at a future meeting.

The Board Members asked if Monty Lee would discuss declaration of conflicts of interest at the next board meeting.

AGENDA ITEM 22 – Adjournment

There being no further business to come before the Board, President Haiber adjourned the meeting at 4:52 P.M.