



**Arizona State Board of Pharmacy**  
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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING NOVEMBER 18 AND 19, 2009  
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE  
PHOENIX, AZ**

**MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – November 18, 2009**

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

The following Board Members were present: President Dennis McAllister, Vice President Ridge Smidt, Zina Berry, Joanne Galindo, Steve Haiber, Louanne Honeyestewa, Dan Milovich, Paul Sypherd, and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

**AGENDA ITEM 2 – Declaration of Conflicts of Interest**

Due to a conflict of interest, President McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 5, Schedule B, Special Requests for Rebecca Shaw.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 4, Schedule A, Wholesale Permit for Curascript SD Specialty Distribution.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 18, Pamela Ahlmer- Case #10-0030-PHR.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 12, Schedule E, Complaint #3726, Complaint #3727, and Complaint #3728.

Due to a conflict of interest, Ms. Honeystewa recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 8, Angel Rocha- Case #10-0034-PHR.

### **AGENDA ITEM 3 – Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Haiber and seconded by Mr. Van Hassel**, the minutes of the Regular Meeting held on September 9 and 10, 2009 were unanimously approved by the Board Members.

### **AGENDA ITEM 4– Permits and Licenses**

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

#### **Desert Senita Pharmacy**

Nona Reynolds, Pharmacist in Charge, and Fatima McCasland, Chief Executive Officer of Desert Senita Health Center, were present to answer questions from Board Members.

President McAllister opened the discussion by stating that the Board had previously tabled the application for the pharmacy because they did not have the required square footage for a community pharmacy available in the health center building. Mr. McAllister noted that the Pharmacy now has presented a floor plan to the Board which satisfies the required square footage for a community pharmacy.

Ms. Reynolds stated that they are currently building a pharmacy in the new addition that would meet the required square footage for a community pharmacy. Ms. Reynolds stated that the construction should be completed in December. Ms. Reynolds stated that after the inspection by the Compliance Officer they would be ready to open for business.

**On motion by Dr. Smidt and seconded by Mr. Haiber**, the Board unanimously approved the application for Desert Senita Pharmacy pending final inspection by a Board Compliance Officer.

#### **Custom Rx**

Troy Brodersen, Pharmacist in Charge, was present to answer questions from Board Members.

President McAllister stated that at the September Board Meeting the Board had tabled the application in order to obtain additional information from the applicant.

President McAllister asked Mr. Brodersen to address the Board.

Mr. Brodersen stated that he had submitted a letter to the Board indicating that Custom Rx would be a compounding pharmacy specializing in compounding hormone replacement therapy in the form of non-sterile creams and ointments and suppositories.

Mr. Brodersen stated that all prescriptions filled would be generated through walk-in traffic. Mr. Brodersen stated that all prescription would be patient specific.

Mr. Brodersen stated that no compounded prescriptions would be provided to physician's offices or clinics.

Mr. Brodersen stated that they would have a website to broaden their customer base. Mr. Brodersen stated that current customers would be able to order refills through the internet website.

Mr. McAllister asked Mr. Brodersen if one of the partners was a physician. Mr. Brodersen replied that one of the partners is a physician but she is only an investor. Mr. Brodersen stated that the physician lives in Texas and is not licensed in Arizona. Mr. Brodersen stated that the pharmacy would not be filling any prescriptions from the physician.

Mr. McAllister told Mr. Brodersen that there appears to be a discrepancy between the partners listed with the Arizona Corporation Commission and the list of partners given to the Board with the application.

Mr. McAllister asked Mr. Brodersen if Karen Hardman was a partner, since she was listed as a member on the Arizona Corporation Commission list and was not listed on the list given to the Board.

Mr. Brodersen stated that Ms. Hardman was hired a salesperson to solicit new customers for the business.

Mr. McAllister asked Mr. Brodersen if Ms. Hardman was a partner. Mr. Brodersen stated that he believes that Jon Evans has bought her shares.

Mr. McAllister asked Mr. Brodersen if Beth Pilof was a partner. Mr. McAllister stated that Ms. Pilof is listed on the sheet given to the Board, but is not listed on the Arizona Corporation Commission list as a partner.

Mr. Brodersen stated that he is not sure but could clear up the partner ship issues for the Board.

Mr. McAllister told Mr. Brodersen that he is supplying conflicting information to the Board which could result in the denial of the application.

**On motion by Mr. Haiber and seconded by Mr. Milovich**, the Board unanimously agreed to table the application until the applicant can resolve the partnership issues.

## **West Valley Pharmacy**

Gloria Uchendu, Pharmacist in Charge, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Ms. Uchendu to describe the nature of her business. Ms. Uchendu stated that she would be opening an independent pharmacy.

Mr. McAllister asked Ms. Uchendu if she would be doing any compounding. Ms. Uchendu stated that she would be doing minimal compounding.

Mr. McAllister asked Ms. Uchendu if she has ever owned a pharmacy. Ms. Uchendu stated that this is the first pharmacy that she has owned, but she has managed several pharmacies.

Mr. Haiber asked if Ms. Uchendu would be doing any sterile compounding. Ms. Uchendu replied that she would only be doing non-sterile compounding.

Mr. Van Hassel asked Ms. Uchendu if the pharmacy is located in a medical complex. Ms. Uchendu stated that the pharmacy is located on the lower level of the medical building.

## **The Medicine Shoppe**

Deborah Van Sant, Owner and Pharmacist in Charge, and Greg Rogan, Owner and Certified Pharmacy Technician were present to answer questions from Board Members.

President McAllister opened the discussion by asking the applicants to describe the nature of their business.

Ms. Van Sant stated that they would be opening an independent pharmacy.

Mr. McAllister asked if they would be doing any compounding. Ms. Van Sant stated that they would probably do some compounding, but would not be specializing in compounding.

Mr. McAllister asked the applicants if they had ever owned a pharmacy. Ms. Van Sant and Mr. Rogan replied no that this is the first time that they have been pharmacy owners.

At the conclusion of questions from the Board Members and **on motion by Dr. Smidt and seconded by Dr. Berry**, the Board unanimously approved the resident permits listed. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

**RESIDENT (In Arizona)**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Cardinal Health 414, LLC	4540 E. Cotton Gin Loop , Phoenix, AZ 85040 (O)	Cardinal Health 414, LLC
QoL Meds	3320B E. 40 <sup>th</sup> St., Yuma, AZ 85365 (O)	Specialized Pharmaceuticals, Inc.
West Valley Pharmacy, LLC	6320B W. Union Hills, Glendale, AZ 85308	West Valley Pharmacy, LLC
Walgreens #12335	10825 E. Baseline Rd., Mesa, AZ 85209	Walgreen Arizona Drug Co.
Walgreens #12880	1925 E. Andy Devine Ave., Kingman, AZ 86401	Walgreen Arizona Drug Co.
Cigna Medial Group Pharmacy #76	21731 N. 77 <sup>th</sup> Ave., Suite 1300, Peoria, AZ 85382	Cigna Healthcare of AZ
Walgreens #12334	1654 N. Pebble Creek Pkwy., Goodyear, AZ 85395	Walgreen Arizona Drug Co.
The Medicine Shoppe	305 S. Euclid Ave. #111, Tucson, AZ 85719	VSR Healthcare, Inc.
Fry's #670	6470 S. Higley Rd., Gilbert, AZ 85298	Smith's Food & Drug Centers, Inc

(O) = Ownership Change

**Non-Resident Permits**

President McAllister stated that all permits were in order for non- resident pharmacies.

**On motion by Mr. Haiber and seconded by Dr. Berry**, the Board unanimously approved the non – resident permits listed.

**NON-RESIDENT (Out of State)**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
KRS Global Biotechnology, Inc.	791 Park of Commerce Blvd., Suite 600, Boca Raton, FL 33487	KRS Global Biotechnology, Inc.
Medco Health Solutions of Indiana, LLC	4750 E. 450 South, Whitestown, IN 46075	Medco Health Solutions of Indiana
Leiter's Pharmacy	1700 Park Ave, San Jose, CA 95126	Leiter's Cambrian Park Ave. Drugs, Inc.
Embrace Pharmacy	842 N. Westhill Blvd., Appleton, WI 54914	All-American Allergy Alternatives, LLC.
Medex BioCare Pharmacy, LLC	8024 Stage Hills Blvd., Ste. 107. Bartlett, TN 38133	Medex Biocare Pharmacy, LLC

(O) = Ownership Change

## NON-RESIDENT (Out of State) (Continued)

Pharmacy	Location	Owner
Cardinal Health Pharmacy Services, LLC	1330 Enclave Parkway, Houston, TX 77077 (O)	Cardinal Health Pharmacy Services, LLC
Complete Pharmacy & Medical Solutions	6157 NW 167 <sup>th</sup> St., Suite F16, Miami Lakes, FL 33015	Gregory Gaiser
Cantrell Drug Company, Inc.	7524 Cantrell Rd., Little Rock, AR 72207	Cantrell Drug Company, Inc.
PMSI, Inc.	4502 Woodland Corporate Blvd., Suite 105, Hillsborough, FL 33614 (O)	PMSI Holdings Corporation
Safedose	8770 Guion Rd., Suite G, Indianapolis, IN 46268	Accupax, LLC
Accupax, LLC	8770 Guion Rd. Suite A, Indianapolis, IN 46268	Accupax, LLC
Fresenius Medical Care North America	375 N. Depot Dr., Ogden, UT 84404	Fresenius USA Manufacturing, Inc.
Hotze Pharmacy, LP	20214 Braidwood Dr., #140, Katy, TX 77450 (O)	Paradigm Holdings
Special Design Healthcare	#61 Doctors' Park, Cape Girardeau, MO 63708	Noel Botsch
QoL Meds	4900 Perry Hwy, Bldg 2, Pittsburgh, PA 15229 (O)	Specialized Pharmaceuticals, Inc
Select Rx	1500 Horizon Drive, Suite 114, Chalfont, PA 18914	Jeffrey Bogan
Meditech Laboratories, Inc.	3200 Polaris, #27, Las Vegas, NV 89102 (O)	Kim Tran
RSF Pharmaceuticals, Inc	1790 La Costa Meadows Dr., Suite 105, San Diego, CA 92078	Jason Kim
Professional Pharmacy, LLC	155 Printers Parkway, Ste 120, Colorado Springs, CO 80910	Professional Pharmacy, LLC

(O) = Ownership Change

### Wholesaler Permits

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

### Medica Products and Services

Chris Heidelman, Owner, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Heidelman to describe the nature of his business.

Mr. Heidelman stated that he has run his business for the last 10 years and did not realize that he needed a permit for the items that he was selling. Mr. Heidelman stated that a member of the Board Staff had stopped at his business and told him that he needed a permit.

Mr. Heidelman stated that he has now supplied all the necessary paperwork to obtain his wholesale permit to continue his business.

**Environmental Pharmaceutical, LLC**

Jim Miller, Douglas Hebert, and Chris Ellis, owners of the business were present to answer questions from the Board Members.

President McAllister asked the applicants to describe the nature of their business. Mr. Miller stated that they would engage in the inventory collection, storage, and destruction of controlled and non-controlled substances.

Mr. Haiber asked if they have operated this type of business previously. Mr. Miller replied this would be the first time in this field.

Mr. Hebert stated that he has worked for the DEA and would be retiring soon and is familiar with destruction practices.

Mr. Van Hassel asked if they would just be serving Arizona clients or would they be servicing non-resident clients. Mr. Ellis stated that they would be operating locally. Mr. Ellis stated that the drugs would be destroyed at an approved incinerator in Tucson.

**Curascript SD Specialty Distribution**

Mr. Haiber was recused due to a conflict of interest

Gayle Johnston was present to answer questions from Board Members.

President McAllister asked Ms. Johnston to describe the nature of their business. Ms. Johnston stated that they would be distributing specialty drugs to clients. Ms. Johnston stated that Curascript operates a full service distribution center in Ohio. Ms. Johnston stated that they would like to open the site in Tempe to be able to service the West Coast.

**On motion by Mr. Van Hassel and seconded by Dr. Berry,** the Board unanimously approved the resident wholesale permit listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate. Mr. Haiber was recused due to a conflict of interest.

<b>WHOLESALER</b>	<b>LOCATION</b>	<b>OWNER</b>
Curascript SD Specialty Distribution (Full Service)	7909 S. Hardy Dr, Tempe, AZ 85284	Priority Healthcare Distribution, Inc.

**On motion by Mr. Van Hassel and seconded by Dr. Berry,** the Board unanimously approved the resident wholesale permits listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

<b>WHOLESALER</b>	<b>LOCATION</b>	<b>OWNER</b>
Medica Products and Services (Full Service)	14201 N. Hayden #D2 , Scottsdale, AZ 85260	Chris Heidelman
Environmental Pharmaceuticals, LLC (Full Service)	7326 E. Evans Rd., Suite B, Scottsdale, AZ 85260	Environmental Pharmaceuticals, LLC
Global Pharmaceutical & Medical Devices (Non-Prescription)	7617-7627 N. 67 <sup>th</sup> Ave., Glendale, AZ 85301 or 12450 N. 35 <sup>th</sup> Ave., Phoenix, AZ 85053	Global Pharmaceutical & Medical Devices

### **Manufacturer Permits**

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

### **PETNET Solutions, Inc.**

Mike Spray, Manager and Pharmacist in Charge, was present to answer questions from Board Members.

Mr. Spray stated that his company would be manufacturing nuclear products.

Mr. Wand asked if they have a cyclotron on site. Mr. Spray stated that they have two cyclotrons on site that would be used for preparing the products.

**On motion by Dr. Berry and seconded by Dr. Smidt**, the Board unanimously approved the resident manufacturer permit listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

<b>MANUFACTURER</b>	<b>LOCATION</b>	<b>OWNER</b>
PETNET Solutions, Inc.	4050 E. Cotton Center Blvd. #79, Phoenix, AZ 85040	Mike Spray

### **Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees**

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

**On motion by Mr. Haiber and seconded by Mr. Van Hassel**, the Board unanimously approved the Pharmacists licenses listed on the attachments.

**On motion by Dr. Berry and seconded by Mr. Haiber**, the Board unanimously approved the Intern licenses listed on the attachments.

**On motion by Dr. Berry and seconded by Ms. Honeyestewa**, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

## **AGENDA ITEM 5 – Special Requests**

### **#1 Michael Biegun**

**Michael Biegun** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 04-0016-PHR be terminated.

President McAllister asked Mr. Biegun to discuss the nature of his request. Mr. Biegun stated that he would like the Board to terminate his probation.

Mr. McAllister asked Mr. Biegun why he was placed on probation. Mr. Biegun stated that he was placed on probation because he did not counsel a patient.

Mr. McAllister asked Mr. Biegun if he completed the terms of his consent agreement. Mr. Biegun stated that he had to complete 8 hours of CE on counseling and he has completed the CE units.

Mr. McAllister asked Mr. Biegun what he has learned from this incident. Mr. Biegun stated that he has made the technicians that work with him aware that all patients with new prescriptions must be counseled.

Mr. Milovich asked why it has taken him almost five years to appear before the Board. Mr. Biegun stated that he had forgot about the consent agreement and when he went to apply for an immunization certificate he could not obtain the certificate because he was still on probation.

**On motion by Mr. Haiber and seconded by Dr. Smidt**, the Board unanimously agreed to approve the request by Mr. Biegun to terminate the probation of his pharmacist license imposed by Board Order 04-0016-PHR.

### **#2 Rebecca Shaw**

Mr. McAllister recused himself due to a conflict of interest and turned the meeting over to Dr. Smidt to chair.

**Rebecca Shaw** appeared on her own behalf to request that the suspension imposed on her pharmacy technician license per Board Order 09-0052-PHR be terminated and probation imposed. Lisa Yates from the PAPA program was also present.

Vice President Smidt opened the discussion by asking Ms. Shaw to describe the nature of her request. Ms. Shaw stated that she is requesting that the suspension on her license be terminated and the license placed on probation.

Dr. Smidt asked Ms. Shaw why her license was placed on probation. Ms. Shaw stated that she diverted drugs from the pharmacy. Ms. Shaw stated that she had attended a rehab program and is actively pursuing recovery.

Dr. Smidt asked Ms. Yates if Ms. Shaw is compliant with her PAPA program. Ms. Yates stated that Ms. Shaw had been totally compliant. Ms. Yates stated that Ms. Shaw has volunteered to speak to students at various technician schools about drug addiction.

Mr. Haiber asked Ms. Shaw what she has been doing while her license has been suspended. Ms. Shaw stated that she is currently attending nursing school and works part-time at a bank. Ms. Shaw stated that she is educating herself about drug addiction. Ms. Shaw stated that she now has healthy and positive influences in her life.

Mr. Haiber asked Ms. Shaw if she is ready to return to work in a pharmacy. Ms. Shaw stated yes. Ms. Shaw stated that she may not return right away because she is currently attending school. Ms. Shaw stated that she has now taken the initiative to find about the disease. Ms. Shaw stated that she has been a technician for 20 years and has made mistakes. Ms. Shaw stated that she is now working on the steps to recovery.

Ms. Shaw stated that she now recognizes that she has an addiction problem. Ms. Shaw stated that you think you have control of the problem and can stop at any time. Ms. Shaw stated that you blame other reasons for your problems. Ms. Shaw stated that she is now taking steps in a positive direction.

Mr. Van Hassel asked Ms. Shaw where she was attending nursing school. Ms. Shaw stated that she is attending Chamberlin College and will graduate in 2011.

**On motion by Mr. Van Hassel and seconded by Dr. Berry**, the Board unanimously agreed to approve the request by Ms. Shaw to terminate the suspension of her pharmacy technician license and impose probation per Board Order 09-0052-PHR.

### **#3 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 early.

President McAllister opened the discussion by asking Mr. Peterson to describe the nature of his request. Mr. Peterson stated that he is requesting that his probation be terminated.

Mr. Peterson stated that he did not read the consent agreement carefully when he signed the agreement. Mr. Peterson stated that it is difficult for him to find a job because his license is on probation. Mr. Peterson stated that he has even applied for technician jobs.

Mr. Peterson stated that he believes that the charges in the consent agreement are not true.

Mr. McAllister asked Mr. Peterson why he was placed on probation. Mr. Peterson stated that he never addressed the issues when he received the Consent Agreement. Mr. Peterson stated that he added a refill to his Tramadol prescription. Mr. Peterson stated that the refill was authorized by a physician assistant in the doctor's office. Mr. Peterson stated that no one can locate the physicians assistant so he is not able to prove that she authorized the refill. Mr. Peterson stated that he was terminated because he added an unauthorized refill to his prescription.

Mr. McAllister noted that Mr. Peterson is asking the Board to amend his order. Mr. McAllister stated that Mr. Peterson's probation does not end until May of 2013.

Dr. Smidt asked Mr. Peterson if he is still seeing his physician. Mr. Peterson stated that he is not seeing Dr. Mahl due to problems, but is now seeing Dr. Ahmed.

Dr. Smidt asked Mr. Peterson if he is still taking Adderall. Mr. Peterson stated no that he is only taking antidepressants.

Mr. Peterson stated that he does not want the Board's website to say that he is on probation because he cannot find work.

Mr. Haiber told Mr. Peterson that other pharmacists have found work while on probation.

Dr. Smidt stated that probation allows the Board to monitor the situation.

**On motion by Mr. Milovich and seconded by Ms. Galindo**, the Board unanimously agreed to deny the request by Mr. Peterson to terminate the probation imposed by Board Order #08-0042-PHR.

#### **#4 Jeffrey McKinney**

**Jeffrey McKinney** canceled his request to appear at this Board Meeting.

### **AGENDA ITEM 6– License Applications Requiring Board Review**

#### **#1 Michael Gladieux**

**Michael Gladieux** appeared on his own behalf to request to proceed with reciprocity.

President McAllister opened the discussion by asking Mr. Gladieux why he was appearing in front of the Board. Mr. Gladieux stated that he works for a pharmacy in Ohio and needs to reciprocate his license because the pharmacy ships medications to Arizona.

Mr. McAllister asked Mr. Gladieux about his disciplinary action. Mr. Gladieux stated that in 2000 he was taking controlled substances for his own personal use. Mr. Gladieux stated that his license was suspended and then placed on probation. Mr. Gladieux stated that he was required to attend the Pharmacists Recovery program in Ohio. Mr. Gladieux stated that he

has been clean and sober. Mr. Gladieux stated that he was required to go for random urine screens for seven years and attend AA meetings. Mr. Gladieux stated that he still attends AA meetings.

Mr. Gladieux stated that he would like to continue with the reciprocity process because he wants to continue at his new job.

**On motion by Mr. Haiber and seconded by Mr. Milovich,** the Board unanimously approved the request by Mr. Gladieux to continue with reciprocity.

## **#2 Steve Wilson, Jr.**

**Steve Wilson, Jr.** appeared on his own behalf to request to proceed with reciprocity.

President McAllister opened the discussion by asking Mr. Wilson why he was appearing in front of the Board. Mr. Wilson stated that he is appearing in front of the Board because he currently is the pharmacy manager for a mail order respiratory pharmacy that mails medications to Arizona, so he needs to be licensed in Arizona.

Mr. McAllister asked Mr. Wilson why his license was disciplined. Mr. Wilson stated that his license was disciplined in Mississippi because he took pain medications and amphetamines from the pharmacy. Mr. Wilson stated that he has been in the Mississippi recovery program for twelve years. Mr. Wilson stated that as a member of the Mississippi recovery program he has presented his story to students in hope of preventing someone else from going down the wrong path like he did.

Mr. McAllister asked Mr. Wilson if he is still on probation in Mississippi. Mr. Wilson replied yes. Mr. Wilson stated that he is on probation until 2012. Mr. Wilson stated that Louisiana has taken similar action against his Louisiana license.

Mr. McAllister asked Mr. Wilson if he would be willing to sign a Consent Agreement with the Board. Mr. Wilson said yes.

Ms. Campbell stated that the Consent Agreement that she prepared assumed Mr. Wilson would be moving to Arizona. Ms. Campbell stated that the Board could offer a consent agreement to Mr. Wilson requiring him to remain compliant with his Mississippi Board Order and the Mississippi recovery program could make quarterly reports to the Arizona Board and notify the Board of any issues. The Consent Agreement would continue as long as Mr. Wilson is in the Mississippi recovery program. Ms. Campbell stated that the Arizona licensure would be pursuant to the signing of the Consent Agreement.

**On motion by Mr. Van Hassel and seconded by Dr. Smidt,** the Board unanimously agreed to allow Mr. Wilson to continue with reciprocity pursuant to the signing of a Consent Agreement with the following terms:

1. Mr. Wilson will remain compliant with the Mississippi Board Order
2. Mr. Wilson will have the Mississippi Recovery Program issue quarterly reports

3. The Consent Agreement will continue as long as Mr. Wilson is in the Mississippi recovery program.

The Board has also authorized Mr. Wand to approve the signed Consent Agreement. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

### **#3 Kristine Williams**

**Kristine Williams** appeared on her own behalf to request to proceed with reciprocity.

President McAllister opened the discussion by asking Ms. Williams why she was appearing in front of the Board. Ms. Williams stated that she would like to continue with reciprocity.

Ms. Williams stated that in 1980 she was disciplined for taking controlled substances for her own personal use. Ms. Williams stated that she did not work for one year and was placed on probation for five years. Ms. Williams stated that she was required to do random drug screens. Ms. Williams stated that at that time there were no organized recovery programs. Ms. Williams stated that her Florida license was disciplined as a result of the Missouri discipline.

Mr. McAllister asked Ms. Williams if she is currently working in a pharmacy. Ms. Williams stated that when she was in Florida she worked in a different field. Ms. Williams stated that when she returned to Missouri to help her parents she began to work in a pharmacy. Ms. Williams stated that she has worked for Target for the last two years and would like to transfer to Arizona with Target.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to approve the request by Ms. Williams to proceed with reciprocity.

### **#4 Daniel Nevarez**

Upon learning that the applicant worked for Walgreens, Dr. Berry recused herself due to a conflict of interest.

**Daniel Nevarez** appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure. Susan Spencer, Walgreens Store Manager also appeared to speak on behalf of Mr. Nevarez.

President McAllister opened the discussion by asking Mr. Nevarez why he was appearing in front of the Board. Mr. Nevarez stated that he is currently employed at Walgreens as an Assistant Store Manager. Mr. Nevarez stated that he was asked to appear because he has had previous felony convictions. Mr. Nevarez stated that the felonies were results of decisions he made in the past. Mr. Nevarez stated that the felonies were a result of

people he associated with at the time. Mr. Nevarez stated that he has been law abiding for the last 8 years.

Ms. Spencer stated that she is the Store Manager where Mr. Nevarez works. Ms. Spencer stated that Mr. Nevarez respects all the customers and his co-workers.

Mr. Van Hassel asked Mr. Nevarez why he wants a technician license since he is in store management. Mr. Nevarez stated that all management personnel are required to obtain a technician license to help in the pharmacy.

Mr. Van Hassel told Mr. Nevarez that the trainee license is only valid for two years. Mr. Nevarez stated that during that time he plans to become a Certified Technician.

Mr. McAllister asked Ms. Spencer if all management employees are required to be licensed as technicians. Ms. Spencer stated that originally all salaried management personnel were required to be licensed. Ms. Spencer stated that they have now extended that requirement to all hourly management personnel. Ms. Spencer stated that if they do not become a certified technician in four years they are asked to step down from their management position.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to approve the request by Mr. Nevarez to proceed with Pharmacy Technician Trainee licensure.

## **#5 Barbara Flemons**

**Barbara Flemons** appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President McAllister opened the discussion by asking Ms. Flemons why she was appearing in front of the Board. Ms. Flemons stated that she applied for a pharmacy technician trainee license and was told that she would need to appear at a Board Meeting for the Board to approve her application.

Ms. Flemons stated that in 2002 she made some bad choices and was charged with possession of marijuana.

Mr. McAllister asked Ms. Flemons why she wanted to be a pharmacy technician. Ms. Flemons stated that she is currently in the medical field in billing. Ms. Flemons stated that they dispense medications at the clinic and she decided to explore other health care careers and decided that she would like to pursue a job as a pharmacy technician. Ms. Flemons stated that a job as a technician would allow her to support her children since she is a single mother.

Mr. Haiber asked Ms. Flemons about the quantity of marijuana that was in her possession. Ms. Flemons stated that it was under a pound.

Mr. McAllister asked Ms. Flemons if she still uses marijuana. Ms. Flemons said no.

**On motion by Dr. Smidt and seconded by Mr. Haiber**, the Board unanimously agreed to approve the request by Ms. Flemons to proceed with Pharmacy Technician Trainee licensure.

## **#6 Abe Vizcarra**

Upon learning that the applicant worked for Walgreens, Dr. Berry recused herself due to a conflict of interest.

**Abe Vizcarra** appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President McAllister opened the discussion by asking Mr. Vizcarra why he was appearing in front of the Board. Mr. Vizcarra stated that he would like to apply for a Pharmacy Technician Trainee license.

Mr. Vizcarra stated that in 2004 he was arrested for a DUI and was enrolled in a rehab program. Mr. Vizcarra stated that he was incarcerated for 4 months and took classes in drug rehabilitation while he was incarcerated. Mr. Vizcarra stated that he has been sober since 2005.

Mr. McAllister asked Mr. Vizcarra why he wanted to be a pharmacy technician. Mr. Vizcarra stated that he wanted to start a new career.

Mr. McAllister asked Mr. Vizcarra about his marijuana charge. Mr. Vizcarra stated that he was with some friends and they were coming home from a ballgame and they had marijuana with them and everyone was charged.

Mr. McAllister asked Mr. Vizcarra if he has used any marijuana since that time. Mr. Vizcarra replied no.

Mr. Haiber asked Mr. Vizcarra if he is currently working. Mr. Vizcarra stated no. Mr. Vizcarra stated that he had worked at Walgreens from August to October. Mr. Vizcarra stated that his employment was terminated until he resolves the licensing issues with the Board.

Mr. Wand asked Mr. Vizcarra if he worked as a pharmacy technician. Mr. Vizcarra stated that he worked in essential utility.

Mr. McAllister asked Mr. Vizcarra to describe his job activities. Mr. Vizcarra stated that he filled prescriptions and scanned images from the stores.

Mr. Cook, Pharmacist in Charge at the Central Process facility asked to come forth to clarify the situation.

Mr. Cook stated that Mr. Vizcarra applied for a license and then received notification that he could not obtain a pharmacy technician trainee license unless he appeared in front of the Board. Mr. Cook stated that at that point he was not allowed to work as a technician.

Mr. McAllister asked Mr. Cook if he allowed him to work without a license. Mr. Cook stated that once applicants apply for a license they can enter the training program at the facility.

Mr. Haiber asked if they do not validate that a pharmacy technician has a license prior to starting their job.

Mr. Cook stated that he believes that they have a 30 day waiver allowing the technicians to get a license in that 30 days while they are training.

Mr. McAllister stated that they may want to revise their training program to require the technicians to have a license during the training program.

Mr. Cook stated that if a waiver is not in place that they would correct the issue immediately.

**On motion by Mr. Van Hassel and seconded by Dr. Sypherd**, the Board unanimously agreed to approve the request by Mr. Vizcarra to proceed with pharmacy technician trainee licensure.

#### **#7 Halla Moussa**

**Halla Moussa** appeared on her own behalf to request to renew her Arizona Pharmacist License that was not renewed in 1997 and Ms. Moussa has not practiced in the pharmacy field within the last year

President McAllister opened the discussion by asking Ms. Moussa why she was appearing in front of the Board. Ms. Moussa stated that she would like to renew her pharmacist license. Ms. Moussa stated that she has not worked in a pharmacy since 1993. Ms. Moussa stated that at that time she had children and was raising her children. Ms. Moussa stated that she currently works at her husband's office as a research coordinator.

Mr. McAllister asked Ms. Moussa when she last practiced in a patient care pharmacy. Ms. Moussa stated that she last practiced pharmacy in 1993 at Tucson Medical Center.

Mr. Van Hassel stated that prior to renewing her license he feels that she should complete intern hours and take the MPJE exam and NAPLEX exam.

Mr. McAllister asked Ms. Moussa where she went to pharmacy school. Ms. Moussa stated that she graduated in 1988 from the University of Maryland Pharmacy School.

Mr. McAllister stated that he feels that it would be a reasonable request for her to take the NAPLEX exam because it would show that she could pass the minimum competencies.

Mr. Haiber stated that he agreed that the intern hours would help her get back into practice and by taking the NAPLEX exam she would exhibit that she could pass the necessary minimum competencies to return to practice.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to allow Ms. Moussa to renew her Arizona Pharmacist license after completing 400 internship hours, taking and passing the NAPLEX exam, and taking and passing the MPJE exam.

### **AGENDA ITEM 7– Paul Dahlk – Complaint #3710**

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to meet in Executive Session to obtain legal advice.

The Board returned and Mr. McAllister called the regular meeting back to order.

Paul Dahlk was present to answer questions from the Board Members. Lisa Yates and Jim Corrington with the PAPA program were also present.

President McAllister opened the discussion by asking Mr. Dahlk to address the Board concerning his request. Mr. Dahlk stated that he has sent a letter to the Board concerning the disciplinary action the Board would like to impose as a result of the complaint. Mr. Dahlk stated that he is asking the Board to reconsider the decision to revoke his license and place his license on suspension for a period of time. Mr. Dahlk stated that he had completed 4 years of his PAPA contract and has had a relapse.

Mr. Dahlk stated that he did not accept the fact that he was the same as everyone else in recovery. Mr. Dahlk stated that he started taking phentermine and it was discovered on a random drug screen. Mr. Dahlk stated that Julian Pickens recommended that he go to the Hazelton Treatment Program in Oregon. Mr. Dahlk stated that he attended the program for 10 weeks. Mr. Dahlk stated that he learned about the consequences of drug addiction and the profound impact that it could have on your life. Mr. Dahlk stated that he is truly an addict and would be in recovery the rest of his life. Mr. Dahlk stated that he would like to return to practice because he cares about the health and well-being of his patients.

Mr. Corrington stated that he supports Mr. Dahlk's request. Mr. Corrington stated that Mr. Dahlk has made changes since he has returned from the Hazelton program. Mr. Corrington stated that Mr. Dahlk now has a sponsor and attends Pills Anonymous meetings.

Dr. Smidt asked Mr. Dahlk if he got caught the first time he used the phentermine. Mr. Dahlk stated that he used the drug for a two month period. Mr. Dahlk stated that he started helping himself to the drug in April.

Dr. Smidt asked why he took the drug. Mr. Dahlk stated it helped him complete projects at home.

Dr. Smidt asked Mr. Dahlk if he realized that he was under the influence of the drug. Mr. Dahlk replied no

Dr. Smidt asked Mr. Dahlk if he ever took the drug at work. Mr. Dahlk stated that he did not take the drug at work because he did not need it at work.

Dr. Sypherd asked Mr. Dahlk if he had a prescription for the drug. Mr. Dahlk replied no.

Dr. Sypherd asked Mr. Dahlk if he was stealing the drugs. Mr. Dahlk replied yes. Mr. Dahlk stated that he volunteered the information to his employer.

Mr. Van Hassel asked Mr. Dahlk if he would be willing to sign a new PAPA agreement with a suspension period. Mr. Dahlk stated yes.

Ms. Yates stated that Mr. Dahlk has signed a new PAPA contract.

Mr. Corrington stated that Mr. Dahlk's use of drugs is out of control and that is why he should be in a monitored program.

Ms. Galindo stated that part of addiction is the habit of using the drugs.

Ms. Yates stated that relapses are therapeutic for individuals in recovery.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to issue a Consent Agreement to Mr. Dahlk with the following terms: Sign a new PAPA contract with a minimum of a 6 month suspension followed by probation for the remainder of the 5 years. The Board also authorized Mr. Wand to approve the signed consent agreement. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

#### **AGENDA ITEM 8 – Angel Rocha- Case#10-0034-PHR (Complaint #3718)**

Mr. Rocha called the Board Office and stated that he would not be present at the meeting.

Ms. Campbell stated that she would prepare the Notice of Hearing and a Formal Hearing would be held at the January meeting.

#### **AGENDA ITEM 9 – Jacqueline Rothschild – Complaints #3585 and #3721**

Jacqueline Rothschild and Ken Baker, Legal Counsel for Ms. Rothschild, were present to answer questions from Board members concerning Complaint #3585 and Complaint #3721.

Ms. Rothschild stated that she is present to answer questions for the Board.

President McAllister opened the discussion by asking Ms. Rothschild to address the Board.

Ms. Rothschild stated that she initially signed a PAPA contract as a confidential participant and was unknown to the Board. Ms. Rothschild stated at that time she had an unrestricted license. Ms. Rothschild stated that her PAPA contract was terminated.

Ms. Rothschild stated that in January 2004 she had gastric bypass surgery. Ms. Rothschild stated she was left extremely ill from the surgery. Ms. Rothschild stated that she was prescribed narcotics to take care of the pain. Ms. Rothschild stated that her pain continued for several years. Ms. Rothschild stated that she has had seven surgeries since the initial surgery. Ms. Rothschild stated that she had seen a different surgeon and her problems were corrected in March of 2008. Ms. Rothschild stated that she has had several hernias as a result of the surgery.

Mr. Baker stated that Dr. Sucher recommended an abstinence maintenance program which would allow Ms. Rothschild to continue to practice. Mr. Baker stated that Ms. Rothschild has no problems of misuse.

Mr. McAllister stated that he has read the plan proposed by Dr. Sucher and it is similar to the PAPA program requirements.

Ms. Rothschild stated that she went to PAPA 2 years ago. Ms. Rothschild stated that she attended the extensive outpatient program at Valley Hope. Ms. Rothschild stated that she does not fit that mold. Ms. Rothschild stated that she does not feel that PAPA is the right program for her. She stated that she picked the toughest recovery program at Tempe Valley Hope and would like to participate in that program. Ms. Rothschild stated that she has faith in what they can do for her. Ms. Rothschild stated that PAPA is an excellent program but she does not fit the cookie cutter case.

Mr. Haiber asked Ms. Rothschild if she was disputing the facts about the theft of the drugs at the hospital. Ms. Rothschild stated that she only recalls one incident and the reports indicate that there were two incidents. Ms. Rothschild stated that she was reprimanding the technician because he should have pulled a strip of 10 instead of two strips adding up to 10 tablets. Ms. Rothschild stated that she had the two tablets in her hand and did not take the tablets.

Mr. Wand stated that Ms. Rothschild does not want to participate in the extensive inpatient program. Mr. Wand stated that Ms. Rothschild was offered that option prior to her PAPA contract being terminated.

Ms. Rothschild stated that she attended an extensive outpatient program and she is no longer ill.

Mr. Baker stated that Ms. Rothschild completed the extensive outpatient program and she has been accepted by the Tempe Valley Hope program to continue the recovery process on an outpatient basis. Mr. Baker stated in his opinion inpatient programs are used to withdraw

patients from addictive medications. Mr. Baker stated that Ms. Rothschild does not have to be withdrawn from any medications.

Ms. Rothschild stated that she is a single mother that has just started a new job and does not have the time available to take off work to do an inpatient treatment program.

Mr. McAllister stated that he has concerns about an action plan that does not include monitoring by the PAPA program.

Mr. Haiber stated that he has concerns about how effective the monitoring would be and if it would satisfy the Board's needs.

Mr. Milovich stated that he does not see any reason to deviate from the PAPA program and use an unknown program.

Mr. Van Hassel stated that the Board sees failures with a defined program and he feels that programs vary and it may be hard to define a program failure with an unknown program.

Dr. Sypherd stated that sometimes one size does not fit all. Dr. Sypherd asked if this case is substantially different from other cases that the Board has reviewed and requested that the individual participate in the program.

Mr. McAllister stated that there have been similar cases.

Mr. Wand stated that the quantities of drugs associated with this case are relatively small.

Mr. McAllister stated reporting from PAPA is reliable. Mr. McAllister stated that people who have diversion issues tend to be manipulative and may manipulate reporting from an unknown program.

Ms. Galindo stated that Ms. Rothschild did not complete the PAPA program and there is no guarantee that if she starts another program that she would decide that she does not like that program and not complete that program either. Ms. Galindo stated that she would like Ms. Rothschild to complete the PAPA program and could attend any program she liked after completing the PAPA program.

Mr. Wand asked Ms. Yates if the standard PAPA contract includes an inpatient treatment program. Ms. Yates stated that all new participants are required to participate in an extensive inpatient program. Ms. Yates stated that Ms. Rothschild has never completed an inpatient program and was offered the opportunity to attend an inpatient program when she violated her initial contract.

Mr. Haiber stated that PAPA monitors all participants and gives the Board an accurate track record of monitoring the participants.

Ms. Campbell stated that she has prepared a Consent Agreement to offer to Ms. Rothschild.

Ms. Campbell stated that the Consent Agreement does not provide for an initial suspension period. Ms. Campbell stated that the Consent Agreement would require Ms. Rothschild to supply quarterly reports to the Board from a treating psychiatrist or psychologist and to sign a standard 5 year PAPA program with no initial suspension period. Ms. Campbell stated that she can add a statement to the consent order stating that Ms. Rothschild shall enter an inpatient treatment program if required by the PAPA administrator.

Mr. Baker stated that Ms. Rothschild would be willing to do the PAPA program without the requirement to attend an inpatient treatment program. Mr. Baker stated that Ms. Rothschild is not taking any controlled substances and there is no need for an inpatient treatment program because Ms. Rothschild does not need to withdraw from any medications.

**On motion by Mr. Haiber and seconded by Dr. Smidt**, the Board agreed to move forward with the Consent Agreement written by the Assistant Attorney General. Mr. Haiber stated that Ms. Campbell should include in the Consent Agreement the statement that Ms. Rothschild shall enter an inpatient treatment program if required by the PAPA administrator. The Board has also authorized Mr. Wand to approve the signed Consent Agreement. If the Consent Agreement is not signed, the case would proceed to a Formal Hearing. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – nay, Mr. Haiber – aye, Dr. Smidt – aye, President McAllsiter – aye).

## **AGENDA ITEM 10- Reports**

### **Executive Director Report**

#### **Budget Issues**

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members. Mr. Wand stated that appropriations are given out in allotments. Mr. Wand stated that he believes that the Board will have enough money for the year if more money is not swept. Mr. Wand stated that he has transferred some money to the Prescription Monitoring Program.

#### **Staffing Issues**

Mr. Wand stated that the Board is currently five employees down. Mr. Wand stated that one office employee has been out on FMLA and has decided to retire. Mr. Wand stated that a temporary employee has been working in the office. Mr. Wand stated that Heather Lathim, the Drug Inspector, has been working in the office since August to help with the workload and renewals.

Mr. Wand stated that he is trying to eliminate the covered positions. Mr. Wand stated with the elimination of the covered positions he would have 15 positions budgeted. Mr. Wand stated that he has not received permission to hire the vacant positions.

## **Renewal Update**

Mr. Wand stated that the renewal process went very smoothly this year. Mr. Wand stated that the only issue was that when someone renewed online with a credit card they complained that they did not receive an e-mail with their license renewal certificate. The licenses were then either e-mailed to the licensee or mailed to the licensee. The problem was that often the licensee entered the e-mail incorrectly or did not check their spam folder.

## **Deputy Director Report**

Ms. Frush reviewed the Compliance Officers Activity Report and Drug Inspector Activity Reports with the Board Members. Ms. Frush indicated that due to personnel issues the number of inspections is less than at this time last year.

During the months of August, September, and October, the Compliance Staff issued letters for the following violations:

### **Controlled Substance Violations**

1. Controlled Substance Overage – 9
2. Controlled Substance Shortage – 10
3. Failure to conduct Annual Controlled Substance Inventory - 1
4. Unable to locate Annual Controlled Substance Inventory - 2

### **Documentation Violations**

1. Failure to Document Medical Conditions – 2
2. Failure to Document Allergies - 1
3. Failure to sign daily log - 1
4. Failure to document counseling – 6
5. Failure to have required technician statements signed – 3
6. Failure to document automated dispensing machine maintenance - 1

### **Dispensing Violations**

1. Outdated Rx and OTC items in the pharmacy – 3

### **Pharmacy Violations**

1. Allowing technician to work with an expired license - 2
2. Failure to have a working prescription balance - 1

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

1. Documentation of Counseling

### **Areas outside the inspection reports that may be of interest:**

1. Change in Pharmacist in Charge must be reported to the Board immediately.
2. Pharmacy Remodels – Prior to remodeling or relocating a pharmacy, the remodel form must be completed and sent to the Board and the remodeled facility must pass an inspection by a Board Compliance Officer.

## **Pharmacist Assisting Pharmacists of Arizona (PAPA)**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of fifty (50) participants in the PAPA program with one pending upon completion of inpatient treatment. Since the last report on September 9, 2009, there have been four (4) new PAPA contracts signed and one (1) completion of contract.

### **AGENDA ITEM 11 – Consent Agreements**

President McAllister 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.

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, 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.

Howard Pulver	-	09-0035-PHR
Mercy Osabu-Kle	-	10-0008-PHR
Timothy Lindgren	-	10-0021-PHR
Ana Pasaylo	-	10-0022-PHR
Gabriel Weefar	-	10-0023-PHR
Heartland Home Infusion	-	10-0024-PHR
Robert Wilcox	-	10-0025-PHR
Robert Carranza	-	10-0037-PHR
Sally Salkowski	-	10-0038-PHR

A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

### **AGENDA ITEM 12 - Consideration of Complaints on Schedule “E” and Consideration of Consumer Complaint Committee Recommendations**

The Consumer Complaint Review Committee met prior to the Board Meeting to review 17 complaints. Ms. Galindo, Ms. Honeyestewa, Mr. Haiber, and Mr. Milovich served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

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

- Complaint #3726 - Advisory Letter to Pharmacist and Technician concerning a final accuracy check
- Complaint #3727 - Dismiss
- Complaint #3738 - Dismiss

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

- Complaint #3708 - Dismiss
- Complaint #3722 - Consent Agreement for the Permit Holder for a fine of \$3,000 to be paid in 90 days. If not signed, the case would proceed to hearing.
- Complaint #3723 - Dismiss
- Complaint #3724 - Dismiss
- Complaint #3725 - Consent Agreement for the Pharmacist in Charge for a fine of \$1,000 to be paid in 90 days and 3 hours of CE on patient recordkeeping/confidentiality to be approved by Board Staff. If not signed, proceed to hearing.
- Complaint #3728 - Consent Agreement for the Permit Holder for a \$500 fine to be paid in 90 days. If not signed, the case would proceed to hearing.
- Complaint #3729 - Dismiss and refer to Veterinary Board
- Complaint #3730 - Conference – Pharmacist as the Respondent and Supervisor as the Witness. Request a copy of the Immunization policies and procedures be sent to the Board Office prior the next meeting.
- Complaint #3731 - Advisory Letter to the Pharmacist and Technician regarding the sale of medications to the correct patient
- Complaint #3733 - Consent Agreement for Interim Suspension until Ohio resolves the matter or the Arizona Board of Pharmacy considers an offer to surrender their Arizona license. If not signed, the case would proceed to hearing.
- Complaint #3734 - Consent Agreement for Interim Suspension until Ohio resolves the matter or the Arizona Board of Pharmacy considers an offer to surrender their Arizona license. If not signed, the case would proceed to hearing.
- Complaint #3735 - Consent Agreement offered to the Pharmacy Intern for a \$100 fine and 10 hours of CE on error prevention. If not signed, the case would proceed to hearing.
- Complaint #3737 - Dismiss
- Complaint #3739 - Consent Agreement for the Pharmacist for a standard 5-year PAPA agreement with credit for time served

## **AGENDA ITEM 13 – Conferences**

### **Complaint #3674**

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Kimberly McArthur (Pharmacy Director), Michael White (Staff Pharmacist and former Pharmacist in Charge), and Bill Fitzpatrick (Witness for the Permit Holder- Omnicare)

Compliance Officer Richard Cieslinski gave a brief overview of the complaint. Mr. Cieslinski stated that the complainant, an administrator, at an assisted living home had several complaints concerning the service that they were receiving from the pharmacy. The complainant stated that they often received bubble pack cards that were often incorrect. She stated that there would be missing tablets, bubbles with multiple tablets, and tablets cut incorrectly in the bubble packs. The administrator stated that the pharmacy was contracted to provide MARs for the facility, but the records were usually incorrect and the staff would need to write in medications. The facility had documented that there was one consumption of a wrong medication. The patient had received a card labeled Metformin 500 mg and it is believed that the product was Methcarbamol 500 mg because there was a Methcarbamol label on the card. The patient was given the wrong strength because he was to be on the Metformin 850 mg tablets. There have been two different pharmacists in charge during the time period.

President McAllister asked the respondents to respond to the complaint.

Ms. McArthur stated that the pharmacy is a long-term care pharmacy serving about 800 patients. Ms. McArthur stated that during the time period of the complaint they filled approximately about 150 prescriptions per day.

Ms. McArthur stated that they have policies and procedures to ensure accurate dispensing.

Ms. McArthur stated that they have had no other complaints from other facilities.

Ms. McArthur stated that employees receive training and then on job training. Ms. McArthur stated that they have documentation of technician competencies.

Ms. McArthur stated that there was one dispensing error reported to them that did not reach the patient. Ms. McArthur stated that there were some bubble package errors where they received additional medication.

Ms. McArthur stated that there were errors on the MAR because changes were never reported to the pharmacy.

Ms. McArthur stated that the facility tried to terminate their contract in 2008 and they were told that they would not allow them to terminate their contractual agreement.

Ms. McArthur stated that they did not receive any MAR changes.

Ms. McArthur stated that the complaint was filed after the pharmacy made a police report concerning an alleged forged Hydrocodone/APAP prescription from the facility.

Ms. McArthur stated that she never received any of the cards that supposedly were filled incorrectly. Ms. McArthur stated that she received photocopies of the errors when the Board complaint was sent to her.

Dr. Smidt asked Ms. McArthur what changes they have made. Ms. McArthur stated that they have increased the amount of pre-packed drugs that they purchase. Ms. McArthur stated that many of the drugs were pre-packed in house. Ms. McArthur stated that they have replaced staff and increased technician training.

Dr. Smidt stated asked if there is an alternative facility in Prescott where the facility could have prescriptions filled. Mr. White stated that assisted living patients are free to go to any pharmacy. Mr. White stated that they had a contract to fill prescriptions for patients that were members of the Yavapai health plan.

Mr. Fitzpatrick stated that MARs are not required and are provided as a service to the facility. Mr. Fitzpatrick stated that the MAR helps the nurse in tracking medications and any nurse can make changes to the MAR.

Mr. Fitzpatrick stated that the facility has never produced the cards where the errors occurred and provided photocopies of cards. Mr. Fitzpatrick stated that they service 34 facilities and have not had similar complaints from the other facilities.

Mr. Van Hassel asked if Ms. McArthur ever performed a review of the MARs. Ms. McArthur stated that she was at the facility once as a consultant pharmacist prior to taking the job as Pharmacy Director. Ms. McArthur stated that she was told that she could only review the MARs for the patients that had their medications dispensed by Southern Desert Pharmacy.

Mr. Fitzpatrick stated that the complainant had filed a complaint with an insurance plan.

Mr. White stated that the complainant tried to build a case against the pharmacy to terminate her contract by filing a complaint with the Yavapai health plan. Mr. White stated that the complainant alleged that there was a dispensing error, but no one could reach the complaint to discuss the complaint.

Mr. Wand asked how many MARs they print each month. Ms. McArthur replied that they print about 20 MARs monthly and the MARs are only as good as the information received. Ms. McArthur stated that they developed a plan with the complainant to notify the pharmacy of any changes and the complainant did not notify them of any changes.

**On motion by Dr. Smidt and seconded by Mr. Haiber,** the Board unanimously agreed to

issue an advisory letter to both pharmacists.

**Complaint #3698 – Conference postponed until January**

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

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

**On motion by Dr. Smidt and seconded by Mr. Van Hassel**, 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**

Irene Salas	Lisa Inghram	Lisa Males	Armando Cardenas
Rosemarie Harris	Nickolas Martinez	Darern Pearson	Diana Chieng
Michelle Hrapczak	Janet Williams	Marzetta Smith	Vartouhi Asadourian
Maria Motley	Brian Wagner	Sandra Manzanera	Andrea Floyd
Jesse Vasquez	Jose Lopez	Allison Hibner	James Ammon
Jodie Schmuacher	Johsie McBrayer-Bigbee	Elnaz Shamshirgar	Ophelia Lessard
Jared Blanchard	Regina Marin	Becky Ogbaudu	Alexandra Lopez
Angela Lindsay	Christine Mustafa	Carlos Lopez	Drea Malloy
Gurpeet Kaur	Jennifer Garland	Shera Langguth	Nicollette Casey
Beth deRivera	Tammara Klugh	Pamela Garcia	Melissa Swick
Lathisa Langley	Georgina Hunter	Aimee Dawkins	Ariella Leptich
Tracy Martinez	Kimberly Wauneka	Cris Lewis	Susan Goins
Kirstin Taylor	Desiree Peritore	Kevin Renville	Allisyn Harbison
Erin O’Toole	Michael Walter	Tracey Allen	Jessica Kales
Kurt Wagner	Ashley Abbasi	Bobby Marshbanks	Juan Sanchez
Len Walton	Mylo Mendez	Brian Simpson	Ashley Jones-Wilkerson
Alexander Babich	Joseph Bejarano	Lillian Perez	Maria Gonzales
Clarissa Valenzuela	Stella Virgil	Susan Hauskins	George Rios
Fely Juan	Mechelle Huber	Lukas Lebens	Linda Daniels

**Pharmacy Technician Trainee Requests to reapply for licensure (Continued)**

Jasmine Sampson	Catrici Maline	Sabrina Taylor	Yong Lee
Roberta Reid	Heather Hamilton	Jesus Molina	Evelyn Shores

## **AGENDA ITEM 15 – Approval of Board Meeting Dates for 2010**

The Board approved the following dates for Board Meetings in 2010:

1. January 13 and 14, 2010
2. March 17 and 18, 2010
3. May 12 and 13, 2010
4. July 15, 2010
5. September 15 and 16, 2010
6. November 17 and 18, 2010

## **AGENDA ITEM 20 – Call to the Public**

President McAllister 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.

Mark Boesen, President of the Arizona Pharmacy Alliance, came forth to give a brief overview of the activities of the Pharmacy Alliance.

Mr. Boesen stated that the immunization bill has been finalized.

Mr. Boesen stated that the Alliance is opposed to the increased prescribing by optometrists. Mr. Boesen stated that they would like the optometrists to list the additional macrolides that they would like to dispense.

Mr. Boesen stated that the lawsuit is continuing concerning the sweep of the Pharmacy Board funds. Mr. Boesen hopes at minimum the suit would prevent the sweep of funds in the future.

Roger Morris came forth to address the lawsuit concerning the cases. Mr. Morris stated that the state wants the healthcare boards to sign statements that the sweep did not negatively impact their organization. Mr. Morris stated that the suits will continue.

Matt Cook came forth to address the Board concerning the waiver at the mail order facility. He stated that he will look for documentation and will rectify the situation if he needs to address the issue.

## **AGENDA ITEM 21 – Discussion of Future Items to be placed on a future meeting agenda**

Mr. Van Hassel stated that he would like the topic of Consent Agreement revision requests placed on a future agenda for discussion

Mr. McAllister stated that the Board has been requested to discuss Interns giving Immunizations at a future meeting. Mr. McAllister stated that the Board cannot place this

item on a future agenda because it is a statutory change and the Legislature would need to approve this change.

The Board recessed the meeting at 3:00 P.M.

### **AGENDA ITEM 1 – Call to Order – November 19, 2009**

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

The following Board Members were present: President Dennis McAllister, Vice President Ridge Smidt, Zina Berry, Joanne Galindo, Steve Haiber, Louanne Honeyestewa, Dan Milovich, Paul Sypherd, and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

### **AGENDA ITEM 16 – Korman Healthcare Pharmacy (Long Term Care Pharmacy)- Case #09-0039-PHR**

Burton Korner, Owner of Korman Healthcare, was present. Charles Kelhoffer, legal counsel, for Korman Healthcare was also present.

President McAllister opened the discussion by asking Ms. Campbell if the Consent Agreement has been signed by the respondents.

Ms. Campbell stated that one item that the Board had requested be in the Consent Agreement was not incorporated into the consent. Ms. Campbell stated that the statement that the owners personally guarantee the payment of the fine was omitted. Ms. Campbell stated that one party would not sign that he would make the personal guarantee and it would be difficult to hold the individuals responsible for the fine.

Mr. McAllister asked if all the other elements are the same. Ms. Campbell replied yes. Ms. Campbell stated that they have continued to make payments to the Board.

**On motion by Mr. Haiber and seconded by Mr. Van Hassel**, the Board unanimously agreed to accept the signed consent agreement 09-0039-PHR issued to Korman Healthcare Pharmacy (Long Term Care Pharmacy). A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

Dr. Smidt asked that a complaint be opened against the Pharmacist in Charge in this case.

### **AGENDA ITEM 17 – Pamela Ahlmer- Case #10-0030-PHR (Complaint #3714)**

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

Pamela Ahlmer appeared on her own behalf to address the Board concerning the Consent Agreement that she was offered.

President McAllister opened the discussion by asking Ms. Ahlmer why she was appearing in front of the Board.

Ms. Ahlmer stated that she received a Consent Agreement from the Board and would like to discuss the terms of the agreement with the Board.

Ms. Ahlmer stated that she was charged with the misuse of gift cards by her previous employer. Ms. Ahlmer stated that she used the gift cards to pay for her prescription copays. Ms. Ahlmer stated that she paid restitution without delay. Ms. Ahlmer stated that she was suspended and no one from Safeway spoke to her again. Ms. Ahlmer stated that she was in limbo for 3 weeks. Ms. Ahlmer stated that she sent a letter to Safeway and she was then informed that she had been fired. Ms. Ahlmer stated that she was out of work for approximately 3 months.

Ms. Ahlmer stated that the only concern that she has about the Consent Agreement was the 60 day suspension. Ms. Ahlmer stated that she has just started a new job and a 60 day suspension would financially devastate her and her family. Ms. Ahlmer stated that her husband is not able to work because he has been diagnosed with Parkinson's disease.

**On motion by Dr. Smidt and seconded by Dr. Sypherd**, the Board unanimously agreed to reconsider the terms of the consent agreement.

Mr. Van Hassel stated that he is not opposed to reconsidering the consent agreement. Mr. Van Hassel stated that she has not been working and has actually served her suspension. Mr. Van Hassel stated that he would have no issue amending the consent to show no additional suspension time and impose probation.

Mr. Wand stated that the Board could stay the suspension in paragraph one.

Ms. Campbell stated the Board could change paragraph one to give her credit for time served and immediately impose probation in paragraph two.

Mr. Wand stated that the disciplinary action is reported to the Clearing house.

Ms. Ahlmer stated that she has notified her current employer of the pending disciplinary action.

**A motion was placed on the floor by Dr. Smidt and seconded by Dr. Sypherd** to change the consent agreement and re-offer the consent to Ms. Ahlmer removing the suspension period and allowing the Executive Director to approve the signed consent agreement. A roll call vote was taken. (Ms. Galindo – nay, Ms. Honeyestewa – nay, Dr. Berry – nay, Mr.

Milovich – nay, Mr. Van Hassel – nay, Dr. Sypherd –aye, Mr. Haiber – nay, Dr. Smidt – aye, President McAllsiter – aye).The motion failed.

Mr. Milovich stated that he feels that the original suspension should show somewhere. Mr. Milovich stated that he feels for consistency purposes the consent order should show that a suspension period was imposed.

Mr. Van Hassel stated that he is not opposed to having the suspension show and give her credit for time that she did not work.

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to re-offer the consent agreement by letting the suspension stand and giving credit for time not worked and all other terms would remain the same. The Board authorized the Executive Director to approve the signed Consent Agreement. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd –aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllsiter – aye).

#### **AGENDA ITEM 18 – Brian Tybor - Case #10-0032-PHR (Complaint #3716)**

Brian Tybor appeared on his own behalf to address the Board concerning the Consent Agreement that he was offered.

President McAllister opened the discussion by asking Mr. Tybor to explain his actions concerning the gift cards.

Mr. Tybor stated that the gift cards were given to customers when they purchased new prescriptions. The customer would give them a coupon and the customer would be given a gift card.

Mr. Tybor stated that he kept some of the gift cards in the back and would give the gift cards to new customers even if they did not have a coupon. Mr. Tybor stated that he hoped to increase his pharmacy business by giving the customer a gift card in hopes that they would return for new prescriptions.

Mr. Tybor stated that he activated some of the gift cards to pay his technician for hours that had been cut from his pharmacy budget. Mr. Tybor stated that he paid her the extra hours with gift cards.

Mr. Tybor stated that he took some gift cards but returned the cards to Safeway because he did not use the cards.

Mr. Tybor stated that he did not think through his actions.

Mr. Tybor stated that he was candid and honest to the loss prevention person when he was questioned about the gift cards. Mr. Tybor stated that he was suspended and never heard

back from Safeway. Mr. Tybor stated that he was without work for 2-1/2 months. Mr. Tybor stated that he finally made contact with Safeway and was told that he was terminated.

Mr. Tybor stated that he found work in Ohio and returned to Ohio. Mr. Tybor stated that he is concerned that disciplinary action in Arizona would affect his license in Ohio.

Mr. Tybor asked that the Board reconsider the actions that they have taken against him.

Dr. Smidt asked Mr. Tybor about his mindset concerning the gift cards. Mr. Tybor replied that he was giving the cards to new customers as long as they were not Medicare patients because Medicare patients were not eligible to receive the gift cards.

Dr. Smidt asked Mr. Tybor if he would take money from the till. Mr. Tybor replied no. Dr. Smidt told Mr. Tybor taking the gift cards was the same as taking money.

Mr. Haiber asked Mr. Tybor why he gave the gift cards to the technician. Mr. Tybor stated that his business had increased, but his allotted hours were cut. Mr. Tybor stated that he used gift cards to pay the technician for the extra hours that she worked.

Mr. Haiber asked Mr. Tybor if the technician worked off the clock. Mr. Tybor stated that the technician worked off the clock.

Mr. Haiber asked Mr. Tybor if he is familiar with wage and hour laws for hourly employees. Mr. Tybor replied no.

Mr. Haiber asked Mr. Tybor if he was the pharmacist in charge. Mr. Tybor replied that he was the pharmacist in charge.

Dr. Smidt stated that the dollar amount was small and the promotion was ill-conceived by management.

Mr. McAllister stated that Mr. Tybor would have to explain his disciplinary actions to future employers and other Boards if he wants to reciprocate his license.

Mr. Haiber stated that it is theft whether you steal medication, money, or gift cards. Mr. Haiber stated that employers are required to report the theft to the Board. Mr. Haiber stated that the issue would eventually be brought to the attention of the Board and action would be taken.

**On motion by Mr. Van Hassel and seconded by Dr. Smidt**, the Board unanimously agreed to reconsider the Consent Agreement.

Dr. Smidt stated that when coupons are used the pharmacist should follow the protocol because an employer can make a case against any employee who misuses the coupons.

Ms. Galindo stated that it is up to each pharmacist and technician to use the coupons and gift cards in the manner that they are intended to be used.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board agreed to re-offer the consent agreement to Mr. Tybor with the suspension stayed and all other terms remain the same. The Board authorized the Executive Director to approve the signed Consent Agreement. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – nay, President McAllister – aye).

## **AGENDA ITEM 19 – Motions to Deem/ Formal Appeal/ Hearing**

### **MOTIONS TO DEEM**

#### **#1 Denise Garcia**

President McAllister opened the discussion by stating that this is the time and place for Consideration of the State’s Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Denise Garcia, License #T000247, Case 10-0007-PHR.

President McAllister asked if Ms. Garcia was present. Ms. Garcia was not present.

President McAllister asked if the Board would like to make a Motion granting or denying the State’s motion to Deem Allegations Admitted.

**On motion by Mr. Haiber and seconded by Dr. Berry**, the Board unanimously agreed to grant the State’s motion to Deem Allegations admitted.

President McAllister asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that in view of the allegations admitted the Board can impose any discipline that they feel appropriate.

President McAllister stated that the Board would now deliberate on the appropriate discipline to be imposed.

**On motion by Mr. Haiber and seconded by Dr. Berry**, the Board unanimously agreed to revoke Pharmacy Technician License T000247 issued to Denise Garcia. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

#### **#2 Karen Zambo**

President McAllister opened the discussion by stating that this is the time and place for

Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Karen Zambo, License #T014988, Case 10-0011-PHR.

President McAllister asked if Ms .Zambo was present. Ms. Zambo was not present.

President McAllister asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

President McAllister asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that in view of the allegations admitted the Board can impose any discipline that they feel appropriate.

President McAllister stated that the Board would now deliberate on the appropriate discipline to be imposed.

**On motion by Mr. Haiber and seconded by Ms. Honeyestewa**, the Board unanimously agreed to revoke Pharmacy Technician Trainee License T014988 issued to Karen Zambo. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd –aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllsiter – aye).

### **#3 Cecilio Neriz**

President McAllister opened the discussion by stating that this is the time and place for Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Cecilio Neriz, License #T014756, Case 10-0012-PHR.

President McAllister asked if Mr. Neriz was present. Mr. Neriz was not present.

President McAllister asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

**On motion by Mr. Van Hassel and seconded by Dr. Smidt**, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

President McAllister asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that in view of the allegations admitted the Board can impose any discipline that they feel appropriate.

President McAllister stated that the Board would now deliberate on the appropriate discipline to be imposed.

**On motion by Dr. Berry and seconded by Mr. Haiber**, the Board unanimously agreed to revoke Pharmacy Technician License T014756 issued to Cecilo Neriz. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

### **Formal Appeal of License Denial**

President McAllister asked if Adam McLean was present. Mr. McLean was not present.

Ms. Campbell stated that the Burden of Proof was on Mr. McLean. Ms. Campbell stated at this time the denial of Mr. McLean's license would stand.

Ms. Campbell stated that at this point Mr. McLean would need to reapply for licensure.

### **HEARING**

#### **DORSAH GARIBA – Case #09-0008-PHR**

President McAllister stated that this is the date, time, and place where the matter dealing with Case Number 09-0008-PHR for Respondent Dorsah Gariba is scheduled to be heard by the Arizona State Board of Pharmacy.

President McAllister stated that the subject of the hearing is set forth in the Complaint and Notice of Hearing. This is a formal administrative hearing to determine if there have been violations of the Board's statutes and rules, and rules, and whether disciplinary action is warranted.

A roll call vote was taken. The following Board Members were present: Joanne Galindo, Louanne Honeyestewa, Zina Berry, Dan Milovich, Tom Van Hassel, Paul Sypherd, Steve Haiber, Ridge Smidt, and President Dennis McAllister.

President McAllister stated that let the records show that the Board Members have been furnished with copies of:

1. The Complaint and Notice of Hearing
2. The Respondent's Answer
3. All pleadings of Record

President McAllister asked all parties to identify themselves.

Elizabeth Campbell, Assistant Attorney General for the State, was present.

Dorsah Gariba, Respondent, was not present.

Legal Counsel for Mr. Gariba was not present.

The witnesses were sworn in by the court reporter.

The Attorney for the state made an opening statement and presented her evidence.

The Attorney for the state made a closing statement.

**On motion by Dr. Smidt and seconded by Mr. Milovich**, the Board unanimously adopted all factual allegations (Paragraphs 1-6) in the Complaint as findings of fact. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

**On motion by Mr. Van Hassel and seconded by Dr. Sypherd**, the Board unanimously adopted the alleged violations set forth in paragraphs 1 through 5. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

**On motion by Dr. Smidt and seconded by Mr. Haiber**, the Board unanimously agreed to revoke Intern License , I007378, issued to Dorsah Gariba and disallow the 470 Intern hours that were falsified. A roll call vote was taken. (Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Mr. Van Hassel – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Dr. Smidt – aye, President McAllister – aye).

The Hearing then concluded.

The Board Office will have copies of the transcript of the hearing prepared within two weeks.

### **AGENDA ITEM 20 – Call to the Public**

President McAllister 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.

Pam Cummings, a third year pharmacy intern at Midwestern University, came forth to ask the Board to consider allowing Interns to immunize patients and would like the issue placed on a future agenda.

### **AGENDA ITEM 22 – Adjournment**

There being no further business to come before the Board, **on motion by Dr. Berry and seconded by Mr. Haiber**, the Board unanimously agreed to adjourn the meeting at 11:00 P.M.