



Arizona State Board of Pharmacy
1616 W. Adams, Suite 120
Phoenix, AZ 85007
Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING SEPTEMBER 19 AND 20, 2012
MINUTES FOR REGULAR MEETING**

AGENDA ITEM 1 – Call to Order – September 19, 2012

President Milovich convened the meeting at 9:10 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Dan Milovich, Vice President Tom Van Hassel, Jim Foy, William Francis, Kyra Locnikar, Dennis McAllister, and Reuben Minkus. The following Board Members were not present: John Musil and Nona Rosas. The following staff members were present: Compliance Officers Rich Cieslinski, Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Drug Inspectors Melanie Thayer and Cesar Ramirez, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2 – Introduction of New Board Member

President Milovich introduced Reuben Minkus the newly appointed Public Board Member. Mr. Minkus gave a brief overview of his work experience.

AGENDA ITEM 3 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Schedule I, Complaint #4128.

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 6, Schedule J, Resident Permits for CVS/Pharmacy #10028.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 7, Schedule K, Non- Resident Permits for CVS Caremark.

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 10, Schedule N, License Application Requiring Board Review for Hitesh Desai.

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 15, Schedule Q, Consent for Robert Tobin.

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 16, Schedule R, Complaint #4104, Complaint #4132, Complaint #4134, Complaint #4135, Complaint #4136, and Complaint #4137

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 22, Schedule T, Motion to Deem for Thomas Coppola.

Due to having a “substantial interest” in the matter, Mr. Francis recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 16, Schedule R, Complaint #4136.

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 15, Schedule Q, Consent for Sherri Oxford.

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 8, Schedule L, for Resident Wholesaler for First Health Me.

AGENDA ITEM 4– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Mr. Francis** the minutes of the Regular Meeting held on June 27 and 28, 2012 were unanimously approved by the Board Members.

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Van Hassel and seconded by Dr. Foy** the minutes of the Telephonic Meeting for Sunwest Pharmacy held on July 11, 2012 were unanimously approved by the Board Members.

AGENDA ITEM 5 – Consent Agenda

Items listed on the Consent Agenda were considered as a single action item by the Board Members. **On motion by Dr. Foy and seconded by Mr. McAllister**, the Board unanimously approved the following items listed on the Consent Agenda.

5. (1) Resident Pharmacy Permits – Schedule A

RESIDENT PERMITS

Pharmacy	Location	Owner
QoL Meds	15317 W. Bell Rd. Ste. 108, Surprise, AZ 85374 (O)	QoL Meds LLC
QoL Meds	1705 W. Main St., Mesa, AZ 85201	QoL Meds LLC
Sun City Pharmacy	9133 W. Thunderbird Rd. #101, Peoria, AZ 85381	Sun City Pharmacy Inc
Wal-Mart Pharmacy #10-5626	1260 E. Tucson Marketplace, Tucson, AZ 85713	Wal-Mart Stores, Inc.

(O) = Ownership Change

5. (2) Non-Resident Permits – Schedule B

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Phil's Pharmacy	5510 Lomas Blvd. NE, Albuquerque, NM 87110	Phil Griego
Biofusion LLC	19110 Van Ness Ave. , Torrance, CA 90501	Biofusion LLC
Rite Aid #6515	211 W. Birch St., Calexico, CA 92231	Thrifty Payless Inc
Allvetmd.com	9500 NW 79 Ave #6, Hialeah, FL 33016	Veterinary Mart Corp.
Specialized Pharmacy Services	7351 Union Park Ave. , Midvale, UT 84047	Specialized Pharmacy Services, LLC
DCRX Infusion	37-15 23 rd Ave., Astoria, NY 11105	Diabetic Care RX, LLC
American Custom Compounding	2607 Walnut Hill Lane, Ste. #220, Dallas, TX 75229	Matt Gundelfinger
Kabafusion, LLC	11818 Rosecrans Ave., Norwalk, CA 90650	Kabafusion, LLC
DermaTran Health Solutions, LLC	85 Technology Parkway, Rome, GA 30162	DermaTran Health Solutions, LLC
United Pharmacy LLC	3951 N. Haverhill Rd., Suite 120- 121, West Palm Beach, FL 33417	United Pharmacy, LLC
Restore Health Pharmacy LLC	1289 Deming Way, Madison, WI 53717	Phil Griego
Rx Alternatives	1415 Village Dr., St. Joseph, MO 64506	By Enterprises, Inc.
Coram Healthcare Corporation of Nevada	1951 Ramrod Ave, Suite 110, Henderson, NV 89014	T2 Medical, Inc.
Transcript Pharmacy, Inc.	2506 Lakeland Dr. #201, Flowood, MS 39232	Transcript Pharmacy, Inc.
Wells Pharmacy Network, LLC	450 US Hwy 51 Bypass N, Dyersburg, TN 38024	Wells Pharmacy Network, LLC
DCRX Infusion	5371 Hiatus Rd., Sunrise, FL 33351	Diabetic Care Rx, LLC

Zara Compounding Pharmacy	1201 S. Sherman St. Ste. 207A, Richardson, TX 75081	Syed Saleem
Hometech Advanced Therapies, Inc.	4 Hook Rd., Sharon Hill, PA 19079	Hometech Advanced Therapies, Inc.
Surepoint Medical, LLC	1918 E. 23 rd St., Suite A, Lawrence, KS 66046	Surepoint Medical, LLC

5. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Sleepmed Therapies (Full Service – DME Supplies)	1661 N. Swan Rd., Tucson, AZ 85712	Sleepmed Therapies Inc..
TA Operating LLC (Non-Prescription)	4302 W. Buckeye Rd., Phoenix, AZ 85043	TA Operating LLC
MedOne Healthcare, LLC (Full-Service – DME Supplies)	1870 W. Prince Rd, Ste. 35, Tucson, AZ 85705	MedOne Healthcare, LLC
Arizona Medicus (Full Service – DME Supplies)	8330 E Hartford Dr., Suite 100, Scottsdale, AZ 85255	Arizona Sleep Well, Inc.
Airpark Pharmacy, LLC Airpark Pharmacy, LLC (Full Service)	15021 B. 74 th St. #100, Scottsdale, AZ 85260	Airpark Pharmacy, LLC

5. (4) – New Pharmacists – Schedule D

The Board approved the 345 New Pharmacist Licenses listed on the attachments.

5. (5)– New Interns – Schedule E

The Board approved the 250 New Intern Licenses listed on the attachments.

5. (6) – New Pharmacy Technicians – Schedule F

The Board approved the 1184 Technicians listed on the attachments.

5. (7) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule G

The Board approved the following individuals for one additional two year period.

Henry Trinh	Meghan Marie Maiefski	Cindy Sue Boyd	Valerie Ann Sanchez
Hitesh M. Desai	Frances Renae Pollino	Megan Anne Willoughby	Nina Marie Kuryla-DiLucchio
Katie Elaine Wilson	Melissa Louise Chamberlin	Demetrious David Ridgell	Nanci Ann Beck
Margarita Rodriquez	Souleymane Diop	David O. Schaefer	Angela Sosa Nunez
Eric Lee Niemela	Jannet Hernandez	Cassandra Faye Franklin	Levaza Khamidovna Ibragimova
Stephan Hugo Saucedo	Portia Shawnte' Sampson	Lindsay Ann Wellnitz	Gerardo Soto
Denise Pierce	Irene Arjona	Charlene Elaine Abbott	Daisy Marie Garcia Higuera
Isaiah N. Chavez	Nina Vo	Tyler John Lindvig	Jonathan D. Scandrick

Courtney Joseph Clement	Theresia M. Moloji	Tawni Kaleen Parker	Darrell Stewart Clah, Jr.
Graciela Shields	Sandra Lee Travers	Debra A. Walker	Jeffrey Brian Cohen
George M. Glenn	Melissa Rae Bolin	Edwin Slim Nez	Erica S. Encinas
Megan Renee Murphy	Sabrina Rahman	Cassandra Amanda Mares	Melissa A. Beck
Annie Truong	Neptalie Acosta Lespron	Javiela Alejandra Urias Flores	Jonathan David Underwood
Mathew George Albidrez	Austin Eugene Smith	Lilia Hupp	Daniel Frank Veltri
Inderjit S. Uppal	Erica Antoinette De La Cruz	Belinda C. McNerney	Jonathan Ismael Rivera
Victor Hoa Pham	Christine Cherr Nguyen	Wyatt Fitzpatrick Lacey	David Michael Andrew Ware
Kevin Hartman	Michael George Patton	Sherron Marie Woods	Nanette B. Ruiz
Oscar Alex Daniel	Ruben Enriquez Jr.	Alona Ignacio Day	Lorene Christine Kelley
Sebastian Ray Yazzie	Kira Lynn Nez	Sergio Armando Ardon-Chinchilla	Maria Guadalupe Rodriguez de Ramos
Andrea Renee Hill	Gregory Robert Fenili	Alexander Casas	Adam Udall Smith
George Albert Romero II	Jennifer Zacari	Diana Suleymanova	Jesus Alberto Nava
Sandra K. Roche	Sally Situ	Juan Robles De Santiago	Laura Marie De La Cruz
Carol Beth Wilson	Gail L. Locey	Damian Veron Skeet	Kailey Sue Jansen

5. (7) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule G – Continued

The Board approved the following individuals for one additional two year period.

Tiffany Lee Chadley	Tiffany Brook Beckwith	Claudia Cristina Gil	Hasti Elahi
Laura C. Gonzales	Casey Dan Nguyen	Christopher Anthony Losada	Veronica Rae Abeyta
Carla A. Hanson	Cuyler Patrick Meyers	Danielle Nicholle Ulibarri	Greg Anh Nguyen
Dawn Michele Garcia	Stephen Richard Maize, Jr.	Patricia Ann Carugno	Arriel C. Carey
Andrew Raymond Dunlevy	Yadira Arlene Grijalva	Beverley Ann Trester	Jessica Nicole DeAnda
Samanda Ortiz	Gabirela Rios	Amanda Linda Loyd	

Total: 115

5. (8) – Consent Agreements – Schedule H

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:

Donald Steven Merkel	-	12-0010-PHR
James Hodges	-	12-0033-PHR
James Skousen	-	12-0039-PHR
Michael Schrey	-	12-0040-PHR
Holiday RX, Inc.	-	12-0044-PHR

5. (9) – Complaints with No Violations – Schedule I

The Board unanimously agreed to dismiss the following complaints:

Complaint #4103	Complaint #4118	Complaint #4123
Complaint #4124	Complaint #4125	Complaint #4127
Complaint #4129	Complaint #4140	Complaint #4142

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

Complaint #4128

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to dismiss Complaint #4128.

AGENDA ITEM 6– Resident Pharmacy Permits – Schedule J

RESIDENT PHARMACY PERMIT – Schedule J

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

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously approved the following permit pending final inspection:

Pharmacy	Location	Owner
CVS/Pharmacy #10028	11464 S. Fortuna Rd., Yuma, AZ 85367	German Dobson CVS, LLC

Silver Creek Pharmacy

President Milovich stated that representatives were present from Silver Creek Pharmacy to answer questions from Board Members

Nick Brice, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

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

Mr. Brice stated that he is the new owner of Silver Creek Pharmacy and plans to continue operating the pharmacy as a community pharmacy.

Mr. Milovich asked Mr. Brice if this is the first pharmacy that he has owned. Mr. Brice replied yes.

Mr. Milovich asked Mr. Brice if he intends to make any changes in the pharmacy. Mr. Brice stated that he does not plan to make changes to the pharmacy.

Dr. Foy asked Mr. Brice to describe his past work experiences. Mr. Brice stated that he has worked at Wal-Mart the last five years. Mr. Brice stated that he has been a pharmacy manager the last three years.

Chandler Drugs

Sandeep Singhvi, Owner, and Chetan Khatri, Pharmacist in Charge, were present to answer questions from Board Members.

President Milovich opened the discussion by asking the representatives why they were appearing in front of the Board.

Mr. Khatri stated that they are opening a new independent pharmacy.

Mr. Milovich asked Mr. Singhvi if he has ever owned a pharmacy. Mr. Singhvi stated that he owns a pharmacy in Florida.

Dr. Foy asked if there was a security system in the pharmacy. Mr. Khatri stated that they have a security system in the pharmacy which includes alarms and motion sensors.

Mr. Van Hassel asked Mr. Khatri where he has worked in Arizona. Mr. Khatri replied that he had worked for Walgreens and CVS in Yuma.

Mr. Van Hassel asked Mr. Khatri if he had worked anywhere else in Yuma. Mr. Khartri replied no.

Mr. Van Hassel asked Ms. Frush if Mr. Khatri had worked at any other pharmacies in Yuma. Ms. Frush stated that she believes he was the pharmacist in charge at CarePlus Pharmacy in Yuma.

Mr. Khatri stated that he did work at CarePlus Pharmacy for a short period of time. Mr. Khatri stated that the pharmacy closed due to financial issues. Mr. Khatri stated that he was a pharmacist at the store and was not an owner.

Dr. Foy asked Mr. Khatri about the counter space. Mr. Khatri stated that there is 8 feet of counter space on the other side of the data entry space.

Reliance Specialty Infusion, LLC

Laura Gravina, Owner, and Jeremy Short, Pharmacist in Charge, were present to answer questions from Board Members.

President Milovich opened the discussion by asking the representatives why they were appearing in front of the Board.

Ms. Gravina stated that they would be a limited service pharmacy specializing in medications used for hemophilia, such as clotting factors.

Mr. Milovich asked if either representative had owned a pharmacy previously. Both representatives replied no.

Mr. Milovich asked about their past experience. Mr. Short stated that he worked in retail and Ms. Gravina stated that she has worked in the home infusion business for the last 20 years.

Mr. Van Hassel asked about the types of products they would carry. Ms. Gravina stated that they would only be carrying a limited number of products that would be used to treat blood conditions.

Mr. Van Hassel asked how they would obtain their patients for these specialty products. Ms. Gravina stated that they would be through agreements with providers and individuals referred to their pharmacy for the products.

Mr. Van Hassel asked if they would be dispensing and administering the medications. Mr. Short stated that they would be just dispensing the medications.

Mr. Van Hassel asked if they would be preparing any sterile products. Mr. Short stated that they would be dispensing commercially available products.

Carefree Compounding & Wellness

Owners Ryan Martin and Vince Moore were present to answer questions from Board Members.

President Milovich opened the discussion by asking the representatives why they were appearing in front of the Board.

Mr. Martin stated that they would be opening a compounding pharmacy.

Mr. Milovich asked if either of the respondents had ever owned a pharmacy. Mr. Martin and Mr. Moore both replied no.

Mr. Milovich asked about the square footage of the pharmacy. Mr. Martin stated that the Compounding area is roughly 300 square feet and the front end is about 150 square feet.

Mr. Milovich asked if they would be doing any mail order prescriptions. Mr. Martin replied no.

Mr. Milovich asked if they would have walk- in customers. Mr. Martin replied yes.

Mr. Van Hassel asked if they had compounding experience. Mr. Moore stated that they both work at a compounding pharmacy.

Mr. Van Hassel asked if they would be preparing any sterile products. Mr. Martin replied no.

Mr. Van Hassel asked if they understood that they could not prepare commercially available products. Mr. Martin replied yes.

Baseline Pharmacy

Vilawoe Boadu, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President Milovich asked Ms. Villawoe why she was appearing in front of the Board.

Ms. Villawoe stated that she is opening an independent pharmacy. Ms. Villawoe stated that she has been a registered pharmacist for 6 years.

Mr. Milovich asked Ms. Villawoe if she is moving into the space once occupied by Holiday RX. Ms. Villawoe replied yes.

Mr. Milovich asked if she planned to make any changes in the pharmacy. Ms. Villawoe stated that she would not be changing the floor plan. Ms. Villawoe stated that the roof and air conditioning has been fixed. Ms. Villawoe stated that the landlord has had the carpet cleaned.

Mr. Van Hassel asked if there were any remnants still in the pharmacy from Holiday RX. Ms. Villawoe stated that the drugs have been removed.

Mr. Haiber stated that he had met with the DEA agent at the pharmacy and the medications that were left in the pharmacy have been removed and the Board is waiting for further instructions concerning the destruction of the drugs.

On motion by Mr. Francis and seconded by Ms. Locnikar, the Board unanimously approved the residents below pending final inspection.

RESIDENT PHARMACY PERMITS – Schedule J

Pharmacy	Location	Owner
Silver Creek Pharmacy	638 N. Main, Ste. B, Taylor, AZ 85939 (O)	N & R Bryce Enterprises
Chandler Drugs	2055 W. Frye Rd., #3, Chandler, AZ 85224	Trinity Health Care LLC
Reliance Specialty Infusion LLC	2920 E. Mohawk Lane, Phoenix, AZ 85050	Reliance Specialty Infusion
Carefree Compounding & Wellness	2525 W. Carefree Hwy, Ste. 104/106, Phoenix, AZ 85085	Ryan Martin
Baseline Pharmacy	303 E. Baseline Rd. #103, Phoenix, AZ	Miralife, Inc.

(O) = Ownership Change

AGENDA ITEM 7– Non- Resident Pharmacy Permits – Schedule K

NON-RESIDENT PHARMACY PERMIT – Schedule K

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

On motion by Mr. Van Hassel and seconded by Mr. Francis, the Board unanimously approved the following permit pending final inspection:

NON-RESIDENT PHARMACY PERMITS – Schedule K

Pharmacy	Location	Owner
CVS Caremark	1780 Wall St., Mt. Prospect, IL 60056	CVS Caremark Advanced Technology Pharmacy

AGENDA ITEM 8 – Resident Wholesaler Permits – Schedule L

First Health Me

Due to a conflict of interest Mr. Van Hassel was recused.

On motion by Dr. Foy and seconded by Mr. McAllister, the Board unanimously approved the following permit pending final inspection:

RESIDENT WHOLESALE PERMITS – Schedule L

Pharmacy	Location	Owner
First Health Me (Full Service- DME)	2451 S. Avenue A, Bldg. B, Suite 101, Yuma, AZ 85364	Yuma Health Care Services, Inc.

Freedom Healthcare

President Milovich stated that representatives from Freedom Healthcare were present to answer questions from Board Members.

Owner James Livanavage and Pharmacist Doug Der were present to answer questions from Board Members. Jim Mulligan, Legal Counsel for Freedom Healthcare, was also present.

Mr. Milovich opened the discussion by asking Mr. Livanavage if he was also the owner of LLC Wholesale. Mr. Livanavage replied yes. Mr. Livanavage stated that these are two separate entities.

Mr. Milovich asked Mr. Livanavage if LLC Wholesale was under receivership. Mr. Livanavage replied yes.

Mr. Milovich asked the respondents if they brought anything with them that speaks to the receivership. Mr. Livanavage stated that these are two different entities.

Mr. Milovich recommended that the Board table the application until the Board receives documents addressing the receivership.

Mr. Lee stated that since the two entities share a common ownership the Board is requesting to see copies of litigation that led to the receivership.

Mr. Mulligan stated that he could obtain a copy of the receivership order and submit the documents to the Board prior to the next Board meeting.

The application for Freedom Healthcare was tabled.

AGENDA ITEM 9 -Special Requests

#1 Jeffrey Hannibal

Jeffrey Hannibal appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0011-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Mr. Hannibal why he was appearing in front of the Board. Mr. Hannibal stated that he is requesting the termination of his probation. Mr. Hannibal stated that he has fulfilled all the requirements of his probation.

Mr. Milovich asked Mr. Hannibal to describe the progress he has made while in the program. Mr. Hannibal stated that he realizes that he is an addict and an alcoholic. Mr. Hannibal stated that he must work on his recovery on a daily basis.

Mr. Milovich asked if PAPA approves the request. Ms. Yates stated that Mr. Hannibal has remained compliant and the Board has received a letter from his PAPA counselor.

Mr. Van Hassel stated that Mr. Hannibal is a different person. Mr. Hannibal stated that he stopped fighting the fact that he has a disease.

On motion by Mr. Van Hassel and seconded by Mr. Francis, the Board unanimously agreed to approve the request by Mr. Hannibal to terminate the probation of his pharmacist license imposed by Board Order 011-0034-PHR.

#2 Avondale Pharmacy

Lameck Nyakweba, Owner of Avondale Pharmacy, appeared on his own behalf to request that the probation imposed on his pharmacy permit per Board Order 11-0034-PHR be terminated.

President Milovich asked Mr. Nyakweba why he was appearing in front of the Board. Mr. Nyakweba stated that he is requesting that the Board terminate the probation for Avondale Pharmacy.

Mr. Milovich asked Mr. Hunter to address the inspection that was recently conducted at Avondale pharmacy. Mr. Hunter stated that he visited the pharmacy and noted that there has been improvement.

Mr. Hunter stated that certified technicians are compounding but have not signed off on the training manual because a training manual for compounding does not exist. Mr. Hunter stated that the technicians had signed a statement indicating that they have read the rules.

Mr. Hunter stated that Mr. Nyakweba has statements that doctors agree to the ingredients in a compound but the doctor's have not seen the formula.

Mr. Hunter stated that Mr. Nyakweba is also reusing containers. Mr. Hunter stated that Mr. Nyakweba saves small containers of the same drug and when he reorders a larger container he places some of the drug in the small containers. Mr. Hunter stated that he does label the container with a label with the lot number but this is not a safe practice.

Mr. Hunter stated since the inspection Mr. Nyakweba has sent sheets with the formulas that have been signed by the physician. Mr. Hunter stated that he also sent training sheets.

Mr. Milovich asked if there were any discrepancies that were similar to the first time. Mr. Hunter stated that the formulas were incomplete in the fact that the ingredients and quantity were not listed just the name of the compound. Mr. Hunter stated that Mr. Nyakweba has obtained the signature from the doctor indicating that they know the ingredients in the compound. Mr. Hunter stated previously he had a verbal approval. Mr. Hunter stated that there is improvement from the initial inspection and there has been some improvement since the inspection.

Mr. Milovich asked Mr. Hunter what percent of improvement was noted. Mr. Hunter stated that if he rated the pharmacy it would be about 80%. Mr. Hunter stated that the more specific training that was sent to him is better than the policies and procedures that Mr. Nyakweba was using. Mr. Hunter stated that for example there is no training documentation for how to use the scale. Mr. Hunter stated that there has been additional improvement after the visit.

On motion by Mr. McAllister and seconded by Ms. Locnikar, the Board unanimously agreed to meet in Executive Session.

The President reconvened the regular session.

Mr. McAllister stated that he is concerned and finds the report troubling. Mr. McAllister stated that it is not fair to have the Compliance staff help him with the improvements in his pharmacy.

A motion was placed on the floor by Mr. McAllister and seconded by Dr. Foy to have Avondale pharmacy remain on probation until the pharmacy completes the Pharmacy Compounding Accreditation (PCA).

Mr. Nyakweba stated that he contacted the accreditation board and cannot obtain accreditation until he resolves the issues of his probation.

Mr. Wand stated that he could contact the PCAB.

Dr. Foy asked Mr. Nyakweba why he cannot bring his pharmacy into compliance. Mr. Nyakweba stated that he thought he had corrected what needed to be corrected. Mr. Nyakweba stated that he does not want any violations.

Mr. Nyakweba stated that the first issue was his logs and he revamped the logs. Mr. Nyakweba stated that every time new issues are raised. Mr. Nyakweba stated that he wants to be compliant.

Dr. Foy asked Mr. Nyakweba about the documentation of technician training. Dr. Foy asked if it was a lack of knowledge or if he did not have time to complete the documentation. Mr. Nyakweba stated that the documentation he had was sufficient.

Dr. Foy asked Mr. Nyakweba if he does not know what he needs to do. Mr. Nyakweba stated that he does not intentionally miss things and is trying to get help from elsewhere such as PCAB.

Mr. Wand asked Mr. Nyakweba when he last contacted the PCAB. Mr. Nyakweba replied about 6 months ago.

Mr. Minkus stated that he feels that Mr. Nyakweba waits until he gets a report and then corrects that issue.

Mr. McAllister and Dr. Foy withdrew the original motion.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to continue the probation and require Mr. Nyakweba to hire a consultant to help him resolve his issues and present a report to the Board in 90 days of the changes and issues that have been resolved.

#3 Gloria Silmone appeared on her own behalf to request to take the NAPLEX exam for the fifth time.

President Milovich opened the discussion by asking Ms. Silmone why she was appearing in front of the Board. Ms. Silmone stated that she is requesting permission to take the NAPLEX exam again.

Mr. Milovich asked Ms. Silmone how many times she has taken the exam. Ms. Silmone stated that this would be the fifth time.

Mr. Milovich asked Ms. Silmone when she last took the exam. Ms. Silmone stated that she took the exam on 7/9/2009 and got a score of 65.

Mr. Milovich asked Ms. Silmone what she did last time to prepare for the exam. Ms. Silmone stated that she had taken a review course but there was a family issue the day prior to her taking the test.

Mr. Milovich asked Ms. Silmone how she is preparing to take the test this time. Ms. Silmone stated that she took the RXPrep course in California.

Mr. Wand stated that while he was attending the Executive Committee meeting at NABP they were told that NABP is imposing a maximum of taking the NAPLEX exam five times. He stated that they felt that after five times the applicant is memorizing the answers.

Mr. Van Hassel asked Ms. Silmone about her review course. Ms. Silmone stated that she attended a 5 day review and then she is mailed questions every week to study.

Mr. Van Hassel asked Ms. Silmone if she is working. Ms. Silmone stated that she works two jobs due to financial issues. Ms. Silmone stated that she works at a hospital. Ms. Silmone stated that she makes IVs, filling prescriptions, answering phones, and delivering medications.

Mr. Van Hassel asked if the pharmacists that work with her would help her study for the test. Ms. Silmone stated that some of the pharmacists help her.

Dr. Foy asked Ms. Silmone what else she is doing to pass the test. Ms. Silmone stated that between working and trying to study she has very little time for herself.

Mr. Milovich asked Ms. Silmone when she plans to take the exam. Ms. Silmone stated that she hopes to take the exam this year.

On motion by Mr. Van Hassel and seconded by Mr. Francis, the Board agreed to deny the request by Ms. Silmone to take the NAPLEX exam for the fifth time. There was one nay vote by Mr. Milovich.

AGENDA ITEM 10– License Applications Requiring Board Review

#1 Hitesh Desai

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

Hitesh Desai appeared on his own behalf to request to renew his expired intern license.

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

Mr. Desai stated that he is requesting to renew his Intern license. Mr. Desai stated that he was only two points away from passing the TOEFL exam. Mr. Desai stated that he does have a pharmacy technician trainee license to hold his job.

Mr. Milovich stated that Mr. Desai does not need an Intern license to hold his job. Mr. Desai stated that he has a family and the Intern license allows him to pay his expenses.

Mr. Milovich asked Mr. Desai if he ever had any test scores held back. Mr. Desai replied no and stated that the test scores are only good for two years.

Mr. Milovich asked Mr. Desai if he had any scores that were not reported. Mr. Desai replied no.

Mr. McAllister stated that an Intern license is allowed to be held for 6 years which is sufficient time to obtain training to become a pharmacist. Mr. McAllister stated that the Board has allowed Mr. Desai to hold the license for 6½ years.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to deny the request by Mr. Desai to renew his license.

#2 Lisa Hunter

Lisa Hunter appeared on her own behalf to request that her surrendered license be reinstated. Terrence Woods, legal counsel for Ms. Hunter, was also present.

President Milovich opened the discussion by asking Ms. Hunter why she was appearing. Ms. Hunter stated that she was appearing to request that her pharmacist license be reinstated.

Mr. Milovich stated at the last meeting the Board asked for reference letters from Ms. Hunter's employers.

Mr. Milovich stated that the Board received four letters.

Mr. Van Hassel asked Ms. Hunter if she still plans to work at the federally funded reservations.

Ms. Hunter stated that she would be working for the Indian nations. Ms. Hunter stated that the Indian nations require that the pharmacist have an Arizona license to work in the state. Ms. Hunter stated that she is also completing her immunization training.

Dr. Foy asked why two of the letters were not dated. Mr. Woods stated that he did not notice that the letters were not dated. Mr. Woods stated that the letters were solicited from his office after the last meeting. Mr. Woods stated that the original letters are date stamped on his office copies and the letters were all received in August.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to approve the request by Ms. Hunter to reinstate her pharmacist license.

#3 Robert Doherty

Robert Doherty appeared on his own behalf to request that he be allowed to renew his Arizona pharmacist license that was last renewed in 2004. Lisa Yates with the PAPA program was also present.

President Milovich asked Mr. Doherty why he was appearing in front of the Board. Mr. Doherty stated that he would like to renew his pharmacist license.

Mr. Doherty stated that he was originally licensed in Michigan and then reciprocated to Arizona. Mr. Doherty stated that he moved to Arizona and realized that he had an issue with addiction. Mr. Doherty stated that in 1998 he entered the PAPA program and completed the program in 2003. Mr. Doherty stated that he then moved to Colorado and relapsed in 2006 and was disciplined by the Colorado Board.

Mr. Doherty stated that in 2008 he was charged with a DUI in Colorado and he knew that he had to take care of his problem. Mr. Doherty stated that he then moved back to Arizona where he had family and friends. Mr. Doherty stated that he started attending meetings at Scottsdale Fellowship and has been clean and sober since September of 2008. Mr. Doherty stated that he has been employed at the same job for over three years. Mr. Doherty stated that he joined the PAPA program and has been in the program for two years. Mr. Doherty stated that he started the process to have his Colorado license reinstated. Mr. Doherty stated that he took and passed the law exam. Mr. Doherty stated that he was then told that Colorado would not accept monitoring by the PAPA program in Arizona. Mr. Doherty stated that they gave him the option to move to Colorado for 90 days and be monitored. Mr. Doherty stated that he does not want to move back to Colorado because his sobriety is stronger in Arizona. Mr. Doherty stated that he has friends and family in Arizona. Mr. Doherty stated that in 1998 he didn't surrender and admit that he had a disease. Mr. Doherty stated that he accepts that he has a disease. Mr. Doherty stated that he now has a track record to show the Board in the PAPA program.

Mr. Milovich asked Ms. Yates about Mr. Doherty's progress in the PAPA program. Ms. Yates stated that Mr. Doherty has continued to be compliant and she has noticed a change from the first time.

Mr. McAllister asked Mr. Doherty when he last practiced in a pharmacy. Mr. Doherty stated that he last practiced in 2007. Mr. Doherty stated that he has completed CE and has passed the Colorado law exam.

Mr. McAllister asked if PARE is available. Mr. Wand replied yes.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to place Mr. Doherty's license on probation, have him sign a new 5 year PAPA contract, and take and pass the MPJE exam and PARE exam.

#4 Gary Shore

Gary Shore appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

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

Mr. Shore stated that he would like the Board to grant him a Pharmacy Technician Trainee license.

Mr. Milovich asked Mr. Shore if he had any issues with his license as an LPN. Mr. Shore stated that at one home he worked at there were some personal issues and he had been depressed. Mr. Shore stated that he made a gesture with his hand and had hit someone. Mr. Shore stated that he did not mean to hurt anyone.

Mr. Milovich asked if he was charged with a misdemeanor. Mr. Shore replied yes.

Mr. Milovich asked Mr. Shore why he chose pharmacy as a career. Mr. Shore replied that he has some knowledge of the pharmaceutical industry and he wants to stay in the healthcare field.

Mr. Milovich asked Mr. Shore if he has any issues with anger management. Mr. Shore replied no.

Dr. Foy asked Mr. Shore what type of work he has done the last few years. Mr. Shore stated that he has been his wife's caregiver.

Dr. Foy asked how Mr. Shore perceives the job of being a technician different from being a LPN. Mr. Shore stated that the patient is not vulnerable and the job would be less stressful.

Dr. Foy told Mr. Shore that the stress level in a busy pharmacy could be greater than he experienced.

Dr. Foy asked Mr. Shore if he has ever been behind the counter of a pharmacy. Mr. Shore replied no.

A motion was placed on the floor by Dr. Foy and seconded by Mr. Minkus to deny Mr. Shores request due to unprofessional conduct.

On motion by Dr. Foy and seconded by Mr. Van Hassel, the Board agreed to meet in Executive Session.

President Milovich called the meeting back to order.

Dr. Foy and Mr. Minkus withdrew their motion.

On motion by Dr. Foy and seconded by Mr. Van Hassel, the Board unanimously agreed to table Mr. Shore's application until a psychological exam is completed and the results sent to the Board Office.

AGENDA ITEM 11 – Medical Arts Clayton Pharmacy Reconsideration Request

Medical Arts Clayton Pharmacy withdrew their request to appear.

AGENDA ITEM 12 – Reports

Executive Director

Budget Issues

Mr. Wand reviewed the financial reports with the Board Members for the current budget. Mr. Wand reviewed the proposed 2 year budget and the 5-year plan.

Sunset Review

Mr. Wand explained that the auditors would be conducting a performance audit and sunset review of the Board. Mr. Wand stated that the audit is conducted as part of the sunset review. Mr. Wand stated that the audit would review the efficiency and effectiveness of the Board's operations and how well the Board is meeting its statutory responsibilities.

Outside Funding

Mr. Wand stated that the Board will be signing an agreement with the Arizona Department of Health Service to provide funding for the Controlled Substance Monitoring Program.

Annual Report

Mr. Wand stated that he has included a copy of the Annual Report that he has submitted to the Governor's office.

Omnibus Bill

Mr. Wand stated that he and Deputy Director Frush met with Senator Barto to sponsor the Board's Omnibus bill.

Mr. Wand stated that the Bill would change the following items:

1. Allow reciprocity from a license that has been held for 1 year
2. Establish a fee for an inactive license
3. Allow CE as a non-disciplinary action
4. Change the Summary Suspension hearing from being held in 10 days to 60 days

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and the Drug Inspector Report with the Board Members.

During the months of June, July, and August the Compliance Staff issued letters for the following violations:

Pharmacy Violations

1. Hot water not working properly – 1
2. Expired Pharmacy Technician Licenses – 3 (Complaints to be opened)
3. Technician offered counseling - 1

Controlled Substance Violations

1. Controlled Substance Overage - 14
2. Controlled Substance Shortage -8
3. Controlled Substance Inventory not complete – 1
4. Controlled Substance Invoices not readily retrievable - 2

Documentation Violations

1. Expired Immunization certificates – 5
2. Failure to notify physician when an immunization was given -1
3. Failure to sign daily log -2
4. Failure to document counseling – 2
5. Failure to document patient's address and DEA on CII prescriptions – 1
6. Failure to maintain mechanical storage device maintenance log – 1

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

1. Review of licenses for expiration

Areas outside the inspection reports that may be of interest:

1. Follow CDC guidelines for immunizations
2. Technicians that compound must have completed a training course at the pharmacy
3. When a technician trainee becomes certified they must convert their license to a Pharmacy Technician license
4. Pharmacies cannot accept transfers from Mexico or Canada
5. If an employee is terminated for unprofessional conduct the Board must be notified in writing.

PAPA Report

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-nine (49) participants in the PAPA program. Ms. Yates stated that since her last report on June 27, 2012, there have been two (2) participants that have completed the program and two (2) new participants that entered the program.

Ms. Yates stated that PAPA gave a sponsorship to a participant for the annual SWPRN meeting on September 22, 2012.

AGENDA ITEM 13 – NABP – (PARE EXAM)

Maria Boyle with NABP gave an overview of the PARE exam.

Ms. Boyle stated that The Pharmacist Assessment for Remediation Evaluation (PARE) is a multi-dimensional assessment that the Boards of Pharmacy may use as an auxiliary tool when making decisions regarding pharmacist practice deficiencies that are due to noncompliance with pharmacy practice standards, laws or regulations, and result in compromises to patient safety.

Ms. Boyle stated that the PARE exam is a computer-based assessment of 210 multiple choice questions. The Examinees have a maximum of 4.5 hours to complete the exam.

Ms. Boyle stated that the test covers the following areas: Medication Safety and the Practice of Pharmacy, Professional Ethics/Pharmacist Judgment, and Clinical Pharmacy Practice.

Ms. Boyle stated that to pass the exam the examinee must achieve an overall score of 80 with a minimum of 75 in each of the content areas. The exam is scored as Pass/Fail.

Ms. Boyle stated that the test is a web-based exam.

Ms. Boyle stated that the exam would be given four times per calendar year during a two-week testing window.

Ms. Boyle stated that the fee for the exam is \$250.

The Board Members asked Ms. Boyle questions concerning the exam.

AGENDA ITEM 14- Conferences

Conference 1– Complaint #4053

The following individuals were present to discuss the complaint:

Crystal Schneider - Hernandez– Pharmacist – Respondent
Melissa Chavez – Pharmacy Technician –Respondent
Randle House – Pharmacy Supervisor – Witness
Roger Morris – Legal Counsel – Quarles and Brady

Lisa Gressel – General Counsel for Avella

The complainant joined the conference via telephone.

President Milovich opened the discussion by asking Mr. Petersen to give a brief overview of the complaint. Mr. Petersen stated that the complainant received a refill on her prescription for Combo Capsules SR- E4M, Micronized, LF Compound Bi-Est80-20SR 0.62g mg/ProgSr 25mg. on 3/2/2011 and complained of breast tenderness, breast enlargement, and emotional turmoil. The prescription was written for a compound containing (per capsule): Estradiol 0.125mg, Estriol 0.5mg, (total Estrogen – 0.625mg) and Progesterone 25mg. The prescription was filled with Lot #23-20110103@231. The lot was compounded by the technician and checked by the pharmacist. The compounding log indicates that all quantities were correct. When the complainant contacted the pharmacy for her refill on 4/18/2011, she complained that she was having breast tenderness. The pharmacist requested that the complainant return her remaining capsules to the pharmacy and that the pharmacy would replace the capsules with a product from a different lot. The pharmacy sent samples from the returned capsules and samples of their remaining stock to an outside lab for analysis. The analysis showed that the capsules contained zero amounts of progesterone and excessively large amounts of estradiol (17,000 times the amount). It appears the lot was compounded incorrectly. The most plausible explanation is that the estradiol powder was inadvertently weighed in place of the progesterone powder and because both are similar looking white powders, the pharmacist was unable to recognize this error when verifying the individual components. The pharmacy destroyed all stock compounds and that was completed by 5/16/2011.

The complainant spoke with the Board and stated that for the last year and a half she has been suffering from side effects of the overdose and has sent the Board of a list of side effects that she has experienced. The complainant stated that the estrogen was 17,608% more than she should have received.

Mr. Milovich asked the respondents to address the complaint.

Ms. Schenider-Hernandez apologized for the error. Ms. Schenider-Hernandez stated that the prescription was a refill and when the patient complained about the side effects that she was experiencing she was asked to bring the product back to the pharmacy. Ms. Schenider-Hernandez stated that they made a new batch and the patient picked up the medication. Ms. Schenider-Hernandez stated that the product was sent out for analysis plus a sample of remaining capsules they had in stock. Ms. Schenider-Hernandez stated that the results came back and the estrogen level was high. Ms. Schenider-Hernandez stated that the patient and her doctor were contacted. Ms. Schenider-Hernandez stated that the patient had told her that the breast tenderness had resolved. Ms. Schenider-Hernandez stated that a new prescription was sent to the pharmacy for just progesterone and no estrogen. Ms. Schenider-Hernandez stated that they filled the prescription for the patient after offering to transfer the prescription to a different pharmacy. Ms. Schenider-Hernandez stated that the remaining product from that lot number was quarantined and destroyed.

Ms. Schenider-Hernandez stated that they have taken several corrective steps. Ms. Schenider-Hernandez stated that both compounding technicians have been retrained. Ms. Schenider-Hernandez indicated that the technician would weigh each component separately and place the Progesterone in a boat separate from the Estrogen. Ms. Schenider-Hernandez stated that the Pharmacist would check only a few compounds at a time and check the compounded products more often.

Ms. Schneider stated that she no longer is employed at the pharmacy.

Mr. Milovich asked the Pharmacy Technician, Ms. Chavez, to address the complaint. Ms. Chavez stated that the error occurred when she first started as a lab technician. Ms. Chavez walked through the process. Ms. Chavez stated that in the lab the label and formula are printed. Ms. Chavez stated that she would do the calculations and weigh the product. Ms. Chavez stated that she would put the bottle and the powders together and the pharmacist would check the ingredients and she would then mix the product. Ms. Chavez stated that she is not sure how the error occurred. Ms. Chavez stated that she has completed CE. Ms. Chavez stated that she has had additional training on non-sterile and sterile product compounding since the incident. Ms. Chavez stated that when she takes the product off the scale now she writes on the paper what the product is on the paper.

Mr. House stated that once it was determined that there was an error all remaining lot numbers of the drug were destroyed. Mr. House stated that since the incident the director of the laboratory has conducted training on site and at the store. Mr. House stated that she goes over best practices. Mr. House stated that each pharmacist and technician involved in compounding will be given an annual exam. Mr. House stated that they have since closed the pharmacy and moved the pharmacy to their other location which is larger.

Mr. Milovich asked why one individual's name was printed on the compounding log sheet and the compounding technician crossed it off and handwrote her name. Mr. House stated that the log sheet prints with an entering technician's name. Mr. House stated that they are rolling out a new computer system and the compounding system would be linked with the pharmacy system.

Dr. Foy asked Ms. Chavez about her training. Ms. Chavez stated that she was trained with another technician and then had to pass a certifying test.

Dr. Foy asked Mr. House to describe the certifying test. Mr. House stated that it is a test given by the company for the preparation of sterile and non-sterile products that is given to both pharmacists and technicians.

Dr. Foy asked Mr. Petersen if the training program satisfies the Board's requirements. Mr. Petersen stated that the written training program seems to follow the rules and regulations.

Dr. Foy asked Ms. Schneider-Hernandez if she was comfortable with the level of training. Ms. Schneider-Hernandez stated that the technician reviews the training manual and is observed for several weeks. Ms. Schneider-Hernandez stated that the technician did work in the front end

prior to moving to the lab.

Mr. McAllister asked how many prescriptions are compounded annually at the Tucson store. Ms. Schneider-Hernandez stated that they do about 40 a day.

Mr. McAllister asked how many overdoses they have had in the past. Mr. House stated the incidents are very rare. Mr. House stated that the lab director goes to the stores to ensure that there is adequate training.

Mr. Francis asked if the site is accredited. Mr. House stated that this site was not accredited.

Mr. Van Hassel asked if they could explain the difference between technicians and lab technicians. Mr. House stated that lab technicians work in the compounding lab. Mr. House explained that the front end technicians work in the front of the pharmacy dispensing medications that are not compounded.

Mr. Van Hassel asked Ms. Chavez if she worked in the lab or if she did both jobs. Ms. Chavez stated that she worked solely in the lab.

Mr. Van Hassel asked Ms. Chavez if she labeled the product when the error occurred because she stated that she now writes the name of the product on the paper. Ms. Chavez stated that she wrote the name on the paper before but is now writing the lot number on the paper.

Dr. Foy asked how many capsules were made. Ms. Schneider- Hernandez replied that 105 capsules were made.

The complainant stated that they need to have better procedures in place so that no other patient has to suffer like she has suffered. The complainant stated that an apology does not relieve her suffering.

Mr. McAllister stated that the Board is concerned with keeping people safe. Mr. McAllister stated that a serious error occurred and the company has changed their practices. Mr. McAllister stated that the company has experience and have made necessary changes. Mr. McAllister stated that they were not sloppy.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to issue an advisory letter to the permit holder, pharmacy technician and the pharmacist.

Conference 2– Complaint #4091

The following individuals were present to discuss the complaint:

Daniel Hoffman– Pharmacist – Respondent
Donna Barton – Pharmacy Technician –Respondent
Richard Mendribil – Pharmacy Supervisor – Witness
Sigurds Krolls – Legal Counsel

President Milovich opened the discussion by asking Ms. Sutcliffe to give a brief overview of the complaint. Ms. Sutcliffe stated that the complainant stated a six-year old patient received Metoclopramide instead of Metronidazole. The patient became lethargic, strabismic, and had a seizure. The patient was admitted to the ER and was then transferred to Phoenix Children's Hospital where a neurology workup was completed. The workup was negative and the symptoms resolved. The Pharmacist in Charge stated that during the weighing process the compounding technician ran out of Metronidazole powder. The technician retrieved what she thought was Metronidazole but was actually Metoclopramide. The technician failed to scan the second bottle as per policy. The Pharmacist in Charge stated that when the final check was made, the log showed the bottle scanned matched what was on the formula as did the amount weighed on the scale. A check mark next to the "bar code checked" on the logged formula worksheet indicates the bottle was scanned and the NDC matches that on the log. At the time of the complaint, bottles that were bar coded were not left out for the final verification pharmacist.

Mr. Hoffman stated that he would like to apologize for the error. Mr. Hoffman stated that they had put a barcode procedure in place to prevent this type of error. Mr. Hoffman stated that if the procedure was followed this error would not have occurred.

Mr. Hoffman stated that the technician lines up the powders to be checked and if the technician runs out of the product the product should be re-scanned. Mr. Hoffman stated that if the barcode is not scanned a check mark will not appear on the log.

Mr. Hoffman stated that they have relooked at all the products again. They have removed all products that they do not use. Mr. Hoffman stated that they have looked at all look alike and sound alike drugs. Mr. Hoffman stated that they have moved the metronidazole next to the flagyl. Mr. Hoffman stated that he contacted the manufacturer about using Tall Man lettering on the two products. Mr. Hoffman stated that Ms. Barton attended a 4- day training at PCAA.

Mr. Hoffman stated that they have on going quality and improvement meetings.

Mr. Milovich asked Mr. Hoffman how long he has been in charge of the pharmacy. Mr. Hoffman replied 21 years.

Mr. Milovich stated that the pharmacy has had issues in the past. Mr. Hoffman stated that they have revamped their practices.

Mr. Milovich asked if the technician received any kind of warning. Mr. Hoffman stated that she received a verbal warning. Mr. Milovich asked if anything was put in writing. Mr. Hoffman stated that the warning was issued verbally and a written notice was filed.

Dr. Foy asked how they ascertained that the technician pulled the wrong bottle. Mr. Hoffman stated that they got a call on Monday about the complaint and they could not find anything wrong with the formulation. Mr. Hoffman stated that they had just received a new bottle of metoclopramide and they had not compounded any medications with Metoclopramide and the new bottle was opened.

Mr. Van Hassel asked Mr. Hoffman how many prescriptions they compound daily. Mr. Hoffman replied about 10 prescriptions a day.

Mr. Van Hassel asked Ms. Barton how often she compounds. Ms. Barton stated that she is the compounding technician on Wednesdays and will help compound on other days if the other compounding technician is busy.

Mr. Van Hassel asked Ms. Barton to describe her training. Ms. Barton stated that the previous technician would demonstrate the techniques. Ms. Barton stated that she would repeat the steps and techniques back to the other technician.

Mr. Van Hassel asked Ms. Barton if she ever received any instruction from the pharmacist. Ms. Barton stated that the pharmacist supervised her and checked her work.

Mr. McAllister asked Ms. Barton how long she has worked at the pharmacy. Ms. Barton stated that she has worked for 5 years at the pharmacy.

Mr. McAllister asked Ms. Barton how long she has been compounding. Ms. Barton replied for 2 years.

Ms. Locnikar asked Ms. Barton to describe the PCAA training. Ms. Barton stated that they reviewed techniques, the computer system, scanning, and how to do compounds. Ms. Barton stated that they prepared products in the lab and the products were sent for testing.

Ms. Locnikar asked Ms. Barton to compare the PCAA training to her initial training.

Ms. Barton stated that the PCAA training reinforced that training she received initially. Ms. Barton stated that if she had attended the training initially she would not have understood the terms used during the PCAA training.

Dr. Foy asked if they had training documentation at the store. Ms. Sutcliffe replied yes.

Mr. Hoffman stated that they do have a training program. Mr. Hoffman stated that the technician must be a certified technician. Mr. Hoffman stated that the technician reads the training materials and then is shown the process. Mr. Hoffman stated that a pharmacist or training technician will sign off on the process.

Mr. Mendribil stated that they have added many new steps and provided retraining after the last incident that they thought would eliminate the errors that occurred.

Mr. Mendribil state that they hired a consultant pharmacist, Mike Knoll, to review their practices and make recommendations.

Ms. Barton stated that there have never been any actions taken against her license and policy changes have made.

Mr. Hoffman stated that procedures were in place but the error could have been made by any pharmacist. Mr. Hoffman stated that policies have been changed to ensure that this error does not occur again.

Dr. Foy stated that they have put policies in place that are not followed.

Ms. Locnikar asked Ms. Barton why she did not scan the bottle. Ms. Barton stated that she did not know.

Ms. Locnikar asked Mr. Hoffman why he did not check that the bottle was scanned. Mr. Hoffman stated that the first bottle was scanned but the second bottle was not scanned.

Mr. Van Hassel asked Ms. Barton where she leaves the stock bottle that she scanned and from which she weighed the powder. Ms. Barton stated that she now leaves the bottle there and the pharmacist checks the bottle.

Mr. Van Hassel asked Ms. Barton if the bottle of metoclopramide was left with the powder she weighed. Ms. Barton stated at the time she would put the bottles away after weighing the product.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to open a complaint against the Permit Holder and the Pharmacist in Charge on Compounding supervision.

Conference 3– Complaint #4096

The following individuals were present to discuss the complaint:

Stuart Tobin– Pharmacist – Respondent

Robert Messali – Pharmacist in Charge –Respondent

Kevin Lee – Pharmacy Supervisor – Witness

President Milovich opened the discussion by asking Ms. Sutcliffe to give a brief overview of the complaint. Ms. Sutcliffe stated that the complainant stated that she received Tamoxifen instead of Trazadone. She experienced side effects and is being treated by a number of doctors for complications caused by the error. The prescription was picked up on 6/8/2011 and per the complainant she received a message from the pharmacy concerning the medication on 6/21/2011. The complainant stated that the pharmacy called and told her that Trazadone was recalled and it was not until she returned the medication to the pharmacy that she found out that the prescription was filled incorrectly. The Pharmacist in Charge stated that on approximately June 2011 a return to stock bottle of Tamoxifen 20mg was inadvertently placed in a bottle of Trazadone 50mg. The placing of return to stock medications into manufacturer's bottles is against policy and has since been corrected. The Verification pharmacist stated that the incident occurred during a period when new floater pharmacists were being rotated through the pharmacy, and it was determined that return to stock bottles were being put back into original manufacturer's bottles. The Verification Pharmacist stated that after the label prints, a pharmacist or technician retrieves the stock bottle, counts out the medication, and labels the

patient bottle. The pharmacist then scans the prescription label and the manufacturer's bottle and views the screen to verify the prescription. It was during the initial period that the people involved with the filling did not differentiate between the two round white tablets.

President Milovich asked the respondents to address the complaint. Mr. Tobin stated that he is consistent in the manner that he fills prescriptions. Mr. Tobin stated that he scans the label and looks into the bottle and scans the manufacturer's bottle to ensure he has the correct drug. Mr. Tobin stated that he knows product should not be returned to the stock bottle and he believes that floater pharmacists may have returned the drug to the wrong bottle. Mr. Tobin stated that one day he found a bottle with two different color pills in the bottle.

Mr. Milovich asked Mr. Tobin why the policy to not return medications to the stock bottle was not being followed. Mr. Tobin replied that this has not happened before and he follows the return to stock (RTS) procedure.

Mr. Milovich asked Mr. Lee how the floater pharmacists are trained. Mr. Lee stated that the floater pharmacists are staff pharmacists. Mr. Lee stated that all pharmacists must read the 17 page policy that explains the dispensing process through how to return a prescription to stock. Mr. Lee stated that last July all pharmacists were required to go to Costco University and read the policy and sign off that they had read the policy.

Mr. Milovich asked if the same floater pharmacist comes to the store each time. Mr. Messali stated that he was on vacation and is not sure if a pharmacist or a technician returned the medication to the wrong bottle.

Mr. Milovic asked how often RTS is done. Mr. Messali stated that the process is done every 10 days.

Mr. Milovich asked who returns the medications to the shelf. Mr. Messali stated that a technician usually pulls the RTS from the RTS sheet and places the bottles on the shelf in front of the stock bottle.

Mr. Milovich asked who told the patient that the medication was being recalled. Mr. Messali stated that he is not sure. Mr. Messali stated that the patient would be informed that there was an error made. Mr. Messali stated that a report would be run for everyone who received the medication and a call would be made to the patient explaining the situation

Mr. Milovich asked who made the call. Mr. Messali stated that either the floater pharmacist or Mr. Tobin would have made the call. Mr. Tobin stated that he did not make the call.

Mr. Milovich asked Mr. Lee if the person who filled out the incident report would have made the call. Mr. Lee stated that he just took over the position 6 months ago and the old supervisor probably talked to the individual.

Mr. Milovich asked if they had an incident report. Mr. Lee replied yes.

Mr. Messali stated that when he was made aware of the incident he reviewed the policies and procedures with the staff.

Mr. Francis asked Mr. Tobin if there was an incident report for the gabapentin. Mr. Tobin stated that the other pharmacist ran a report and filled out the form.

Mr. Lee stated that that inventory is kept online and they can generate a discrepancy report and call patients that may have received the wrong medication.

Dr. Foy asked if they have the records of who made the phone call. Dr. Foy stated that if the RTS are tracked in the system then they should be able to prove who returned the medications.

Mr. Lee stated that they do have those records.

Dr. Foy asked Mr. Lee to walk thru the 17 page guide. Mr. Lee stated that the prescription is processed by the technician and a label is generated. The technician or pharmacist scans the bar code and then scans the hard copy prescription. Mr. Lee stated that the filling individual scans the bottle barcode and the bottle label to fill the prescription. Mr. Lee stated that is to ensure the correct product matches the label.

Mr. Messali stated that the pharmacist scans the stock bottle and the label and looks in the bottle.

Mr. Lee stated that the bottle is scanned prior to being filled.

Dr. Foy asked about the return to stock procedure. Mr. Messali stated that a technician returns the medication to stock.

Mr. Lee stated that a report is printed every 10 days for medications that were not picked up. Mr. Lee stated that a technician pulls the prescriptions from the will call area. The pharmacist signs off on the sheet and a technician will de-identify the medication.

Dr. Foy asked what is meant by de-identify. Mr. Lee stated that the technician marks off patient specific information with a Sharpie.

Dr. Foy asked if the policy stated to place the RTS bottle in front of the stock bottle. Mr. Lee replied yes.

Dr. Foy asked what the pharmacist is signing. Mr. Messali stated that the pharmacist signs off that the procedure was completed.

Ms. Locnikar stated that pharmacies are not being held accountable for not following the policies. Ms. Locnikar asked if all stores are run like this. Mr. Lee stated that this error should not have occurred. Mr. Lee stated that any bottle returned to stock should be placed in front of the manufacturer's bottle and not placed in the stock bottle.

A motion was placed on the floor by Mr. Van Hassel to offer the Pharmacist in Charge a consent agreement for a \$4,000 fine for failure to control the pharmacy and require 6 hours of CE. There was no second and the motion failed.

Mr. McAllister stated that the pharmacist had little control over the situation because he was not present. Mr. McAllister stated that there appears to be no training program for floaters and when this error was discovered they did not check to see if other medications had been RTS incorrectly.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to open a complaint against the permit holder and dismiss the case against the Pharmacist in Charge.

Conference 4– Complaint #4102

The following individuals were present to discuss the complaint:

Paul Vasiliauskas– Pharmacist in Charge– Respondent
Christine Low – Current Pharmacist in Charge –Witness
Roger Morris – Legal Counsel

President Milovich opened the discussion by asking the Mr. Hunter to give a brief overview of the complaint. Mr. Hunter stated that this complaint was received from the Arizona Naturopathic Physicians Board. The complaint was filed against a Naturopathic Doctor who dispensed a compounded product to his patients. The product was C- Oxytocin 20 IU which is considered to be a “Love Potion”. The doctor was charging \$50.00 per tablet and was dispensing 3 tablets to the patient at one time. The patient had the tablets analyzed and it was found that the tablets contained 0% of the Oxytocin. The product was compounded by an Arizona pharmacy. The Pharmacist in Charge at the compounding pharmacy stated that he compounded the medication as sublingual troches and labeled the product for “Office Use”. The proposed use of the medication would have alerted the pharmacist that the medication was not going to be administered in the office. The Pharmacist stated that the product is very sensitive to heat and must be refrigerated. He provided a certificate of Analysis showing a 95.6% level of potency. The certificate of analysis was from 3/2011 and the product he compounded was from product purchased in 7/2011 so the potency may have been different. The Pharmacist provided copies of the documentation of the sales to the prescriber. The documentation shows sales of 690 Tritrates between 1/6/12 and 5/18/12. The pharmacist was unable to explain how they could sell that number of tritrates to the prescriber and not realize that the medication was being dispensed and not just administered in the prescribers office. The pharmacist has provided documents indicating that their labeling and invoicing will be changed to indicate that the product is only for office administration. The physician provided a statement indicating that he started using the product only in-office. The physician stated that when he became comfortable he began dispensing the product to patients in quantities he felt was appropriate for the patients. He stated that he is not aware that the pharmacy knew that he was dispensing the product to his patients. The physician stated that he believed that the Oxytocin had tested in the 90% range of potency as indicated in documentation from the pharmacy. The pharmacist could explain possible decreases in potency, but not tritrates that contained 0% of the Oxytocin.

Mr. Vasiliauskas stated that the product sample showed 0% of oxytocin. Mr. Vasiliauskas stated that prior to making the product they made many different formulations and had developed the current formulation with pharmacologists with ARL labs. Mr. Vasiliauskas stated that the product had a 95% potency with excellent results.

Mr. Vasiliauskas stated that there are several possible reasons for the decrease in potency. Mr. Vasiliauskas stated that the product is temperature and light sensitive. Mr. Vasiliauskas stated that the medication must be refrigerated. Mr. Vasiliauskas stated in this incident the doctor picked up the medication and stored the medication at his office and then dispensed the medication to the patient.

Mr. Vasiliauskas stated that the patient may not have stored the medication properly when she transported the product to North Carolina.

Mr. Vasiliauskas stated that he wished they would have contacted the pharmacy because he could have informed the test site that the sample they received was close to expiration and could affect the outcome.

Mr. Vasiliauskas stated that they have quit making the Oxytocin triturate due to the sensitive storage requirements.

Ms. Low stated that they were not aware that the product was being dispensed. Ms. Low stated that they trusted that the labeling that they placed on the product stating the product was For Office Use Only was sufficient.

Ms. Low stated that they have revamped their process. Ms. Low stated that any product for Office use has a form faxed to the doctor's office indicating the product that they ordered cannot be sold to the patient. Ms. Low stated that the doctor must sign and fax the form back to the pharmacy prior to receiving the product.

Dr. Foy asked if the pharmacy could provide the Board with invoices showing that the sales to the office were within the 5%. Mr. Vasiliauskas replied yes.

Mr. McAllister asked about the form of Oxytocin being used. Mr. Vasiliauskas stated that the vial of Oxytocin can be stored at room temperature but they used the powder which must be refrigerated.

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

AGENDA ITEM 15 – Consents – Schedule Q

Due to a conflict of Interest Mr. McAllister was recused.

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

Sherri Oxford – 12-0034-PHR

Due to a conflict of Interest Dr. Foy was recused.

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

Robert Tobin – 12-0043-PHR

AGENDA ITEM 16 – Complaint Review – Consideration of Complaints on Schedule R

President Milovich opened the discussion by stating the Board Members would review all the complaints on schedule R.

Complaint #4093

On motion by Dr. Foy and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning substitution and suggests CE on orange book Substitution.

Complaint #4104

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

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

Complaint #4117

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to the pharmacist and pharmacy technician concerning the final check.

Complaint #4119

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to ask the pharmacist to appear for a conference.

Complaint #4120

On motion by Dr. Foy and seconded by Mr. Milovich, the Board unanimously agreed to ask the verification and counseling pharmacist to appear for a conference.

Complaint #4126

On motion by Mr. Milovich and seconded by Mr. Francis, the Board unanimously agreed to issue an advisory letter to the pharmacist regarding the verification of data entry.

Complaint #4131

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to ask the pharmacist in charge and the permit holder to appear for a conference.

Complaint #4132

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

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

Complaint #4134

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

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

Complaint #4135

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

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

Complaint #4136

Due to a conflict of interest Dr. Foy and Mr. Francis were recused.

On motion by Mr. Milovich and seconded by Mr. McAllister, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the final accuracy check.

Complaint #4137

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

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

Complaint #4139

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to the pharmacist and pharmacy technician concerning the prescription data entry.

Complaint #4141

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

Complaint #4146

On motion by Dr. Foy and seconded by Mr. Milovich the Board unanimously agreed to offer the pharmacy technician a consent agreement that must be signed within 10 days or the case would proceed to hearing in November.

AGENDA ITEM 18 – Long Term Care Task Force Update

President Milovich asked Dr. Foy to address this agenda item.

Dr. Foy stated that the committee has held 2 meetings. Dr. Foy stated that their task is to bring the regulations up to date.

Dr. Foy stated that they would be holding another meeting at the beginning of October.

Dr. Foy stated that they have defined the term consultant pharmacist.

Mr. Wand stated that they are shortening the regulations and removing regulations that refer to facilities that are not regulated by the board. Mr. Wand stated that Ms. Sutcliffe is writing the new rules for this section.

AGENDA ITEM 20 – Sunwest Pharmacy – Complaint #4106

President Milovich stated that the Board held a hearing to see if the permit should be summary suspended and the Board decided not to summary suspend the permit. Mr. Milovich stated that the Board must now close the complaint.

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

AGENDA ITEM 23- Approval of Minutes of Summary Suspension Hearing

President Milovich asked if the Board Members had any questions concerning the minutes.

On motion by Mr. Van Hassel and approved by Mr. Francis, the Board unanimously approved the minutes of the Summary Suspension Hearing held on July 27, 2012 for Tatyana Bagmanova.

AGENDA ITEM 25 – R4-23-402 (I) – Written and Printed Patient Medical Information

President Milovich asked Mr. Wand to address this issue.

Mr. Wand stated that the intent of the law was to only require patient information sheets to be sent for new prescriptions because new prescriptions would require counseling.

Mr. McAllister stated that he feels it is not necessary to print a lot of paper since patients have a number to call to obtain information.

Dr. Foy stated that often people throw away the paperwork and there is personal health information floating around.

AGENDA ITEM 26 - Call to the Public

President Milovich 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.

Gordon Reiter came forth to request that the Board eliminate verbal orders for prescription orders and the orders be replaced with electronic copies.

The meeting recessed at 4:30 P.M.

AGENDA ITEM 1 – Call to Order – September 20, 2012

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

The following Board Members were present: President Dan Milovich, Vice President Tom Van Hassel, Jim Foy, William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus, and John Musil. The following Board Member was not present: Nona Rosas. The following staff members were present: Compliance Officers Rich Cieslinski, Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dean Wright, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Monty Lee.

AGENDA ITEM 14 (Conference for Complaint #4088) AND AGENDA ITEM 22 (Hearing for Crystal Carney)

Assistant Attorney General Monty Lee stated that the State has examined the evidence of what has occurred.

Mr. Lee stated that the pharmacy technician did respond to the complaint and notice of hearing and is requesting a continuance.

Mr. Lee stated that he is asking the Board to rescind their Hearing motion against Crystal Carney and have the technician appear at the Conference for Complaint #4088 at the next Board Meeting.

On motion by Mr. Francis and seconded by Mr. McAllister, the Board unanimously agreed to rescind the hearing motion and ask the pharmacy technician to appear at the Conference for Complaint #4088 at the next Board meeting so that both sides can be heard at one time.

AGENDA ITEM 17 – Proposed Rules

1. Resident Drug Manufacturer and Drug Wholesaler Rules

President Milovich asked Mr. Wright to address this agenda item.

Mr. Wright stated that the rulemaking will amend the R4-23-604 by removing all references that require a pharmacist in charge in a drug manufacturing operation. Mr. Wright stated that the rulemaking will amend R4-23-605 to remove the requirement for a lot number and expiration date in subsection (H) (3) (a).

On motion by Mr. Francis and seconded by Dr. Foy, the Board unanimously authorized Mr. Wright to proceed with the rulemaking.

2. Pharmacy Technician Rules

President Milovich asked Mr. Wright to address this agenda item.

Mr. Wright stated that a notice of rulemaking docket opening was published on June 15, 2012. A notice of proposed rulemaking was published on June 15, 2012. A public hearing was held on July 16, 2012. No one attended the hearing. One person, Janet Underwood, of the Arizona Community Pharmacy Committee provided a written comment in support of the rulemaking. No other comments were received and the record was closed at 5:00 P.M. on July 16, 2012

On motion by Mr. Musil and seconded by Mr. McAllister, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

3. Pharmacy Area, Shared Services, and Compressed Medical Gas Distributor

President Milovich asked Mr. Wright to address this agenda item.

Mr. Wright stated that a notice of rulemaking docket opening was published on June 15, 2012. A notice of proposed rulemaking was published on July 20, 2012. A public hearing was held on August 27, 2012. One person, Janet Underwood, of the Arizona Community Pharmacy Committee attended the hearing and provided a written comment in support of the rulemaking. No other comments were received and the record was closed at 5:00 P.M. on August 27, 2012.

On motion by Dr. Foy and seconded by Mr. McAllister, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

4. Controlled Substances Prescription Monitoring Program Registration Rules

President Milovich asked Mr. Wright to address this agenda item.

Mr. Wright stated that a notice of rulemaking docket opening was published on June 15, 2012. A notice of proposed rulemaking was published on July 20, 2012. A public hearing was held on August 27, 2012. One person, Janet Underwood, of the Arizona Community Pharmacy Committee attended the hearing and provided a written comment in support of the rulemaking. No other comments were received and the record was closed at 5:00 P.M. on August 27, 2012.

On motion by Mr. Van Hassel and seconded by Mr. Minkus, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

AGENDA ITEM 19 – Definition of Compounding

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

Mr. Wand stated that the Board is receiving calls asking the office to define compounding.

Mr. Wand asked Dr. Musil to address the topic.

Dr. Musil stated that reconstitution is not compounding but the addition of sterile water to a product would be compounding.

Dr. Musil stated that he also feels that compounding would include taking a cream from a one pound jar and placing it in 5 gm tubes. Dr. Musil stated that he feels that it is compounding because the doctor is asking him to place the cream in the tubes.

Mr. Wand stated that it may be considered repackaging when a commercially available product is placed in another container.

Mr. Van Hassel stated that he feels that compounding is the mixing of two or more ingredients. Mr. Van Hassel stated that repackaging is not compounding because it is not a physical alteration of the product.

The Board Members asked Mr. Wand to research how other states define compounding and place the item on a future agenda.

AGENDA ITEM 20 – Walgreens Well Experience Store Layout

President Milovich stated that representatives from Walgreens were present to explain Walgreens new concept stores.

Dan Luce, National Director of Pharmacy Affairs, and Lorri Caum, Pharmacy Supervisor, were present to discuss the new concept stores.

A video was shown.

Ms. Caum stated that there are currently 9 stores in Arizona being remodeled and the first store would be completed in October.

Mr. Van Hassel asked what is the staffing model for the store. Mr. Luce stated that it is a 3 to 1 ratio. Mr. Luce stated that a health guide will direct people to the appropriate area.

Dr. Foy asked if the pharmacist is out front and viewing the pharmacy area via a camera is there an increase in theft. Mr. Luce stated that there is less theft because of the increased number of cameras and the various views and the cameras are rolling 24/7

AGENDA ITEM 22 – Hearings/ Motions to Deem

Hearings

#1 – Crystal Carney – Rescinded

#2 – Fahad Alnoah

President Milovich stated that this is the date, time, and place where the matter dealing with Case No. 12-0025-PHR against Fahad Alnoah is scheduled to be heard by the Arizona State Board of Pharmacy.

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 whether disciplinary action is warranted.

The following Board Members were present: President Dan Milovich, Vice President Tom Van Hassel, John Musil, William Francis, Jim Foy, Reuben Minkus, Dennis McAllister, and Kyra Locnikar.

Mr. Milovich stated let the record 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

Mr. Milovich asked the parties to identify themselves.

Monty Lee, Assistant Attorney General, was present for representing the state.

Fahad Alnoah, the respondent was not present.

Mr. Alnoah was not represented by counsel.

There were no preliminary issues.

The witnesses were sworn by the court reporter

Neither the state or respondent had an opening statement.

The evidence was presented.

Mr. Lee gave a closing statement. Mr. Lee stated that Mr. Alnoah admits that he filled two prescriptions with no confirmation which violates the Boards regulations. Mr. Lee stated that the allegations in the complaint have been proven.

On motion by Dr. Musil and seconded by Mr. Francis, the Board unanimously agreed to adopt all factual allegations in the Complaint as findings of fact. A roll call vote was taken. (Dr. Musil –aye, Mr. Francis – aye, Dr. Foy – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the conclusions of law. A roll call vote was taken. (Dr. Musil –aye, Mr. Francis – aye, Dr. Foy – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

A motion was placed on the floor by Mr. McAllister and seconded by Ms. Locnikar to place the pharmacist on probation for one year, cannot be Pharmacist in Charge, a \$1,000 fine, and complete a Board approved course in Ethics. A roll call vote was taken. (Dr. Musil – nay, Mr. Francis – nay, Dr. Foy – nay, Mr. Minkus –aye, Ms Locnikar – nay, Mr. McAllister – aye, Mr. Van Hassel – nay, and Mr. Milovich – nay). The motion fails.

Mr. Van Hassel stated that he does not feel that probation is adequate.

Dr. Musil stated that he feels the probation length is too short.

Dr. Foy stated that he feels that he has concerns about his knowledge of the law and possibly could be required to take the MPJE exam.

A motion was placed on the floor by Dr. Musil to place the pharmacist on probation for two years, and complete CE totaling 28 hours (16 hours on medical ethics, 8 hours on migraine or pain management, and 4 hours on the treatment of urinary tract infections) There was no second

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to place the pharmacist on probation for two years, cannot be the pharmacist in charge, retake and pass the MPJE exam in 90 days, pay a civil penalty of \$2,000 dollars (\$1,000 for each prescription), and complete CE totaling 28 hours (16 hours on medical ethics, 8 hours on migraine or pain management, and 4 hours on the treatment of urinary tract infections) A roll call vote was taken. (Dr. Musil –aye, Mr. Francis – aye, Dr. Foy – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

A copy of the transcript will be available in approximately two weeks.

Motion to Deem

#1 Thomas Coppola

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

President Milovich 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 Thomas Coppola, Pharmacist , S017161, Case 12-0031-PHR.

President Milovich asked if the licensee (Thomas Coppola) was present. The he licensee (Thomas Coppola) was not present.

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

On motion by Dr. Musil and seconded by Mr. Van Hassel the Board unanimously agreed to grant the State's motion to Deem Allegations admitted. A roll call vote was taken. (Dr. Musil – aye, Mr. Francis – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact. . A roll call vote was taken. (Dr. Musil –aye, Mr. Francis – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

On motion by Mr. Francis and seconded by Mr. Minkus, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law. . . A roll call vote was taken. (Dr. Musil –aye, Mr. Francis – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

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

Mr. Lee stated that the allegations found and violations constitute serious violations. Mr. Lee stated that Mr. Coppola was disciplined last year. Mr. Lee stated that the Board should impose significant and severe penalties.

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

On motion by Dr. Musil and seconded by Mr. McAllister, the Board unanimously agreed to revoke the Pharmacist License S017161 issued to Thomas Coppola. . A roll call vote was taken.

(Dr. Musil –aye, Mr. Francis – aye, Mr. Minkus –aye, Ms Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

AGENDA ITEM 24 – Personnel Matter – Compliance Policy Advisor Evaluation

President Milovich stated that the Board would meet in executive session for this matter.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to go into Executive Session.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board authorized Mr. Wand to proceed with the personnel action that was discussed in the executive session.

AGENDA ITEM 26 - Call to the Public

President Milovich announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda. No One came forth.

AGENDA ITEM 27 – Future Agenda Items

Dr. Foy stated that he would like to have defined the terms expungement and the classification of various charges.

Mr. Van Hassel stated that maybe Lisa could give an overview of the requirements of the PAPA Program.

Mr. Van Hassel stated that the definition of compounding should be discussed.

Mr. McAllister and Dr. Foy asked that compounding for doctor's office use be discussed.

Dr. Foy stated that he would like to discuss compounding training programs.

Dr. Musil stated that he would like to discuss VAWD.

AGENDA ITEM 28 – Adjournment

There being no further business to come before the Board, President Milovich adjourned the meeting at 11:15 P.M.