



Arizona State Board of Pharmacy

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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JANUARY 8 & 9, 2014
MINUTES FOR REGULAR MEETING**

AGENDA ITEM 1 – Call to Order – January 8, 2014

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

The following Board Members were present: President Tom Van Hassel, Vice President Jim Foy, William Francis, Darren Kennedy, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Nona Rosas. The following staff members were present: Compliance Officers Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, and Dennis Waggoner, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule N, Non-Resident Pharmacy Permits (1-7) for the change of ownership by Express Scripts.

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

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 9, Schedule Q, License Application for Allen Knee.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Schedule U, Complaint #4245.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Schedule M, Resident Pharmacy Permit for Med Metrics.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule S, Conference for Complaint #4233.

Due to having a “substantial interest” in the matter, Mr. Kennedy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 20, MedAvail deviation request.

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 M, Resident Pharmacy Permit for CVS/Pharmacy #10007.

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 14, Schedule U, Complaint #4260.

AGENDA ITEM 3 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Ms. Rosas** the minutes of the Regular Meeting held on November 6, 2013 and the Telephonic Meeting held on December 17, 2013 were unanimously approved by the Board Members.

AGENDA ITEM 4– 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. Francis**, the Board unanimously approved the following items listed on the Consent Agenda.

4. (1) Resident Pharmacy Permits – Schedule A

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Banner Family Pharmacy - Thunderbird	555 W. Thunderbird Rd., Glendale, AZ 85306 (O)	Banner Health
Banner Family Pharmacy - Desert	1400 S. Dobson Rd., Mesa, AZ 85202 (O)	Banner Health
Banner Family Pharmacy – Good Samaritan	1111 E. McDowell Rd., Phoenix, AZ 85211 (O)	Banner Health
Banner Family Pharmacy - Estrella	9201 W. Thomas Rd., Phoenix, AZ 85037 (O)	Banner Health
St. Joseph’s Westgate Medical Center	7300 N. 99 th Ave., Glendale, AZ 85305	Dignity Health

(O) = Ownership Change

4. (2) Non-Resident Pharmacy Permits – Schedule B

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
PharmBlue LLC	40 Pennwood Pl. #300, Warrendale, PA 15086	PharmBlue Holdings, LLC
Rx Remedies	Suite Q, 500 Highway 51, Ridgeland, MS 39157	Safemeds Solutions, LLC
BioScrip Infusion Services, Inc	199 Technology Dr. Ste. #140 & #150, Irvine, CA 92618	BioScrip Infusion Services, Inc
BioScrip Infusion Services, Inc	102 The American Road, Morris Plains, NJ 07950	BioScrip Infusion Services, Inc
Synergy Pharmacy Services, Inc.	31201 US Highway 19 N, Suite 2, Palm Harbor, FL 34864	Synergy Pharmacy Services, Inc
Diabetes Total Care	2480 Delta Lane, Elk Grove Village, IL 60007	Total Care Rx, Inc.
Anovorx Group, LLC	1710 N. Shelby Oaks Dr., Memphis, TN 38134	Anovorx Group, LLC
Inverness Apothecary-Trinity LLC	24333 Gordon Terry Parkway, Suite B, Trinity, AL 35673	Inverness Apothecary – Trinity LLC
One Stop Pharmacy Inc	3193 Tech Dr., Suite B, St. Petersburg, FL 33716	One Stop Pharmacy Inc.
Assured Rx	13555 Automobile Blvd, Suite 230, Clearwater, FL 33762	Assured Rx
Transition Pharmacy	4 Neshaminy Interplex Dr., Ste. 111, Trevoise, PA 19053	Transition Pharmacy
Maple Pharmacy	61 Spectrum Blvd., Las Vegas, NV 89101	Maple Pharmacy Inc
Boca Town Pharmacy	7400 N. Federal Hwy., Boca Raton, FL 33487	Rx Advisory and Solutions, Inc.
Rx To You Pharmacy, Inc.	3202 SE Federal Hwy., Stuart, FL. 34997	Rx To You Pharmacy, Inc.
Express Plus Pharmacy, LLC	6692 Stirling Rd., Davie, FL 33024	Express Plus Pharmacy, LLC
Weatherford Compounding Pharmacy	2005 Ft. Worth Highway #100, Weatherford, TX 76086	Joe Landers
Magnolia Specialty Pharmacy, Inc	208 S. 27 th Ave, Ste, #4, Hattiesburg, MS 39401	Magnolia Specialty Pharmacy, Inc
Physician Preferred Medical, LLC	3300 NW 56 th , Suite 101, Oklahoma City, OK 73112	Physician Preferred Medical, LLC
Spence Pharmacy	4821 River Oaks Blvd., Fort Worth, TX 76114	A-1 Drug Mart Inc.
Missoula Pharmacy Inc.	1211 South Reserve St., Suite 102, Missoula, MT 59801	Missoula Pharmacy Inc.
Central Compounding	125 E. Thomas St., Hammond, LA 70401	Central Rexall Drugs, Inc.
Complete Medical Homecare Inc	14309 West 95 th St., Lenexa, KS 66215	Concordia Healthcare USA
Canyon Creek Pharmacy, Inc.	2235 Thousand Oaks Dr., San Antonio, TX 78232	Canyon Creek Pharmacy, Inc.
Cornerstone Compounding Pharmacy	1131 N. Pacific Ave. , Glendale, CA 91202	Cornerstone Compounding Pharmacy, Inc.

4. (3) Non- Resident Wholesaler Permits – Schedule C

NON-RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
The Hibbert Group (Non-Prescription)	19521 E. 32 nd Pkwy., Aurora, CO 80011	The Hibbert Group
Exalenz Bioscience Inc. (Full Service)	101 Hudson St., Suite 2100, Jersey City, NJ 07302	Exalenz Bioscience Inc.
Aqua Pharmaceuticals, LLC (Full Service)	158 W. Gay St., Suite 310, West Chester, PA 19380	Aqua Pharmaceuticals, LLC
National Hospital Specialties (Full Service)	465 Route 17 South, Ramsey, NJ 07446	Technomed, Inc.
IVESCO (Full Service)	124 Country Club Rd., Iowa Falls, IA 50126 (O)	MWI Veterinary Supply Co
MR Unlimited, LLC (Full Service)	1205 S. Austin , Ste. 1, Brenham, TX 77833 (O)	MR Unlimited, LLC
Johnson & Johnson Healthcare Systems, Inc. (Full Service)	700 Orthopaedic Dr., Warsaw, IN 46582	Johnson & Johnson Healthcare Systems, Inc.
Owens & Minor Distribution, Inc (Full Service)	437 Tower Blvd., Carol Stream, IL. 60188	Owens & Minor Distribution, Inc
Grandall Distributing Company Inc. (Non-Prescription)	321 El Bonito Ave., Glendale, CA 91204	Grandall Distributing Company Inc.
Ozburn Hessey-Logistics LLC (OHL) (Non-Prescription)	1100 Whitaker Rd. , Plainfield, IN 46168	Ozburn Hessey Holding Company
McKesson Medical-Surgical Inc. (Full Service)	4027 Martinsburg Pike, Clear Brook, VA 22624	McKesson Medical-Surgical Inc.
Ozburn Hessey-Logistics LLC (OHL) (Non-Prescription)	450 Lillard Dr., Sparks, NV 89434	Ozburn Hessey-Logistics LLC (OHL)
Turning Point Logistics LLC (Full Service)	4816 Hendron Road, Groveport, OH 43125	Turning Point Logistics LLC
Attain Med, Inc. (Full Service)	5852 Glenridge Dr., Atlanta, GA 30358	Attain Med, Inc.
Pharmaceutics (Full Service)	77 Charles St., Needham, MA 02494	G. Medical LLC

(O) = Ownership Change

4. (4) Non-Resident Manufacturer Permits – Schedule D

RESIDENT MANUFACTURER PERMITS

Wholesaler	Location	Owner
Sulzbach Enterprises, Inc.	413 Edgar Ave., Delta, PA 17314	Sulzbach Enterprises, Inc.
Prestige Brands, Inc.	660 White Plains Rd., Suite 205, Tarrytown, NY 10591	Prestige Brands, Inc.
Ortho Organizers, Inc.	1822 Aston Ave., Carlsbad, CA 92008	Henry Schein, Inc.
Guerbet LLC	120 W. 7 th St., One City Centre, Ste. 108, Bloomington, IN 47404	Guerbet LLC

Vidacare Corporation	4350 Lockhill Selma Rd., Suite 150, Shavano Pak, TX 78249	Telefix Incorporated
EPM Packaging Inc.	210 E. 4 th St., Lexington, NE 68850	InstyMeds Corporation

4. (5) – New Pharmacists – Schedule E

The Board approved the 92 New Pharmacist Licenses listed on the attachments.

4. (6)– New Interns – Schedule F

The Board approved the 24 New Intern Licenses listed on the attachments.

4. (7) – New Pharmacy Technicians – Schedule G

The Board approved the 869 New Pharmacy Technicians listed on the attachments.

4. (8) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule H

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

Nvard Agakhanyan	Akame Ajanoah	Shahin Akbari
Jan Alcantara	Christopher Allen	Kristine Ambriz
Kari Ann Amos	Abbas Anderson	Raquel Andrade
Erin Appleget	Juliann Balderston	Jean Barbosa
Rita Burns	Lisa Cahoon	Claudia Cameron
Jasbeth Carlos	Victoria Celaya	Sylvia Chavarria
Mayra Chavira	Tyler Chouteau	Ian Cole
Melissa Coleman	Ruben Contreras	Verna Debedebek
Geovany Diaz Galaviz	Solina Dinh	India El-Hussein
Andrew Fields	Christina Flores	Christine Foster
Cory Fross	Gabriella Gonzales	Shanetta Grant
Mary Guidry	Karen Phillips	Theresa Musa
Philip Hilliker	Gina Howard	Joi-Asia Johnson
Dorian Kahe	Karen Kenney	Jeanette Khoury
Karen Kyle	Melanie Ladek	Joanna Larios
Fessou Lawson-Hellu	Victor Leyva	John-Mark Linnaus
Amanda Lopez	Luis Lopez	Rhonda Maclin
Sasha Maestas	Alejandra Martinez	Benjamin Matthews
Jennifer Mejia	Jocelyn Milan	Artella Mills
Elvira Molina	Maricruz Munoz	Katrell Newton
Emanuel Nicols	Cendee Nielsen	Tipnaree O'Connor
Ashley Oram	Leslie Orozco	Ada Ortega
Thomas Pemberton	Karen Ramirez	Jennifer Richards
Savannah Robinson	Michael Rogers	Diana Roper

4. (8) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule H - Continued

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

Brittney Roundtree	Roberto Salgado	Rondella Shorty
Jerilyn Smith	Linda Spry	Michael Steil
Dean Stopka	Ryan Sugden	Richard Sutton
Regina Tellez	Sonia Tolano	Alexandria Torres
Melissa Vasquez	Shelby Villareal	Sarah Villegas
Samantha Walker	Teniel Walker	Jacqui Webb
Kristen Williams	Wayne Yang	Tara Yousif
Janine Zdanowska		

4. (9) – Approval of Colleges and Schools of Pharmacy – Schedule I

The Board unanimously approved the ACPE accredited programs of Colleges and Schools of Pharmacy.

4. (10) – Approval of Exams for Licensure – Schedule J

The Board unanimously approved the following exams for Licensure:

1. NAPLEX
2. MPJE
3. FPGEEC
4. PTCB

4. (11) – Approval of Designee Duties – Schedule K

The Board unanimously approved the Designee Duties as listed in the Board attachments.

4. (12) – Complaints with No Violations – Schedule L

The Board unanimously agreed to dismiss the following complaint;

1. Complaint #4270

AGENDA ITEM 5 – Resident Pharmacy Permits – Schedule M

1. Havasu Regional Medical Center – Cancer Center

President Van Hassel asked if a representative was present from Havasu Medical Center-Cancer Center to answer questions from Board Members.

No one came forth.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board Members unanimously agreed to table the application until a representative was present to answer questions from Board Members.

2. Ascribe Rx Services of Arizona, LLC

President Van Hassel stated that representatives from Ascribe Rx Services were present to answer questions from Board Members.

Steven Kaufer, Pharmacist in Charge, and Rick Wilson, Manager, were present to answer questions from Board Members. Roger Morris, Legal Counsel, for Ascribe Rx Services of Arizona was also present.

President Van Hassel opened the discussion by asking the applicants why they were appearing in front of the Board.

Mr. Morris stated that the company is applying for a new pharmacy permit and are asking to continue the automation waiver granted to Onsite Rx.

Mr. Morris stated that Onsite Rx has filed for bankruptcy and his client is taking over the current space occupied by Onsite Rx. Mr. Morris noted that this is not a change of ownership.

Mr. Morris stated that Onsite currently has a waiver for the automation used in the nursing homes and they are requesting that the Board approve the same waiver for their company.

Mr. Morris stated that they are requesting the waiver because they are not sure if the new long term regulations are in place at this time.

Mr. Van Hassel asked if Pharmerica is providing any pharmacy services. Mr. Kaufer stated that Pharmerica is providing management services at this time.

Mr. Van Hassel asked if the same machines are still being used in the pharmacy and at the nursing homes.

Mr. Kaufer stated that the same machines would be used at the pharmacy and the nursing homes.

Dr. Foy asked if there would be any layout changes. Mr. Kaufer replied no.

3. GenRx

President Van Hassel stated that a representative from GenRx was present to answer questions from Board Members.

Roger Morris, Legal Counsel for GenRx, was present to answer questions from Board Members. Mr. Morris stated that the owner was unable to attend the meeting.

President Van Hassel opened the discussion by asking Mr. Morris about the business model of the pharmacy.

Mr. Morris stated that the pharmacy would be a small retail pharmacy. They would be filling prescriptions for health and beauty needs. Mr. Morris stated that the majority of the business would be mail order.

Mr. Morris stated that they would not do any sterile compounding.

Mr. Morris stated that there would be a maximum of 4 personnel in the pharmacy.

Mr. Van Hassel asked if the owner is a pharmacist. Mr. Morris stated that the owner is not a pharmacist and they are in the process of hiring a pharmacist in charge.

4. Med Metrics

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

President Van Hassel stated that representatives from Med Metrics were present to answer questions from Board Members.

Taylor Froiland, Owner and Pharmacist in Charge, and Adam McCown, Owner and Pharmacist, were present to answer questions from Board Members.

President Van Hassel asked the applicants to describe their business model. Mr. Froiland stated that they would be providing services to assisted living homes. Mr. Froiland stated that they would be providing medication management for long term care sites.

Mr. Van Hassel asked if this would be a closed door pharmacy. Mr. Froiland stated that the pharmacy would be a closed door pharmacy. Mr. Froiland stated that caregivers could pick up

medications by appointment only. Mr. Froiland stated that they would not be doing any compounding.

Mr. Van Hassel asked the applicants if they are familiar with the long term care regulations. Mr. Froiland stated that he is familiar with the long term care rules. Mr. Froiland indicated that he has worked in the long term care area. Mr. McCown stated that he has done consulting at long term care facilities.

Mr. Van Hassel asked if they would be providing services only to their own patients. Mr. McCown stated that they would only be providing services for their own patients.

5. Topical Solutions Pharmacy

President Van Hassel stated that a representative from Topical Solutions Pharmacy was present to answer questions from Board Members.

Daniel Boles, Pharmacy Owner, was present to answer questions from Board Members.

President Van Hassel asked the representative to describe their business model. Mr. Boles stated that the pharmacy would be making customized transdermal medications and genetic testing.

Mr. Boles stated that Kenton Brown, the Pharmacist in Charge, would be consulting with the patients by Skype or in person.

Mr. Van Hassel asked Mr. Boles about his experience. Mr. Boles stated that he would be starting Pharmacy School at Midwestern in May. Mr. Boles stated that he does have a medical background.

Mr. Van Hassel asked if they would be doing any compounding at this time. Mr. Boles stated that they would not be doing any sterile compounding at this time.

Mr. Van Hassel asked if they were familiar with the good compounding rules. Mr. Boles stated that Mr. Brown is familiar with the rules.

Dr. Musil asked about the layout of the pharmacy. Dr. Musil stated that he had concerns about the open area near the compounding area. Mr. Boles indicated that they could enclose the area. Mr. Boles indicated this was the proposed floor plan for Safety Drug.

Dr. Foy asked where counseling would take place. Mr. Boles indicated that counseling would take place adjacent to the waiting room as you enter the pharmacy.

6. Acacia Apothecary and Wellness

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

President Van Hassel stated that a representative from Acacia Apothecary and Wellness was present to answer questions from Board Members.

Justin Brock, Pharmacist in Charge and Owner, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking Mr. Brock to describe his business model. Mr. Brock stated that the pharmacy would be a compounding pharmacy.

Mr. Van Hassel asked if he would be preparing both sterile and non-sterile medications. Mr. Brock stated at this time he would only be preparing non-sterile products. Mr. Brock stated that if he decides to prepare sterile products at a later date the right side of the floor plan could be adapted to the sterile area by changing the offices to the sterile area.

Mr. Van Hassel asked if the pharmacy is located in a medical complex. Mr. Brock replied yes. Mr. Van Hassel asked if any physicians were owners. Mr. Brock replied no.

7. Palo Verde Behavioral Health Services

President Van Hassel stated that representatives from Palo Verde Behavioral Health Services were present to answer questions from Board Members.

Gilbert Romero, Pharmacist in Charge, and Tom Rourke, UHS of Tucson representative, were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking if this behavioral health hospital was being purchased by another entity. Mr. Romero stated that UHS of Tucson is purchasing the center from Tucson Medical Center (TMC). Mr. Romero stated that the facility had been serviced by TMC. Mr. Romero stated that the new hospital would be licensed under UHS.

Mr. Van Hassel asked if Mr. Romero would be the Pharmacist in Charge at this site. Mr. Rourke stated that Mr. Romero has been the temporary Pharmacist in Charge and they have just hired a new Pharmacist in Charge.

Mr. Rourke stated that it is a 48 bed behavioral health services hospital. Mr. Rourke stated that they are building a pharmacy to meet the hospital regulations.

Mr. Van Hassel asked if they would be doing any sterile compounding. Mr. Rourke replied no.

RESIDENT PHARMACY PERMITS

Dr. Musil and Mr. Kennedy were recused due to a conflict of interest.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to approve the Resident Pharmacy Permits listed below and the deviation request for Ascribe Rx Services of Arizona, LLC. All applications are approved pending final inspection.

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Ascribe Rx Services of Arizona, LLC	21241 N. 23 rd Ave., Suite C-21, Phoenix, AZ 85027	Ascribe Rx Services of Arizona, LLC
GenRx,	8714 E. Vista Bonita Dr., Ste. 101, Scottsdale, AZ 85255	GenRx Corp
Med Metrics	793 N. Alma School Rd., Suite D-1, Chandler, AZ 85224	Taylor Froiland and Adam McCown
Topical Solutions Pharmacy	20612 N. Cave Creek Rd., Suite 150, Phoenix, AZ 85024	Kenton Brown and Donald Boles

Acacia Apothecary and Wellness	1845 W. Orange Grove Rd., Tucson, AZ 85704	AcaciaRx, LLC
Palo Verde Behavioral Health Services	2695 N. Craycroft Rd., Tucson, AZ 85712	UHS of Tucson, LLC

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

On motion by Mr. McAllister and seconded by Dr. Musil, the Board unanimously agreed to approve the Resident Pharmacy Permit listed below pending final inspection.

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
CVS/Pharmacy #10007	6045 N. Scottsdale Rd., Scottsdale, AZ 85250	German Dobson CVS, LLC

AGENDA ITEM 6– Non- Resident Pharmacy Permits – Schedule N

NON-RESIDENT PHARMACY PERMITS

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

On motion by Dr. Foy and seconded by Mr. Kennedy, the Board unanimously agreed to approve the Non- Resident Pharmacy Permits listed.

NON-RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Express Scripts	5151 Blazer Parkway, Suite B, Dublin, OH 43017 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	4865 Dixie Highway, Fairfield, OH 45014 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	4750 E. 450 South, Whitestown, IN 46075 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	8800 Hidden River Parkway, Tampa, FL 33637 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	255 Phillipi Rd., Columbus, OH 43228 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	6225 Annie Oakley Dr., Las Vegas, NV 89120 (O)	Express Scripts Pharmacy, Inc.
Express Scripts	5701 E. Hillsborough Ave., Suite 130C, Tampa, FL 33610 (O)	Express Scripts Pharmacy, Inc.

AGENDA ITEM 7– Resident Wholesaler Permits – Schedule O

President Van Hassel stated that a representative from Urgent Surgery Solutions and The Compounding Center was present to answer questions from Board Members.

Joel Gomez, Owner, was present to answer questions from Board Members. Roger Morris, Legal Counsel, for Mr. Gomez was also present.

President Van Hassel opened the discussion by asking the applicant why he was appearing in front of the Board.

Mr. Morris stated that Mr. Gomez is acquiring ownership of The Compounding Center and Urgent Surgery Solutions. Mr. Morris stated that Mr. Gomez is acquiring both companies and will operate each company separately.

Mr. Van Hassel asked if there are currently two separate owners and if Mr. Gomez planned to combine the businesses.

Mr. Gomez stated that he has no intent to combine the two businesses and plans to maintain the two businesses at the same location.

Mr. Morris stated that in the short term it is not possible to combine the two businesses.

Dr. Musil asked if the two businesses are different. Mr. Gomez stated that they carry the same medications but have different clientele. Mr. Gomez stated that it would be hard to explain the change to his customers and each company has different marketing strategies.

Ms. Locnikar asked if there is a history of granting two permits at one location. Mr. Van Hassel stated that two permits were given because there were two separate owners.

Mr. Van Hassel stated that he has concerns about issuing two wholesale permits to sell the same products at the same location.

Dr. Musil asked if either business has VAWD accreditation. Mr. Gomez stated that neither business has VAWD accreditation. Mr. Gomez stated that due to financial issues he cannot afford to apply for VAWD accreditation at this time.

Mr. Morris noted that under the new federal regulations VAWD accreditation cannot be required.

Dr. Foy asked if the former owners have any stake in the new company. Mr. Gomez stated that he is the only owner. Mr. Gomez stated that Sean Shaffer would help with the marketing and management of the Compounding Center.

Mr. Minkus asked Mr. Gomez why he is not able to merge the two businesses. Mr. Gomez stated that he is afraid that he would lose vendors if he merged the two businesses.

Ms. Locnikar asked how long it would take to combine the two businesses. Mr. Gomez stated that it would take a few years.

Mr. Wand asked Mr. Gomez if any firm has been disciplined by the California Board. Mr. Gomez stated that he is not aware of any disciplinary action.

Mr. Van Hassel asked Mr. Gomez if any action has been taken against the businesses by any state. Mr. Gomez replied no.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to meet in Executive Session to obtain legal advice.

President Van Hassel called the regular meeting back to order.

Mr. Morris addressed the Board. Mr. Morris stated that he spoke with his client and he is willing to accept a stipulation the he combines the two businesses, closes one of the businesses, or moves one of the facilities by October 2015.

On motion by Dr. Musil and seconded by Mr. Francis, the Board unanimously agreed to offer Mr. Gomez a non-disciplinary Consent Agreement that would require him to either combine the two businesses, close one business, or relocate one business.

AGENDA ITEM 8 - Special Requests- Schedule P

#1 Robert Doherty

Robert Doherty, appeared on his own behalf to request that his Consent Agreement be amended to allow him to take the NAPLEX exam instead of the PARE exam.

President Van Hassel opened the discussion by asking Mr. Doherty why he was appearing in front of the Board. Mr. Doherty stated that he is requesting to take the NAPLEX exam instead of the PARE exam. Mr. Doherty stated that he has taken the PARE exam three times and has not passed the exam. Mr. Doherty stated that his scores have improved. Mr. Doherty stated that there is no study material for the exam. Mr. Doherty stated that he has contacted Maria at NABP to see if there was any study material available. Mr. Doherty stated that there are no study materials for the ethical section and there are several questions for which he still does not know the correct answer.

Mr. McAllister stated that the intent of the exam was for re-entry to practice at a higher level. Mr. McAllister stated that the Board does not have enough experience with the exam. Mr. McAllister asked Mr. Wand to contact NABP to obtain a summary of the results of the PARE exam.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to amend Mr. Doherty's Consent Agreement to allow him to the NAPLEX exam. If Mr. Doherty does not pass the exam on his first attempt he would be required to attend a live NAPLEX review course that is approved by the Board staff.

Mr. Lee amended the Consent Agreement and the Board unanimously approved the changes to the Consent Agreement.

AGENDA ITEM 9– License Applications Requiring Board Review – Schedule Q

#1 Paul Eisenhauer

Paul Eisenhauer appeared on his own behalf to request to proceed with reciprocity.

President Van Hassel opened the discussion by asking Mr. Eisenhauer why he was appearing in front of the Board.

Mr. Eisenhauer stated that he would like to reciprocate his pharmacist license to Arizona but he has been disciplined by the Washington Board with subsequent action taken by the Oregon and California Board. Mr. Eisenhauer stated that he was disciplined for the use of Marijuana. Mr. Eisenhauer stated that he reported his use of Marijuana to the Washington Board.

Dr. Foy stated that there appears to be conflicting statements concerning the Marijuana use. Dr. Foy stated that Mr. Eisenhauer told the Board that he reported his use of Marijuana to the Washington Board. Dr. Foy stated that the Washington Board Order stated that Mr. Eisenhauer tested positive on an employee drug test.

Dr. Foy asked Mr. Eisenhauer which statement was correct. Mr. Eisenhauer stated that he reported the use to the Washington Board prior to the employer notifying the Board.

Mr. Van Hassel asked Mr. Eisenhauer if he still used Marijuana. Mr. Eisenhauer stated that he has not used marijuana since that incident.

Mr. Van Hassel asked Mr. Eisenhauer if he plans to work in Arizona. Mr. Eisenhauer stated that he wants to retire and move to Arizona in 2 years.

On motion by Dr. Musil and seconded by Ms. Locnikar, the Board unanimously agreed to approve the request by Mr. Eisenhauer to proceed with reciprocity.

#2 Michael Hua

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

President Van Hassel opened the discussion by asking Mr. Hua why he was appearing in front of the Board.

Mr. Hua stated that he owns a compounding pharmacy in California and would like to reciprocate his pharmacist license to Arizona.

Mr. Van Hassel asked Mr. Hua if he received a Citation from the California Board last year. Mr. Hua stated that he was issued a Citation last year by the California Board and offered to explain each violation.

Mr. Hua stated that the first violation noted was for the labeling of compounded drug products. Mr. Hua stated that he was cited for not labeling unit-dose syringes filled with cream with the name of the drug, concentration or strength, volume or weight, pharmacy reference number or lot number and expiration date. Mr. Hua stated that each syringe contained a batch label with each label being color coded. Mr. Hua stated that the syringe would have the dosage on the syringe but did not have the lot number or expiration date on the syringe. Mr. Hua stated that since the syringes were small they would put the syringes in a bag with the lot number and expiration date on the bag. Mr. Hua stated that he understood the concern since the patient may not keep the bag.

Mr. Hua stated that the second violation was for non-testing of a stock solution. Mr. Hua stated that a stock solution of alprostadil which is a sterile injectable drug product made from a non-sterile ingredient, was not subjected to proper end testing for sterility and acceptable levels of pyrogens. Mr. Hua stated that since this was a stock solution used to make other products the final solution was tested. Mr. Hua stated that if the final solution was found to be contaminated they would then not use the product.

Mr. Hua stated that the final violation was for improper recordkeeping. Mr. Hua stated that the Board stated that the documentation lacked the identity of the technician who compounded the drug product. Mr. Hua stated that the technician listed her initials at the top of the page and

made a check in each box showing that she compounded the product. Mr. Hua stated that the Board stated that the technician needed to enter her initials in each block.

Dr. Musil asked Mr. Hua to prioritize the violations. Mr. Hua stated that he felt the labeling of the syringes would be the most severe. Mr. Hua stated that safety measures were in place but if the patient removed the syringe from the bag then they would not have access to the lot number or expiration date. Mr. Hua stated the next violation would be the testing of the stock solution. Mr. Hua again emphasized that any contamination would have been caught in the final testing of the completed product. Mr. Hua stated that the least severe violation was the clerical error by the technician.

Mr. Wand asked if the inspection was a result of a complaint. Mr. Hua stated that the violations were the result of an inspection. Mr. Hua stated that sterile facilities are inspected twice yearly. Mr. Hua stated that sterile compounding is about 1% of his business. Mr. Hua stated that he has one pharmacist and one technician that are trained to prepare sterile products.

Dr. Foy asked if the citation involved a probationary period. Mr. Hua stated that it was just a citation with a fine.

Mr. Kennedy asked if the pharmacy has been inspected since that time. Mr. Hua stated that they had been inspected. Mr. Hua stated that there was an issue with the sink that was corrected and no violations were issued.

On motion by Mr. McAllister and seconded by Mr. Francis, the Board unanimously agreed to approve the request by Mr. Hua to proceed with reciprocity.

#3 Morgan Diaz

Ms. Diaz withdrew her request to appear.

#4 Annette Palumbo

Annette Palumbo appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Van Hassel opened the discussion by asking Ms. Palumbo why she was appearing in front of the Board.

Ms. Palumbo stated that she held a Pharmacy Technician License and she did not complete her CE so she let her license expire.

Ms. Palumbo stated that she has now applied for a Pharmacy Technician Trainee license. Ms. Palumbo stated that during that time she has become a felon. Ms. Palumbo stated that she is applying for the trainee license because she would like to work in a pharmacy because she has talked to someone who has shown interest in hiring her as a technician. Ms. Palumbo stated that she would like to go to pharmacy school to become a pharmacist.

Mr. Van Hassel asked Ms. Palumbo to address her charges. Ms. Palumbo stated that she got in with the wrong crowd and developed a drug problem. Ms. Palumbo stated that she has a probation officer and is involved in a program through the court. Ms. Palumbo stated that she is

required to go to support meetings and has a sponsor. Ms. Palumbo stated that she is required to be drug tested twice weekly until she completes the program. Ms. Palumbo stated that she goes to court monthly and upon completion of the program her felonies will drop to misdemeanors.

Mr. Van Hassel asked if the Board Staff had contacted PTCB to see if she would be allowed to take the test. Ms. Frush stated that if the Board grants a candidate a license PTCB will usually allow the candidate to test.

Mr. Van Hassel asked about issuing a training license for someone who has already been certified.

Ms. Frush stated that the applicant should ask to have her expired Technician license reinstated. Ms. Frush stated that since her license has been delinquent for 5 years, Ms. Palumbo would need to pay the back fees and penalties, take the PTCB exam, and complete 20 CE units.

Mr. Van Hassel asked Ms. Palumbo when she would complete her drug program. Ms. Palumbo stated that she would complete the program within the next 6 months.

On motion by Dr. Musil and seconded by Mr. Francis, the Board agreed to offer a Consent Agreement to Ms. Palumbo with the following terms:

1. Ms. Palumbo would be issued a Pharmacy Technician Trainee license for the two year period upon signing a 5 year PAPA contract. Ms. Palumbo would be on probation.
2. During the period that Ms. Palumbo has the Pharmacy Technician Trainee License she would be required to bring her Pharmacy Technician License current by paying the back fees and penalty fees, pass the PTCB Exam, and complete 20 hours of CE.
3. Upon completion of the requirements of the Consent Agreement, Ms. Palumbo would need to appear in front of the Board to remove the probation.

A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Francis – aye, Mr. Minkus – aye, Ms. Rosas – aye, Mr. Kennedy – aye, Dr. Foy – aye, Mr. Van Hassel – aye).

#5 Allen Knee

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

Allen Knee, appeared telephonically to request to proceed with reciprocity.

President Van Hassel opened the discussion by asking Mr. Knee why he requested to speak with the Board Members.

Mr. Knee stated that he is requesting to proceed with reciprocity. Mr. Knee stated that he took the Florida five-part exam in 1978 and would like to reciprocate to Arizona and be allowed to take only the MPJE exam.

Mr. Knee stated that in 2008 the Florida Board removed the 12-year cap for transfer of a license in Florida.

Dr. Foy asked Mr. Knee if he had every had any disciplinary action taken against his license. Mr. Knee replied that he received a Letter of Guidance from the Florida Board in 1986.

Mr. McAllister stated that since Florida did away with the 12 year cap and Mr. Knee has practiced since that time he feels that it would only be necessary for him to take the MPJE exam.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to allow Mr. Knee to proceed with reciprocity and only be required to take the MPJE exam.

AGENDA ITEM 10 – Fry’s Pharmacy Deviation Request for Hard Copy Storage

President Van Hassel opened the discussion by stating that representatives from Fry’s Pharmacy were present to answer questions from Board Members concerning their deviation request for hard copy storage of prescriptions.

Stephanie Wernsman and Amber Kayse were present to answer questions from Board Members concerning their deviation request.

Ms. Kayse stated that Fry’s is requesting to file hard copy prescriptions by day instead of numerically. Ms. Kayse stated that they are currently testing the process in their Kentucky stores and will expanding the program to 4 or 5 other states in the future.

Ms. Kayse stated that this is a two part solution. Ms. Kayse stated that state and federal laws do not require the printing of electronic prescriptions. Ms. Kayse stated if the electronic prescriptions are not printed gaps are created in the prescription files when the prescriptions are filed numerically.

Ms. Kayse stated that they are proposing to file the hard copy prescriptions by date. Ms. Kayse stated that this does not apply to Schedule II prescriptions that would be sorted and filed numerically. Ms. Kayse stated that they have an electronic image of every prescription.

Ms. Kayse concluded by stating that they are asking the Board’s permission to file prescriptions by date and not numerically.

Mr. Van Hassel asked Ms. Kayse if they have a back-up of all images. Ms. Kayse stated that the images are available for 3 years at the local site and are available up to 11 years centrally. Ms. Kayse stated that the hard copy prescriptions are stored on site or off site for 11 years.

Dr. Foy asked if they are not filed sequentially how they would be located. Ms. Kayse stated that they would be filed by the date filled and the individual would pull the prescription from the packet for that date. Ms. Kayse stated that the prescription would be filed under the first entry date.

Dr. Foy asked about the time it would take to locate a prescription in that file. Ms. Kayse stated that in their pilot program there was no difference in locating the prescription whether it was filed numerically or by day. Ms. Kayse stated that the average time to find a prescription is roughly 9 seconds.

Mr. Wand asked if the image includes both the front and back of the prescription. Ms. Kayse stated that the image is only the front of the prescription.

Mr. Van Hassel asked if they are filed by date and time. Ms. Kayse stated that they are filed by date. Ms. Kayse stated that they can track the workflow and the associate that entered the prescription. Ms. Kayse stated that they could see what time the prescription was filled.

Dr. Foy stated that he feels that there are risks when the prescriptions are filed sequentially because someone could misread the number and file the prescription incorrectly. Dr. Foy stated that by filing by date the prescription would be readily retrievable.

Mr. Kennedy asked why the Schedule 3,4, and 5 prescriptions would be done on Mondays and Thursdays. Ms. Kayse stated that they found that the date range specified would fill a file of 100 prescriptions. Ms. Kayse stated that there are not enough prescriptions each day at some stores to fill a file.

Dr. Foy stated that he felt that all the prescriptions except the Schedule II prescriptions could be filed in the same packet each day. Ms. Kayse stated that they could file the prescriptions in that manner.

Mr. Wand stated that new rules need to be written to accommodate these types of filing systems.

On motion by Dr. Foy and seconded by Dr. Musil, the Board unanimously agreed to grant the deviation request by Fry's to file the hard copy prescriptions by date as long as the prescriptions are readily retrievable.

AGENDA ITEM 11– Reports

Executive Director

Budget Issues

Mr. Wand reviewed the financial reports with the Board Members for FY14 and FY15. Mr. Wand stated that new microphones have been purchased and will be used at the next meeting.

Personnel

Mr. Wand stated that Mr. Cieslinski has terminated his employment with the Board. Mr. Wand stated that it has been determined that the position could be filled by a non-pharmacist and the position is currently being reclassified by Human Resources. Mr. Wand stated that the position should be posted within the week.

Legislation

Mr. Wand stated that a bill is being sponsored to make changes as a result of the audit. Mr. Wand stated that it would eliminate such sections as the need for tablet codes. Mr. Wand noted that the Naturopathic Board has also requested on the Board's bill to be able to prescribe Hydrocodone if it becomes a CII.

Compounding Task Force

Mr. Wand stated at this time the Compounding Task Force has suspended meeting due to the change in Federal Regulations for compounding facilities.

Deputy Director Report

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

During the months of October, November, and December, the Compliance Staff issued letters for the following violations:

Pharmacy Violations

1. Outdated medications – 1
2. Failure to calibrate scales – 1

Controlled Substance Violations

1. Controlled Substance Overage -10
2. Controlled Substance Shortage - 5
3. Controlled Substance annual inventory not available - 1

Documentation Violations

1. Failure to document temperature and humidity at a wholesale facility – 1
2. Failure to document all counseling information – 1
3. Failure to document all transfer prescription information - 1

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

1. Controlled Substance record keeping

Areas outside the inspection reports that may be of interest:

1. Timely reporting of losses to the Board

PA Report – Schedule R

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-five (45) participants in the PAPA program. Ms. Yates stated that one participant has completed the program and one new participant entered the program. Ms. Yates stated that there is one participant pending upon completion of his inpatient program. Ms. Yates stated at this time there are no concerns.

AGENDA ITEM 12 – Conferences – Schedule S

Conference 1– Complaint #4233

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

The following individuals were present to discuss the complaint:

- Justin Huffer – Pharmacist – Respondent
- Camille Mazon – Pharmacy Technician – Respondent
- Lisa Tomic – Witness – Pharmacy Supervisor for Mr. Huffer
- Hazem Abawi – Witness – Pharmacy Supervisor for Ms. Mazon

Mike Simko –Attorney for Walgreens Co. – Witness
Christine Cassetta – Outside Legal Counsel for Walgreens Co.

President Van Hassel asked Mr. Haiber to give a brief overview of the complaint. Mr. Haiber stated that the complainant presented a prescription for Metolazone and the prescription was incorrectly filled with Methimazole. The pharmacist stated that a prescription for Metolazone 5 mg was incorrectly entered by the technician at the mail order facility for Methimazole. The pharmacist who performed the DUR and the final review failed to detect the data input error. The error was not detected during counseling which was performed by the same pharmacist who conducted the final review. The patient consumed the prescription for approximately one week prior to the discovery of the error.

President Van Hassel asked the respondents to address the complaint. Mr. Huffer stated that on the day of the event he reviewed the prescription DUR. Mr. Huffer stated that the DUR was a drug-drug interaction with Coumadin. Mr. Huffer stated that he placed a hold on the prescription so that counseling would be performed and the pharmacist could talk to the patient about the interaction. Mr. Huffer stated that when there is a drug-drug interaction he now looks at the hard copy script again. Mr. Huffer stated that he is sorry if the error caused any harm to the patient.

Mr. Van Hassel asked Ms. Mazon how she processes a prescription. Ms. Mazon stated that she checks how many prescriptions the patient has and enters the number. Ms. Mazon stated that when she gets to the drug she enters a few characters of the drug name and the strength. Ms. Mazon stated that if she entered more characters and the strength a smaller drug list would have appeared.

Mr. Van Hassel asked Mr. Huffer how he counseled the patient. Mr. Huffer stated that he used open ended questions. Mr. Huffer stated that he reviews the use, the benefits, and the side effects.

Dr. Foy asked how a technician searches for a drug in the system. Mr. Abawi stated that they should enter 5 characters of the name and the strength. Mr. Abawi stated that is their best practice at the mail order.

Mr. Van Hassel asked Ms. Mazon what is the standard number of characters she enters for the name of the drug. Ms. Mazon stated that she usually enters 3 characters of the name and the strength. Ms. Mazon stated that most technicians enter 3 to 5 characters of the name.

Dr. Foy noted that the patient stated that someone was to call him about the mis-fill and no one had contacted him.

Ms. Tomic stated that she spoke to the pharmacist. Ms. Tomic stated at the time she did not think a call was needed because the patient had received the correct medication.

Dr. Foy asked Ms. Tomic about the policy that is in place if a patient receives the wrong medication. Ms. Tomic stated that if an error was made the supervisor should be notified of the error.

Dr. Foy asked if an incident report was available. Mr. Simko stated that incident reports are proprietary and are not shared.

Ms. Cassetta stated that they believe that the patient contacted the call center and then was transferred to the store.

Mr. Simko stated that they believe that the patient called with a question and then the pharmacist discovered the error.

Mr. Simko stated that if it is believed that an error occurred an internal quality assurance review is conducted. Mr. Simko stated that the pharmacist in charge would continue with whatever action needed to be taken and make the supervisor aware of the error.

Mr. McAllister stated that he has concerns because these are two different medications from different drug classes. Mr. McAllister stated that it raises questions about the verification of the prescription and the counseling.

On motion by Mr. McAllister and seconded by Dr. Musil, the Board agreed to issue a non-disciplinary letter requesting that the pharmacist complete 6 hours of CE on error prevention within 90 days of receipt of the letter and the pharmacy technician complete 3 hours of CE on error prevention within 90 days of receipt of the letter. There was on nay vote by Mr. Van Hassel.

AGENDA ITEM 13– Consent Agreements – Schedule T

On motion by Dr. Musil and seconded by Mr. McAllister, 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:

Jacinta Hines - 14-0004-PHR

AGENDA ITEM 14– Complaint Review – Consideration of Complaints on Schedule U

President Van Hassel opened the discussion by stating the Board Members would review all the complaints on schedule U.

Complaint #4245 - Dr. Musil was recused due to a conflict of interest.

Mr. McAllister noted that the technician involved in the incident has not renewed her technician license. Mr. McAllister requested that a note be placed in the technician's file to indicate that she was involved in an error in case she tries to reinstate her technician license.

On motion by Mr. McAllister and seconded by Mr. Francis, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the checking of data entry to ensure the input is correct for a compounded medication.

Complaint #4260 – Dr. Foy was recused due to a conflict of interest.

Mr. Kennedy noted that the technician told the patient the cost and accepted the denial of counseling when the pharmacist should have accepted the denial of counseling.

Mr. McAllister noted that the pharmacy did identify the error within an hour.

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

issue an advisory letter to the pharmacist and technician concerning the checking of the data entry and verification of the prescription to ensure the prescription is for the correct patient.

Complaint #4268

Dr. Foy stated that in this case the patient received Zolpidem 10mg instead of Zolpidem 5mg. Dr. Foy noted that the patient does have some responsibility in this case because the strength is on the label.

Dr. Foy stated that the error was not caught during counseling.

On motion by Mr. Kennedy and seconded by Mr. McAllister, the Board unanimously agreed to issue an advisory letter to the pharmacist and technician concerning the checking of the data entry and verification of the prescription to ensure the prescription is for the correct strength.

Complaint #4269

Mr. Kennedy stated that he is concerned about the level of counseling the patients received. Mr. Kennedy stated that he is concerned if the patient understood that the strength and directions on their prescriptions were changed.

Mr. Kennedy also noted that prescriptions were filled earlier than the date noted on the prescription.

Mr. McAllister stated that he had concerns because there were early fills and large amounts of narcotics were dispensed.

On motion by Mr. McAllister and seconded by Mr. Kennedy, the Board unanimously agreed to request that the pharmacist appear for a conference.

AGENDA ITEM 15– Proposed Rules – Schedule V

President Van Hassel asked Ms. Sutcliffe to address this agenda item.

Ms. Sutcliffe stated that she has pulled sections that are affected by the new federal regulations.

Ms. Sutcliffe stated that the proposed rule changes are a result of the auditor's review. Ms. Sutcliffe stated that several sections would be amended to update the application and documentation requirements for the issuance of a permit, and the time frames for application processes.

Ms. Sutcliffe stated that the proposed rules define durable medical equipment and rules are added to support the statute changes.

Ms. Sutcliffe stated that the proposed rules would allow the Board to require a non-resident inspection.

The Board Members authorized Ms. Sutcliffe to proceed with the rulemaking.

AGENDA ITEM 16– Reconsideration of the Consent Agreement Offered in Case 14-0005-PHR to CBS Chem Ltd.

President Van Hassel asked Mr. Lee to address this agenda item.

Mr. Lee stated that he was contacted by the attorney for CBS Chem Ltd. and he is working with his clients to amend the consent.

Mr. Lee stated that if the consent is signed or amended by CBS Chem the Board would review the consent at the next meeting.

Mr. Lee stated that if no agreement is reached by the end of January he would issue a Notice of Hearing for the next Board meeting.

Agenda Item 17 – Diamondback Drug Follow-Up Inspection

President Van Hassel asked Mr. Haiber and Mr. Waggoner to address this agenda item.

Mr. Haiber stated at the last Board Meeting the Board asked them to do a follow-up inspection. Mr. Haiber stated that there was a possible misbranding or alteration of a drug. Mr. Haiber stated that they observed that one sample was sub-potent but was not contaminated.

Mr. Haiber stated that they have fixed issues found on the first inspection.

Mr. Van Hassel asked if there have been significant improvements. Mr. Waggoner stated that they are making the improvements suggested in the first inspection.

Dr. Musil asked about the Sodium Sulfate. Mr. Waggoner stated that the certificate analysis was for the wrong drug.

On motion by Dr. Musil and seconded by Mr. Francis, the Board unanimously agreed to issue an advisory letter to Diamondback Drug encouraging them to purchase high quality components from reputable places and to validate the chemicals that they purchase.

AGENDA ITEM 18 – Election of Officers for 2014

President Van Hassel opened the discussion by stating that the Board Members would now elect Officers for the next year

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously elected Dr. Foy as President for 2014.

On motion by Mr. Van Hassel and seconded by Mr. Francis, the Board unanimously elected Mr. McAllister as Vice President for 2014.

AGENDA ITEM 23- Verified Pharmacy Program

President Van Hassel asked Mr. Wand to address this agenda item.

Mr. Wand stated that the Board recently held a meeting where NABP gave a brief overview of the Verified Pharmacy Program.

Mr. Wand stated that this would allow the Board to use a third party program for inspections. Mr. Wand stated that he believes this can be accomplished through rule.

Mr. McAllister stated that the Board needs to consider if the Verified Pharmacy Program would accept other inspections done by the Boards.

The Board Members agreed to continue with the rule making process.

AGENDA ITEM 24 – NABP Annual Meeting

President Van Hassel asked Mr. Wand to address this agenda item.

Mr. Wand stated that he needs a motion from Board Members to approve the reimbursement of the registration fees and expenses for Board Members and Board Staff to attend the NABP Annual Meeting to be held in Phoenix this year.

On motion by Mr. Francis and seconded by Dr. Foy, the Board unanimously agreed to reimburse the registration costs and expenses for Board Members and Board Staff to attend the NABP Annual meeting in Phoenix this year.

Mr. Wand stated that the Board also needs to elect a Voting Delegate for the meeting.

On motion by Ms. Rosas and seconded by Mr. Kennedy, the Board unanimously agreed to elect Dr. Foy as the voting delegate.

AGENDA ITEM 25 – Walgreen Co. Clinical Trial Labeling

President Van Hassel opened the discussion by stating that representatives from Walgreens were present to discuss a clinical trial partnership with Novartis.

Al Carter, Director of Professional Affairs and Mike Simko, Legal Counsel for Walgreens, were present to discuss the clinical trial and labeling of the study medications.

Mr. Carter stated the Walgreen Co. is partnering with Novartis to participate in a double blind clinical trial with the drug Foradil. Mr. Carter stated that it is an FDA clinical study. Mr. Carter stated that the study started in 2013 and will continue through 2018.

Mr. Carter stated that the study will compare the use of Foradil in combination with an inhaled corticosteroid versus an inhaled corticosteroid in adolescent and adult patients with persistent asthma.

Mr. Carter stated that there would be 5 sites in Arizona with 40 patients per site. Mr. Carter stated that the sites would all have a health care clinic with the Nurse Practitioner or Physician Assistant being the secondary investigator. Mr. Carter stated that the pharmacy would be providing the study medications to the patients.

Mr. Carter stated that the study drug would be labeled as study drug. Mr. Carter stated that the drugs would be provided to the patient at no charge.

Mr. Carter stated that Novartis came to Walgreens to participate in the study to bring the trial closer to the patient instead of having the patient go to a clinical site.

Mr. Carter stated that if there is an emergency with the patient the patient will have a card with the clinical trial information. Mr. Carter stated that the doctor or the pharmacy can call the number on the card to unblind the trial.

Mr. Carter stated that the pharmacy would provide the drug to the patient and counsel the patient. Mr. Carter stated that if the patient experiences any side effects that patient would consult with the Nurse Practitioner.

Mr. Van Hassel asked is this is an investigation of the drug foradil. Mr. Carter stated that Foradil is being studied in combination with Flovent.

Mr. Simko stated that each medication would be labeled with the term investigational and a code number.

Mr. Carter stated that the Nurse Practitioner starts the recruitment process and would work with Novartis to see if the patient qualifies for the study. Mr. Carter stated that the Nurse Practitioner would generate the prescription once the patient is in the program. Mr. Carter stated that the Nurse Practitioner would now know which medication the patient is receiving. Mr. Carter stated that the patient would be limited to obtaining their medication from that pharmacy.

Mr. Wand asked if the clinics are open 24 hours. Mr. Simko stated not all sites are open 24 hours but the Novartis line is open 24 hours 7 days a week and would have access to the patient's profile.

Mr. Francis asked how the pharmacist would counsel the patient. Mr. Carter stated that the Pharmacist would counsel the patient as if he was receiving the drug. Mr. Carter stated that the pharmacists working in the stores where the trial is taking place would be trained and only trained pharmacists would be allowed to practice in those stores.

Ms. Rosas asked how long the trial would last. Mr. Carter stated that the study would last 26 weeks.

Mr. Carter stated that the primary investigator needs to visit all the sites and that is why there are 5 sites that are fairly close together. Mr. Carter stated that there would always be a clinic at the site where the trials are taking place.

Ms. Locnikar asked who would be able to write the prescriptions. Mr. Carter stated that the Nurse Practitioners at the five locations would be issuing the prescriptions.

AGENDA ITEM 26 – Call to the Public

President Van Hassel 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.

The meeting adjourned at 2:20 P.M.

AGENDA ITEM 1 – Call to Order – January 9, 2014

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

The following Board Members were present: President Tom Van Hassel, Vice President Jim Foy, William Francis, Darren Kennedy, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Nona Rosas. The following staff members were present: Compliance Officers Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, and Dennis Waggoner,

Drug Inspectors Melanie Thayer and Ceasar Ramirez, Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

AGENDA ITEM 5– Resident Pharmacy Permits – Schedule M

1. Havasu Regional Medical Center – Cancer Center

President Van Hassel stated that a representative from Havasu Regional Medical Center – Cancer Center was present telephonically to answer questions from Board Members. Tina Berna, Pharmacist in Charge, was present telephonically to answer questions from Board Members.

Mr. Van Hassel indicated that the application for the pharmacy did not meet the required square footage for a hospital pharmacy.

Mr. Van Hassel asked Ms. Berna to describe the pharmacy and the pharmacy layout. Ms. Berna stated that this is an outpatient clinic that is part of the hospital. Ms. Berna stated that they have 13 chairs for patient infusions and see about 40 patients a day. Ms. Berna stated that they have a clean room and a hood. Ms. Berna stated that the clinic employs one pharmacist and one technician. Ms. Berna stated that the infusions are administered by a nurse.

Mr. Van Hassel asked if the patient receives the medication as a result of a prescription. Ms. Berna stated that the IVs are labeled like medications used in the hospital. Ms. Berna stated that she speaks with the patients and does medication reconciliations. Ms. Berna stated that they do dispense first doses in a properly labeled bottle.

Mr. Van Hassel asked if they dispense only the first dose. Ms. Berna replied yes.

Mr. Van Hassel asked about the square footage of the proposed pharmacy area. Ms. Berna stated that they have only a clean room and ante room.

Mr. Van Hassel asked why they wanted to make this a pharmacy versus a physician office clinic. Ms. Berna stated that the clinic is owned by the hospital but one of the physicians is not affiliated with the office and they would like to dispense medications at a lower cost.

Dr. Foy stated that this is not a hospital as defined by the definition for hospital.

Mr. McAllister asked if this could be run as a satellite pharmacy. Mr. Wand noted that they do not meet the requirements to be a satellite pharmacy.

On motion by Dr. Musil and seconded by Dr. Foy, the Board unanimously agreed to deny the permit application for Havasu Regional Medical Center-Cancer Center because it does not meet the requirements of a hospital pharmacy.

AGENDA ITEM 19 – Hearings/Motions to Deem – Schedule W

#1 Ana Espinoza

President Van Hassel 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 Ana Espinoza, Pharmacy Technician, T006449, Case 14-0002-PHR.

President Van Hassel asked if the licensee (Ana Espinoza) was present. The licensee (Ana Espinoza) was not present.

President Van Hassel asked if the Assistant Attorney General would like to address the Motion To Deem.

Mr. Lee stated that a Consent Agreement was sent to Ms. Espinoza and she did not respond to the Consent Agreement. Mr. Lee stated that he then prepared the Complaint and Notice of Hearing. Ms. Espinoza did not respond to the Complaint. Mr. Lee stated that he then prepared the Motion to Vacate the Hearing and the Motion to Deem Allegations in Complaint Admitted. Mr. Lee stated that he was contacted by Ms. Espinoza on January 3, 2014. Mr. Lee stated that Ms. Espinoza stated that she did not feel comfortable appearing. Mr. Lee stated that he told Ms. Espinoza that the Board could take action in her absence. Mr. Lee told Ms. Espinoza that the Board could take her license away. Mr. Lee stated that Ms. Espinoza stated that she would accept the Board’s decision. Mr. Lee stated that the state would like the Board to grant the State’s motion to Deem Allegations Admitted.

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

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

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

On motion by Dr. Foy 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. . (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Francis - aye Mr. Minkus – aye, Ms. Rosas- aye, Dr. Foy – aye, Mr. Kennedy – aye, and Mr. Van Hassel – aye).

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

Mr. Lee stated that due to the serious nature of the theft of over 34,000 tablets of medication over seven years the State is recommending the Board revoke Ms. Espinoza's Pharmacy Technician license.

On motion by Ms. Rosas and seconded by Dr. Foy, the Board unanimously agreed to revoke the Pharmacy Technician license T006449 issued to Ana Espinoza. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Dr. Musil – aye, Mr. Francis - aye Mr. Minkus – aye, Ms. Rosas- aye, Dr. Foy – aye, Mr. Kennedy – aye, and Mr. Van Hassel – aye).

AGENDA ITEM 20 – MedAvail Deviation Request to deploy an Automated Dispensing machine in a site that is not licensed as a pharmacy and to place prescriptions in the machine that require counseling

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

President Van Hassel stated that individuals from MedAvail were present to address their deviation requests and answer questions from Board Members.

The following individuals were present:

1. Mark Zilner – COO – Diamond Pharmacy
2. Ed Rickert – Legal Counsel for MedAvail – Krieg Duvault LLP
3. Loreto Grimaldi – COO – MedAvail
4. Sunny Lalli – Pharmacist – Regulatory Affairs – MedAvail
5. Bob Dufour – Consultant for MedAvail
6. Ed Kilroy – CEO of Medavail

President Van Hassel opened the discussion by asking the representatives to describe their deviation requests.

Mr. Rickert opened the discussion by stating that they are asking for two deviations on behalf of Diamond Pharmacy and MedAvail Technologies Inc. and Family Dollar Stores. Mr. Rickert stated that the rules currently allow a pharmacy to operate an automated storage and distribution system to dispense prescriptions that do not require oral consultation provided the system meets certain requirements, including the requirement that the system be located in the wall of, or within 20 feet, of a properly licensed pharmacy. Mr. Rickert stated that the petitioner would like to dispense first fills and the patient would be counseled by the pharmacist. The pharmacist would be a pharmacist working for Diamond Pharmacy and the patient would be counseled by a 2-way audio-video connection. Mr. Rickert stated that the petitioner would like to place the MedCenter in a Family Dollar retail location that is not presently licensed as a pharmacy.

Mr. Rickert stated that they chose Arizona because the Arizona Board has the authority to approve deviations based on experimental and technological advancements.

Mr. Rickert stated that they chose Family Dollar stores because they wanted to deploy the machine in a retail setting that does not offer pharmacy services. Mr. Rickert stated that the deployment would provide an opportunity to offer patients in lower economic strata access to prescription services where they usually shop.

Mr. Zilner stated that Diamond Pharmacy is requesting approval for a single MedCenter pilot to be deployed in a Family Dollar location. Mr. Zilner stated that the MedCenter will be operated

by Diamond Pharmacy in Pennsylvania. Mr. Zilner stated that Diamond Pharmacy will control the system, interpret the prescriptions, do data entry, review the DURs, and approve medications that are dispensed. Mr. Zilner stated that unit of use medication will be sourced by Diamond Pharmacy. Mr. Zilner stated that both the pharmacy and repackaging facilities are licensed in Arizona.

Mr. Zilner stated that the medications would be sent to a local pharmacy partner which would store the medications and stock them in the MedCenter on behalf of Diamond Pharmacy. A technician at the local pharmacy would stock the machine and return the prescription documents and discarded medications to Diamond Pharmacy. The inspections of the MedCenter would be performed by a pharmacist employed by Diamond Pharmacy or under contract with the pharmacy.

Mr. Zilner stated that a local pharmacy partner has not been finalized and request that the pilot approval be contingent on approval of the local pharmacy partner by the Executive Director.

Mr. Lalli again reviewed the use of the machine by the patient and the security of the machine.

Mr. Grimaldi stated that he believes that the local pharmacy would work with Diamond Pharmacy to provide services to the customer that is underserved. Mr. Grimaldi stated that he believes that the customer would be satisfied.

President Van Hassel opened the discussion for questions from Board Members.

Mr. Francis asked how they would service patients that are on AHCCCS. Mr. Francis noted that AHCCS has a strict formulary and payments on based on what the insurer will pay.

Mr. Rickert stated that when the patient presents their benefit card that pharmacist would enroll them into the system.

Mr. Francis asked what would happen if the medication is not available in the machine. Mr. Zilner stated that the pharmacist could phone the prescription to the local pharmacy and the medication could be stocked in the machine for the next time the patient would need the medication. Mr. Francis stated that he does not see how this benefits the patient because they would now be required to go to a second pharmacy to receive their prescription.

Mr. Francis stated that he has concerns that the pharmacist does not have access to the patient's profile. Mr. Dufour stated that the system is an extension of the Diamond pharmacy system.

Ms. Locnikar asked if the pharmacists approving the prescriptions are familiar with Arizona law. Mr. Zilner stated that there are Arizona licensed pharmacists on staff.

Mr. Francis stated that he still has concerns about the profile being viewed of only one pharmacy. Mr. Rickert stated that it is no different than if the patient went to a new independent pharmacy.

Mr. Kilroy stated that all boxes are connected to service the patient.

Mr. Van Hassel asked about the size of Diamond Pharmacy's business. Mr. Zilner stated that they employ 60 pharmacists and dispense about 8 million prescriptions a year.

Mr. Van Hassel asked if there is a pharmacist dedicated to each machine. Mr. Zilner stated that there is an Arizona licensed pharmacist that works in that division.

Mr. Van Hassel asked if the pharmacist has other duties to perform when there is not a patient at the machine. Mr. Zilner stated that the pharmacist would stop what he is doing and fill the customer's prescription.

Mr. Van Hassel asked about the security of the machine when an employee quits. Mr. Lalli stated that the security is handled centrally and can be changed centrally.

Ms. Rosas asked how the machine is checked for outdates. Mr. Lalli stated that the expiration dates are managed centrally and the pharmacist checks the expiration date when looking at the picture of the medication. Mr. Lalli stated that the products are barcoded.

Ms. Rosas asked where the drugs come from to fill the machine. Mr. Zilner stated that Diamond Drug sends the product to their partner in Arizona.

Ms. Rosas asked how the drugs get from the local pharmacy to the Family Dollar store. Mr. Zilner stated that a technician from the local store would take the medications to the store and fill the machine.

Ms. Rosas asked who employs the technician. Mr. Zilner stated that the technician would be employed by the local pharmacy.

Ms. Rosas asked how they guarantee the security of the patient using the machine and the security of the technician filling the machine. Mr. Lalli stated that the machine is equipped with security cameras.

Ms. Rosas asked who the patient contacts after hours. Mr. Zilner stated that they have pharmacists available to answer questions.

Ms. Rosas asked why they picked the location that they did because it is located close to the hospital where patients can get prescriptions filled. Mr. Rickert stated that the store is scheduled to be renovated and the machine can be located at the front of the store.

Ms. Rosas asked if any of the pharmacists speak Spanish to serve this population. Mr. Grimaldi stated that they would be able to counsel the patient.

Dr. Foy asked if Diamond has asked the Pennsylvania Board to install the machine in a Pennsylvania Family Dollar Store. Mr. Zilner replied that the Pennsylvania Board would not have the authority to approve the deviations.

Dr. Foy asked how many drugs could be placed in the machine. Mr. Lalli stated that it would be up to the pharmacy. Dr. Foy stated that there must be a limited number of drugs that could be stocked. Mr. Lalli stated the machine could hold a mix of 600 to 700 drugs.

Dr. Foy asked if any controlled substances would be stocked in the machine. Mr. Lalli replied no.

Dr. Foy stated that he does not see how this improves health care if you have to send a patient to another pharmacy to obtain a prescription that has to be reconstituted or is a controlled substance.

Dr. Foy stated that the premise to ask for a deviation to service an underserved area does not meet the criteria for a deviation.

Mr. Rickert stated that it improves health care due to the convenience of being able to fill the prescription where they shop. Mr. Rickert stated that the patients often depend on public transportation.

Dr. Foy stated that he has concerns that they cannot fill pediatric prescriptions that would require reconstitution. Mr. Rickert stated that the machine is not the solution for 100% of the patients.

Mr. Kilroy stated that the prescriptions could be filled by Diamond Pharmacy through their mail order services or at the local pharmacy.

Dr. Musil stated that looking at the statistics he does not see any difference in the statistics for a patient shopping at Wal-Mart.

Mr. Kilroy stated that there is nothing special about Family Dollar. Mr. Kilroy stated that the important factor is that the patient has access to a pharmacist.

Dr. Musil asked Mr. Zilner to define MTM programs. Mr. Zilner indicated that it would include DUR checks, too soon, allergies, patient information, and any other clinical information. Mr. Zilner indicated that one of their best clinical pharmacists would be working with the Arizona patients

Mr. Lalli stated that they are able to educate the patient by having the opportunity to deliver the information to the patient.

Mr. Zilner stated that Diamond has a monthly clinical meeting and has access to information via electronic medical records.

Dr. Musil stated that the MTM program would include the adherence by the patient to taking their medication and the persistence of the pharmacy to help the patient stay on their medication.

Dr. Musil stated that the system is not designed to encourage the patient to stay on the medication.

Mr. McAllister stated that having the pharmacist involved in the process is a technology step upward.

Mr. McAllister stated that he is not interested in a pilot program for a non-resident pharmacy. Mr. McAllister stated that putting the machine in the middle of the city where there are plenty of pharmacies does not increase access.

Mr. McAllister stated that if a local pharmacy requested a pilot program for a remote area in Arizona he would be apt to consider the deviation request.

Mr. Van Hassel stated that he has no issues with the technology. Mr. Van Hassel stated that he feels a pilot is not needed for the technology but he is not comfortable with the business model.

Dr. Foy stated that the plan presented today does not warrant deviation approval.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously agreed to deny the deviation requests by MedAvail Technologies Inc., Diamond Pharmacy, and Family Dollar.

AGENDA ITEM 21 – Board Staff Request to change R4-23-408 (H) (1) (d)

President Van Hassel stated that the Board Staff has requested Board approval to change R4-23-408 (H) (1) (d) that requires pharmacies to keep copies of imaged prescriptions for 30 days.

Mr. Huhn, Regional Compliance Officer for Omnicare, provided numbers to the Board indicating the costs to print the prescriptions which could then be destroyed in 30 days.

Mr. McAllister stated that with new technology he would approve the request to change the rule.

On motion by Mr. McAllister and seconded by Mr. Francis, the Board unanimously agreed to approve the request to change R4-23-408(H) (1) (d) to eliminate the need to keep the prescriptions for 30 days for non- controlled prescriptions.

AGENDA ITEM 22 – Affiliated Monitors, Inc.

President Van Hassel stated that a representative from Affiliated Monitors, Inc. was present to give a brief presentation concerning the services that Affiliated Monitors, Inc. offers.

Vince Di Cianni, an Attorney for Affiliated Monitors, Inc. indicated that their company works with health care boards to provide remedial help to their licensees.

Mr. Di Cianni stated that they are an independent monitoring company. Mr. Di Cianni stated that if the Board feels a pharmacy deserves a chance to improve then his company could work with the pharmacy to improve their practices.

Mr. Di Cianni stated that they use local practitioners as monitors. If the monitor sees anything that is inappropriate then they would make recommendations for improvement.

Mr. Di Cianni stated that the monitored individual pays the fee to be monitored. Mr. Di Cianni stated that the monitoring usually occurs over a 2 to 3 year period depending on the Board order.

Mr. Wand asked if they could help an individual that could not pass the exam. Mr. Di Cianni stated that they could do a competency assessment to see how the individual practices.

AGENDA ITEM 26 – Call to the Public

President Van Hassel 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

1. PARE exam

AGENDA ITEM 28 – Adjournment

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