

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MARCH 12 & 13, 2003
BOARD OF PHARMACY OFFICE GLENDALE, ARIZONA**

The following Board Members were present:

President Paul Draugalis, Vice President Dennis McAllister, Linda K. McCoy, Gerald Ritt, Bill Jones, Gene Drake and Daniel Ketcherside.

Also present were: compliance officers Cheryl Frush, Mitzi Wilson, Dean Wright, Ed Hunter and Larry Dick; Deputy Director Hal Wand, Executive Director L.A. Lloyd and Assistant Attorney General Blair Driggs.

President Draugalis called the meeting to order at 9:00 a.m. and asked Hal Wand to explain the process of obtaining continuing pharmacy law education credit for attending. President Draugalis welcomed the audience and complimented staff on the remodeled meeting facility.

AGENDA ITEM I - APPROVAL OF MINUTES

On motion by Mr. McAllister and Ms. McCoy the minutes of the January 15 & 16, 2003 Regular Meeting and the Executive Session of the same date were unanimously approved as submitted.

AGENDA ITEM II-PERMITS & LICENSES

PHARMACY PERMITS:

Deputy Director Hal Wand reported that all pharmacy permit applications (resident and non-resident) were in order and all fees have been received, Mr. Wand suggested that representatives of several of the pharmacy applications were present and available to answer questions. Following discussions, which generally were brief, the following permits were unanimously approved on motions as detailed below.

On motion by Mr. McAllister and Mr. Ketcherside, the following pharmacy permit applications were unanimously approved pending final inspection (resident facilities only):

RESIDENT

- CVS Pharmacy #4795
6015 E Brown Rd., Mesa, AZ 85201
Brown Recker CVS, LLC
- Eckerd Drugs #5319
1424 W. Baseline Road, Tempe, AZ 85281
Eckerd Corporation
- Eckerd Drugs #5320
4726 E. Shea Blvd., Phoenix, AZ 85028
Eckerd Corporation
- Eckerd Drugs #5327
4657 E. Chandler Blvd., Phoenix, AZ 85040
Eckerd Corporation
- Eckerd Drugs #5333
9093 W Union Hills Dr., Peoria, AZ 85382
Eckerd Corporation
- Eckerd Drugs #5335
1686 E. Florence Blvd., Casa Grande, AZ 85222
Eckerd Corporation
- Frys Food & Drug #111
11274 S. Fortuna Rd., Yuma, AZ 85367
Smiths Food & Drug Centers, Inc.
- Greenbaum Specialty Hospital
3535 N. Scottsdale Rd., Scottsdale, AZ 85251
Scottsdale Healthcare
- The Compounding Center
4045 E Bell Rd., #163, Phoenix, AZ 85032
The Compounding Center Inc (O)
- Wal-Mart # 10-5031
8280 N. Cortaro Rd., Marana, AZ 85653

Wal-Mart Stores Inc.

- Walgreens Drug #6933
16749 Shea Blvd., Fountain Hills, AZ 85268
Walgreen Arizona Drug Co.
- Walgreens Drug #7110
6640W. Happy Valley Rd., Glendale, AZ 85310
Walgreen Arizona Drug Co.

(O) = Ownership Change

NON-RESIDENT

- AD Rx Pharmacy
6240 Wilshire Blvd., Los Angeles, CA 90048
Modern Health Care Inc
- AdvancePCS SpecialtyRX, LLC
909 E. Collins Blvd., Suite 103, Richardson, TX 75081
AdvancePCS SpecialtyRX, LLC
- Apex Therapeutic Care, Inc.
31332 Via Colina, Suite 107., Westlake Village, CA 91362
Apex Therapeutic Care, Inc.
- HCI Specialty Pharmacy
8320 NW 30th Terrace, Miami, FL 33122
HCI Specialty Pharmacy LLC
- Health Plan Pharmacy Services
5535 Memorial Hwy., Tampa, FL 33634
Tampa Bay Prof. Phcy., Inc
- Innovative Remedies
3750 NW 114th Ave., #1, Miami, FL 33178
Horacio Peiro & Frank Ortega
- Key Pharmacy
23422 Pacific Highway South, Kent, WA 98032
Puget Sound Drug Corp
- New England Compounding Ctr
697 Waverly St., Framingham, MA 01702
New England Pharmacy Inc
- Option Care
1308 Fourth Ave., Huntington. WV 25701
Pharmacy Associates
- SigmaRx
4343 WRoyal Lane, Ste 118., Irving, TX 75063
SigmaRx L.P.
- SmartPak Equine, LLC
300 Oak St., Unit 890, Pembroke, MA 02359
SmartPak Equine LLC
- Wal-Mart Pharmacy #10-5315
250 Technology Pk, Ste 124A., Lake Mary, FL 32746
Wal-Mart Stores East, LP
- Wichita Falls LTC Pharmacy
2731 Southwest Pkwy #12, Wichita Falls, TX 763080
LBB Enterprises, Inc.

WHOLESALE DRUG PERMITS:

Following a brief discussion with staff on the details of the Compounding Center Inc. application relevant to previous issues with the owner and upon satisfactory response from staff, on motion by Mr. Ketcherside and Ms. McCoy, the Board voted unanimously to approve the application of The Compounding Center, Inc. pending final inspection by compliance staff.

Wholesaler - Full Service

- The Compounding Center
4045 E. Bell Road, Ste 163, Phoenix, AZ 85032
The Compounding Center Inc. **(O)**

(O) = Ownership Change

PHARMACIST & INTERN LICENSES

With the assurance of the staff and following their review of the applications for licensure as either a pharmacist or a pharmacy/graduate intern; and on motion by Mr. Jones and Ms. McCoy, the Board unanimously approve the following applicants:

See Attachments A and B.

AGENDA ITEM III - SPECIAL REQUESTS

The following individuals appearing on the "Special Request" agenda had advised the staff that they would not appear at this meeting: : #2 Gary Rothschild

- #1 Anibal Rolon appeared with Waigreen District Manager, Dann Gettings as a follow-up from an appearance at the January meeting when the Board decided not to act on Mr. Rolons request due to what appeared to be conflicting information. At this meeting Mr. Rolons request and the accompanying facts were presented much more understandably. Following Mr. Rolons presentation and a number of questions from Board Members. ...on motion by Mr. Ritt and Mr. Drake, the Board unanimously agreed to approve Mr. Rolon to pursue licensure by reciprocity of his New York license.
- #2 Gary Rothschild did not appear.
- #3 Jennifer C. No appeared representing herself to request Board permission to sit for the Pharmacy Law License Examination for a fourth attempt. Various Board Members directed questions to Ms. No relevant to her education, her examination preparation and her previous pharmacy experience. Following the discussion and on motion by Mr. McAllister and Mr. Drake, the board voted unanimously to allow Ms. No, one additional attempt to pass the law exam and because of her absence form the practice of pharmacy for two and a half years, Ms. No is also required to obtain a Graduate Pharmacy Intern License and complete 400 hours of intern experience prior to becoming licensed.
- #4 John S. Bacovcin appeared with PAPA Program Administrator, Lisa Yates requesting termination of the suspension of his pharmacist license and in lieu thereof that his license be placed on probation. Ms. Yates recapped Johns participation and progress in the PAPA program and invited questions from the Board. Mr. Bacovcin was asked if he had completed his community service requirement...he said he had not, but was planning on volunteering to teach English as a Second Language in a community outreach program. On conclusion of the discussion, and on motion by Mr. Jones and Mr. Ritt, the Board voted unanimously to terminate the Board Ordered suspension and in lieu thereof, initiate license probation for the duration of the Consent Agreement timeframe.
- #5 Greg Cluff appeared with PAPA Program Administrator, Lisa Yates requesting the Board to terminate the probation conditions on his pharmacist license as he has successfully completed stipulations of his Consent Agreement including the required five year PAPA program participation. President Draugalis invited Mr. C luff to elaborate on the benefits of the PAPA program. In reply Mr. Cluff stated that PAPA provided the mechanism for him to achieve recovery and to save his life and his family relationships. Ms. Yates commented that Mr. Cluff has been an asset to the program and a willing participant in introducing PAPA to others. Board Members wished Greg and his family well and on motion by Mr. Jones and Mr. Ketcherside the Board unanimously agreed to terminate the probation on Greg Cluffs license.
- #6 Rosa L. Garcia appeared on her own behalf to request permission to sit for the Pharmacy Law Licensing Examination for the fourth time. Board Member Dennis McAllister did not participate in this decision. President Draugalis asked Ms. Garcia to describe for the Board what she has done to prepare for an additional opportunity to pass the exam. Ms. Garcia indicated that she had increased her home study efforts and has attend several live continuing education sessions addressing pharmacy law. Ms. Garcia indicated she was more confident in her knowledge at this point. On motion by Mr. Jones and Mr. Ketcherside the Board voted unanimously to allow Ms. Garcia one additional sitting for the pharmacy law exam.
- #7 Walgreens Healthcare Plus; represented by Attorney Jill Drell, and pharmacists Steve Vickhammer and Rich Wendling were present to provide a

progress report to the Board relevant to the Board approved waiver for 'remote (not on site) on-line verification of prescriptions being dispensed from their mail-service pharmacy. Compliance Officer Sheryl Frush was present to comment on her observations related to this pilot program. Both parties provided in-depth descriptions of various aspects of the pilot and responded to questions from the Board. In conclusion, President Draugalis commended Walgreens and Ms. Frush for their thorough and concise comments.

- #8 Caremark Inc., represented by Hammad Shah and Dennis Waggoner appeared requesting Board of Pharmacy permission to not require verification by a pharmacist at the time the prescription completes its course of multiple reviews and product bar-code verification. Studies conclude that 99.9% of dispensed prescriptions contain the correct product as documented by bar-code readers and recorded data. Requiring an additional visual pharmacist verification is redundant and counter-productive. Compliance Officer Dean Wright reported the findings of his visit to the site and confirmed the accuracy of the process described by Caremark. Board Members and staff directed questions to Mr. Waggoner, among the questions was why should the rule be waived in this facility and required in a community pharmacy. The conclusion was that similar technology is not normally in place in community pharmacies. There being no further discussion and on motion by Mr. McAllister and Ms. McCoy the Board voted unanimously to waive the requirement for a pharmacist in this facility to personally initial the label of filled prescriptions prior to the order being sent to the patient, based on technology and pilot study data.
- #9 F.N.E.Oyegun, appeared on her own behalf seeking Board permission to complete all of the required 1500 hours of experiential pharmacy education requisite to pharmacist licensure in Arizona at a United States (U. S.) Indian Health Service facility located at Fort Defiance, Arizona. Ms. Oyegun presented a detailed history of her education and pharmacy practice outside of the U.S. and that her motivation for locating in the U.S. is that her daughter is enrolled in college in this country. Following a extensive exchange of questions and answers and on motion by Mr. McAllister and Mr. Drake, the Board voted unanimously to accept 1100 hours of experiential pharmacy education from Ft. Defiance but to require 400 hours of internship training in a pharmacy having a permit from the Arizona Board of Pharmacy in order to become familiar with state pharmacy laws and rules.

President Draugalis declared a 15 minute recess and reconvened the meeting at 10:35 a.m.

AGENDA ITEM VI - REPORTS

Executive Director's Report

Executive Director Lloyd distributed copies of the unaudited financial report as of 2/28/03. Mr. Lloyd commented that there were no surprises and that the Board would easily end the fiscal year in sound financial status. Mr. Lloyd provided comments on items in his written report, including possible statute changes, special projects, staffing and designation of a delegate and an alternate delegate to the annual meeting of the National Association of Boards of Pharmacy. Board Members designated Mr. Draugalis as the Delegate and Mr. Lloyd as the Alternate Delegate to the 2003 NABP meeting being held in Philadelphia, PA. On motion by Mr. McAllister and Mr. Ritt the Board voted unanimously to fund the expenses of two representatives to the NABP meeting. Mr. Lloyd called the Boards attention to the appointment of the final member of the Collaborative Practice Advisory Committee and asked for the Boards ratification of this appointment.

Deputy Directors Report

Deputy Director Hal Wand called the Boards attention to the Compliance Officer Activity Report. Mr. Wand detailed compliance activities in several areas and indicated that the addition of pharmacist Larry Dick to the compliance staff will compliment the staff by providing an extensive experience in both hospital and home I.V. pharmacy practice settings. Mr. Wand addressed the issue of store-front operations in Arizona soliciting prescription business from Arizona residents that allegedly will be filled out of the country at dramatically lower prices than in U.S. pharmacies. Mr. Wand described a typical Arizona store-front operation and some of the federal laws and regulations that are violated in these schemes when U.S. manufactured drugs are re-imported into the U.S. or other unapproved prescription drugs are mailed into the U.S. Mr. Wand indicated that the Board staff has directed letters to individuals advising them of potential violations and that we have also directed a letter to Attorney General Goddard requesting assistance in this matter.

Arizona Pharmacy Association

Kathy Boyle, Executive Director of the APA provided an endorsement for the nomination of Dr. Burdick as a member of the Collaborative Practice Advisory Committee. Ms. Boyle also elaborated on the status of a number of pharmacy related 'bills that are winding the way through the legislature and in conclusion she reminded all present of the APA/AzSHP joint meeting in Tucson June 19-22, 2003 and the outstanding continuing education program offerings that will be available.

AGENDA ITEM V - REPORT OF THE 'COMPOUNDING TASK FORCE

The Compounding Rules task force met February 14, 2003 to discuss the current compounding rules and determine if revisions were needed to keep the rules contemporary and effective. Members and staff included: Chairman - Gerald Ritt, Evelyn Timmons, John Musil, Richard Gaffm, Bill Jones, Hal Wand, Cheryl Frush, Larry Dick and L.A. Lloyd. Pursuant to an in-depth review of existing rules, the following suggestions were submitted for the Board's consideration:

- Deleting the term "drug" and replacing it with "pharmaceutical" (medicinal drug)
- Adding to the invoice and product labeling when the product is not labeled for specific patient use and is sold to a practitioner for administration.
- Requiring the pharmacists handwritten signature or initials on in-process compounding records.
- Inserting the term "if applicable" at various places of existing rules relating to policies/procedures manuals
- Requiring pharmacies to provide a list of active ingredients to patients receiving a compounded prescription

It was agreed that Compliance Officer/Rules Writer Dean Wright would draft rule changes incorporating these suggested changes and additions and bring the proposal to a future Board Meeting for discussion.

At 11:40 a.m. on motion by Mr. McAllister and Mr. Drake the Board voted unanimously to recess the open session and reconvene in Executive Session with Assistant Attorney General Blair Driggs to obtain legal advice.

President Draugalis advised the audience that the Board would reconvene in open session at 1:55 p.m.

AGENDA ITEM VI - REPORT OF THE PRACTICE OF PHARMACY TASK FORCE

Vice-President Dennis McAllister, Chairman of the Practice of Pharmacy Task Force, introduced the members of the task force: Kent Taylor, Dan Ketcherside, Greg Morrill, John Murphy, Kent Taylor, Kathy Boyle and Dean Wright. Mr. McAllister provided an overview of the meeting and both thanked the participants as well as praised them for their productivity. The committee discussed the current definition of the practice of pharmacy and its application to the Board of Pharmacy's routine responsibility to determine the need, or lack thereof, for certain pharmacist applicants to obtain additional practice experience prerequisite to licensure. The task force proposes a three level categorization of functions relating to provision of pharmaceutical care in the discharge of various job related duties. Two of the three categories are felt to require pharmacist licensure pursuant to the provision of patient care and service, the third category such as pharmacy college instructors or program administrators not impacting patient care would not require licensure. The committee agreed that their proposed findings should be published and circulated to stakeholders in Arizona for review and comment prior to making major changes to rules, policy or statutes.

Comments from members of the audience were heard; President Draugalis thanked the task force and the audience for their comments and indicated that the issue requires thorough discussion, and that input from interested parties prior to a final decision by the Board, is solicited.

AGENDA ITEM VII - PROPOSED RULES and FIVE YEAR RULES REVIEW

President Draugalis invited Compliance/Rule Writer, Dean Wright to address Administrative Rule issues. Mr. Wright called the Board's attention to the enclosures in the meeting material and focused first on the proposed rules addressing Pharmacy Interns, Pharmacy Computer and Community Pharmacy area (space) rules. Mr. Wright indicated that this is the initial presentation of these possible rule revisions, he invited Board Members and the public to comment prior to the April meeting. Next Mr. Wright reviewed the 5 year Rules Review progress and again encouraged Board Members to submit their comments/suggestions to him post-haste. There being no further rule making business, President Draugalis thanked Mr. Wright for his report.

AGENDA ITEM VIII - CONSUMER COMPLAINT REVIEW COMMITTEE RECOMMENDATIONS

The Consumer Compliant Review Committee met prior to the Board Meeting and reviewed 11 consumer complaints in preparation to make recommendations to the Board for final resolution. Members Drake and McCoy served as the reviewing committee. Ms. McCoy provided a summary of the complaint and the committee's recommendations. Comment and inquiry from Board Members was encouraged. Following discussion and response to questions from Board Members, each complaint was presented for consideration and resolution; the following summary represents the final decision of the board which was memorialized on motion by Mr. Ketcherside and Mr. Ritt, the Board agreed unanimously to a correction in complaint# 2628 and to adopt the correction plus the other ten complaints as presented.

- Complaint # 2617 Appear before the Board + CE Modules

- Complaint # 2618 Letter of Warning + C.E. Modules
- Complaint # 2619 No Further Action, letter to Pharmacist complementing on calling the prescriber
- Complaint # 2620 No further action, Letter to Pharmacist complimenting the action
- Complaint # 2622 Letter of Warning
- Complaint # 2623 Letter of Warning to Pharmacist as to where notes are documented, letter to corporate office to consider a policy change
- Complaint # 2624 Conference with: Pharmacist, Manager, and technician
- Complaint # 2625 No further action
- Complaint # 2627 Letter to BOMEX & prescribing medical doctor outlining Pharmacist responsibilities concerning dosage and a letter complimenting the Pharmacist
- Complaint # 2628 Appear before the Board and send letter to Nurse Practitioner
- Complaint # 2631 Letter of warning to pharmacist and a letter to complainant

AGENDA ITEM VIII - ARIZONA PHARMACY ASSOCIATION REPORT

Arizona Pharmacy Association (APA) Executive Director Kathy Boyle presented information, comment and/or APA position statements on the following topics: Board of Pharmacy-Technician- Proposed Scope of Practice activity; scope of practice activities by other health regulatory boards, Sunset Review Audits of other health regulatory agencies, APA efforts to receive authorization for pharmacists to administer immunizations and a status report on the prescribing activities of the Board of Naturopathic Physicians. Ms. Boyle invited questions and comments from Board Members and staff. A healthy interchange took place prior to Ms. Boyle concluding her remarks.

AGENDA ITEM IX - CONFERENCES

● Complaint # 2568

President Draugalis invited Pharmacist Katheryn Balasco...representing Express Scripts of Bensalem, PA to approach the Board. Compliance Officer Dean Wright was present to provide investigation data.

Mr. Wright summarized the findings of his investigation. The Arizona resident (patient) received prescriptions on two separate occasions with discard dates on the label that were beyond the manufacturer's product expiration date causing conflicting and confusing information to the consumer. Ms. Balasco agreed that the information was confusing and that it resulted from a corporate policy of indicating prescriptions should be discarded six months after they were dispensed. In a few cases the product expiration may be less than six months...in these rare cases special labeling should be attached and the corporate policy will be reviewed and corrected. Following questions and suggestions from Board Members, President Draugalis thanked Ms. Balasco for appearing and for her willingness to promptly correct the situation.

● Complaint # 2593

President Draugalis invited pharmacist Marcie Gerstner and pharmacy intern Louis Rautenbach to address the Board relevant to their recollection of the incident that resulted in a complaint. Compliance Officer Dean Wright provided the findings of his investigation and concluded that a labeling error had occurred.

President Draugalis asked Ms. Gerstner if Mr. Wright's report was correct. She acknowledged that it was. When she was asked who counseled the patient, she indicated that the intern Mr. Rautenbach had performed the counseling. President Draugalis asked how the procedures and policies have changed since this event. Both parties responded and indicated that greater attention was being placed on pediatric prescriptions and to the directions being put on the container. Other Board Members offered suggestions and encouraged increased diligence. Suggestions for relevant resource material and continuing education material were offered. President Draugalis closed the conference by emphasizing the criticality of pediatric doses.

● Complaint #2599

Pharmacists Saulius Plenys and Steve LeMahieu and supervisor Terry Dane were present. President Draugalis declared a conflict and did not participate in this complaint. Vice President McAllister

conducted this conference and began by calling Cheryl Frush to summarize the findings of her investigation. Ms. Frush concluded that a dispensing error did occur and the patient was not counseled and that a non-pharmacist was answering questions relating to the prescription.

Numerous Board Members directed questions to the respondents and inquired as to how policies and procedures have changed to preclude recurrence of this event. An extensive description of corrective measures was presented. Mr. McAllister closed the

discussion by reinforcing the importance of proper patient counseling and final pharmacist verification of the prescription.

- **Complaint # 2604**

President Draugalis resumed the chair and invited Ghanshyam Ghoman, R. Ph. and Kent Taylor, supervisor to come forward. Compliance Officer Ed Hunter provided an overview of his investigation of this complaint including his observation that a dosage calculation was done in error.

President Draugalis invited Mr. Ghoman to present his recollection of the events leading to the complaint. He responded by indicating that he asked another party to confirm his calculation and in conclusion he stated that the product label could be improved to make the medication concentration more understandable. Board Members agreed with the labeling confusion but encouraged Mr. Ghoman to increase his confidence by reviewing basic pharmaceutical calculations.

- **Complaint # 2608**

President Draugalis called Melissa Cox, R. Ph. and supervisor Kent Taylor to address the Board pursuant to an alleged dispensing error. Compliance Officer Ed Hunter provided an overview of the investigation and stated that the verifying pharmacist failed to identify the medication prior to presenting it to the consumer.

President Draugalis asked Ms. Cox to relate the events leading to this complaint. Ms. Cox couldnt recall the precise events of the particular prescription but does not question that Mr. Hunters report was accurate. She indicated that she was very upset in learning of the error and that steps have been taken in the pharmacy to preclude a recurrence. One such correction was to separate the confusing medication containers on the shelf. Board Members recommended that error prevention continuing education would be beneficial and that such offerings are readily available.

- **Complaint # 2609**

President Draugalis requested Pharmacist Brad Michael and Pharmacy Supervisor Melanie Malee to come to the conference table. Compliance Officer Ed Hunter was present to summarize the investigation.

Mr. Hunter reported that the consumer received the wrong quantity of medication and he described the pharmacists logic in dispensing the amount that he did.

President Draugalis invited Mr. Michael to present his recollection of the events leading to this conference. Mr. Michael offered no excuse for dispensing a greater amount of a topical preparation, rather he feels it was in the best interest of the patient. However, Michael admits that notifying the prescriber would have been a good idea. President Draugalis indicated that other more acceptable alternatives were available and at a minimum, the physician should have been advised. Mr. Michael was dismissed and thanked for his appearance.

- **Complaint # 2613**

Pharmacists David Holland and Dan Ouellette along with supervisor Mark Huffman appeared pursuant to an alleged dispensing error and subsequent consumer complaint. Compliance Officer Cheryl Frush was present to describe the findings of this investigation. Ms. Frush stated that the investigation of this complaint involved a pediatric patient receiving another patients prescription in error. The error was due in part to both patients having the same first and last names. Further aggravating the situation was that prescription verification and patient age data were not accurately completed. President Draugalis asked Mr. Holland to relate his recollection of the events leading to this complaint.

Mr. Holland indicated that in the past pharmacists had been relying on technicians to advise them when patient counseling was required. Both he and Mr. Ouellette agree that is not a sound policy. Supervisor Hoffman provided a detailed summary of revised pharmacy policies that will preclude a recurrence of this event. Board members directed questions to the respondents and on conclusion, President Draugalis encouraged them to not overlook opportunities to counsel patients and improve patient-medication outcomes.

- **Complaint # 2615**

President Draugalis invited Pharmacist Patrick Donnelly and Supervisor Melanie Malee to come to the conference table. Compliance Officer Ed Hunter was present to review the findings of this investigation. In summary, several good-pharmacy practice tenants were not observed: fmal responsibility for the accuracy of the prescription rests with the pharmacist not the technician, documentation of a patient refusing counseling is the pharmacists responsibility and the accuracy/completeness of

a patient medication profile is also the pharmacists responsibility.

Mr. Donnelly was clearly at fault in not discharging his responsibilities properly. President Draugalis clearly pointed out the practice violations and encouraged Mr. Donnelly to adhere to the rules of practice regardless of the setting or the circumstances. Compliance staff was encouraged to attempt to learn the identity of non-pharmacist staff that may have been involved in this complaint.

AGENDA ITEM X - CONSENT AGREEMENTS

President Draugalis indicated that the following Consent Agreements (Agreed Board Orders) have been reviewed by the Attorney Generals staff, have been presented to the Respondents for review and in fact both are signed by the respective Respondents and awaiting Board action. There being no questions and no alterations, on motion by Mr. McAllister and Mr. Ketcherside the Board unanimously approved Consent Order # 03-0001-PHR and 03-0002-PHR as proposed and signed by the respondents. Ms. McCoy and Mr. Drake were absent and did not vote in this matter.

AGENDA ITEM XI - PHARMACY TECHNICIANS LICENSE UPDATE

President Draugalis asked Executive Director. Lloyd to provide an status report on the legislation to license pharmacy technicians. Mr. Lloyd stated that the Pharmacy Board Bill # SB 1301 has been passed by the Senate Health Committee and the Senate Appropriations Committee. The next step is approval by the Senate Committee of the Whole and then the third reading in the Senate before being sent to the House for their approval. Mr. Lloyd commended various supporters of the legislation and expressed hope that similar support will be demonstrated in the House. Mr. Lloyd entertained questions from Board Members before President Draugalis closed the discussion. Mr. Lloyd reported that SB 1300 has passed the Senate and is moving through the House with no problems.

AGENDA ITEM XII - OTHER LEGISLATION RELATED TO PHARMACY

President Draugalis invited interested parties to comment on present proposed legislation impacting on pharmacy.

APA Executive Director Kathy Boyle provided briefmgs on a number of bills having either direct or indirect impact on pharmacy. Ms. Boyle responded to questions from Board Members. Michelle Alhmer, Executive Director of the Arizona Retailers Association also provided an overview of a number of bills in the legislature having potential pharmacy impact. Questions were directed to Ms. Alhmer on these issues.

AGENDA ITEM XIII - DRUG THERAPY MANAGEMENT ADVISORY COMMITTEE APPOINTMENTS

Deputy Director Hal Wand distributed a brief biographical background of Dr. George Burdick MD, who has been selected by the allopathic medical community to sit on the Board of Pharmacy Drug Therapy Management Advisory Committee. President Draugalis advised the Board that this is the final appointment necessary to activate the Advisory Committee and Board action was in order. On motion by Mr. Ritt and Mr. McAllister, the Board voted unanimously to approve the nomination of Dr. George Burdick to serve on the Drug Therapy Advisory Committee.

AGENDA ITEM XIV - CALL TO THE PUBLIC

President Draugalis announced that during the Call to The Public parties are at liberty to provide thoughts, ideas and comments for the Boards consideration.. however Board Members are able to listen but precluded from responding to comments or questions because these items are not included on the meeting agenda. Issues presented included:

- Comments on certain aspects of inter-pharmacy transfer of prescriptions that were never filled at the first pharmacy.
- A comment relevant to an earlier discussion on amending the boards rules addressing the physical requirements for opening a pharmacy - "specific numbers or minimum specifications" are helpful for out-of-state potential pharmacy permit applicants; suggestion included that before revising the boards rules to look closely at the statute requirements for opening/operating a pharmacy in Arizona and finally;
- relative to the definition of the practice of pharmacy, particularly the 1st degree, 2nd degree and 3rd degree of patient impact proposals... this may have ramifications in the criminal code.
- Other parties offered: compliments to the board for their meeting conduct and demeanor and a request to be included in future task force groups.
- Retiring two-term Board of Pharmacy Member Jerry Ritt stated how proud he is to have served on the Arizona Board of Pharmacy and how much he respects and appreciates his fellow Board Members and Board Staff.

President Draugalis recessed the meeting at 4:10 p.m.

President Draugalis reconvened the meeting at 9:00 a.m. Thursday May 13, 2003 at the Board of Pharmacy Office in Glendale, Arizona. Present, in addition to Mr. Draugalis were: Mr. Ritt, Mr. Ketcherside, Mr. Jones. President Draugalis indicated there was no further business to come before the Board at this time and:

AGENDA ITEM XV - ADJOURNMENT

On motion by Mr. Ritt and Mr. Jones, the Board unanimously agreed to adjourn the meeting at 9:17 a.m.