

# THE ARIZONA STATE BOARD OF PHARMACY

HELD A REGULAR MEETING JUNE 16, 2005

CHANDLER, ARIZONA

The following Board Members and staff were present: President Linda McCoy, Vice President Chuck Dutcher, Dennis McAllister, Ridge Smidt, and Tom Van Hassel. Compliance Officers Rich Cieslinski, Ed Hunter, Sandra Sutcliffe and Dean Wright, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Roberto Pulver.

President McCoy convened the meeting at 8:30 A.M. and welcomed the audience to the meeting.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

## **AGENDA ITEM 1 - Introduction of New Board Members & Oath of Office**

President McCoy introduced the newly appointed Board Member, Ridge Smidt. President McCoy administered the Oath of Office to Dr. Smidt to allow Dr. Smidt to assume the duties of a voting member of the Board.

## **AGENDA ITEM 2 - Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Mr. McAllister and Mr. Dutcher**, the minutes of the Regular Meeting held on April 6, 2005 were unanimously approved by the Board Members.

## **AGENDA ITEM 3 - Permits/Licenses**

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

### **● Cottonwood de Tucson**

Jason Lashbrook, the Pharmacist In Charge, was present to answer questions from Board Members.

President McCoy opened the discussion by asking Mr. Lashbrook to describe his proposed business.

Mr. Lashbrook stated that the pharmacy would be located in a Level 1 Behavioral Health Facility.

Mr. Lashbrook stated that the facility is a 74-bed facility that is a drug and alcohol rehab center.

Mr. Lashbrook stated that the facility treats patients with behavioral health problems.

Ms. McCoy asked if the facility was being served by an outside pharmacy.

Mr. Lashbrook stated the facility was utilizing an outside pharmacy, but would like to open its own pharmacy to optimize patient care.

### **● Melrose Pharmacy**

Lidia Stickler, pharmacy owner, was present to answer questions from Board Members.

President McCoy opened the discussion by asking Ms. Stickler to describe her business.

Ms. Stickler stated that she plans to open an independent retail pharmacy.

Ms. Stickler stated that she plans to do some compounding.

Ms. Stickler stated that she plans to consult with patients concerning diabetic management and the use of bio-identical hormone therapy for hormone replacement.

Ms. Stickler stated that she would be taking courses offered by PCCA for compounding.

Mr. Dutcher asked Ms. Stickler if she understands the compounding rules.

Ms. Stickler stated that she is aware of the rules and possible changes.

Mr. Wand asked Ms. Stickler what her procedure would be if she received a prescription for a commercially available product.

Ms. Stickler stated that she would fill it with the commercially available product and not compound the medication.

### **● The International Cosmetic and Compounding Pharmacy**

Dr. Kenneth Proefrock, pharmacy owner, and Peter Orzech were present to answer questions from Board Members.

President McCoy asked the individuals to discuss the nature of their pharmacy business.

Dr. Proefrock stated that the pharmacy would be a compounding pharmacy.

Dr. Proefrock stated that they would be compounding cosmetic products pursuant to a physician's order.

Mr. Dutcher asked about the type of products to be compounded by the pharmacy.

Dr. Proefrock stated that they would be compounding products for mesotherapies, prolotherapies, dermal fillers, and

bio-identical hormone replacement therapies.

Dr. Proefrock signed a statement that he will not write any prescriptions that will be filled by the pharmacy.

Dr. Proefrock is a naturopathic physician.

Mr. Wand stated that Mr. Pulver, the Assistant Attorney General, has discovered that there is an injunction in place from the FDA and the United States Government.

Mr. Pulver stated that there is an injunction against the Cosmetic Pharmacy, Dr. Chad Livdahl, Dr. Zahra Karim, and Toxin Research.

Mr. Pulver stated the injunction states that if there is to be any change to the corporate structure, assets, or sub-leasing that the FDA must be notified.

Mr. Pulver asked Dr. Proefrock if he has anything from the defendants that they have notified the FDA of this change.

Dr. Proefrock stated that he personally has contacted the FDA to try and clear up any miscommunications.

Dr. Proefrock stated that his understanding was that there were no issues.

Dr. Proefrock stated that they purchased the clean room from the defendants.

Dr. Proefrock stated that the easiest way for the new company was to keep the clean room at the present location rather than dismantle the clean room and move it to a new location. Dr. Proefrock stated that they do have a transfer of ownership agreement signed by Dr. Livdahl.

Dr. Proefrock stated that they are a separate entity from Dr. Livdahl's business.

Mr. Pulver asked Dr. Proefrock if he has any documents from the FDA saying that the defendants notified them of this ownership change.

Mr. Pulver stated that if Dr. Proefrock does not have any documents from the FDA, then there is a violation of the injunction.

Mr. Pulver stated that Dr. Livdahl must notify the FDA.

Mr. Pulver stated that the Board must have some documentation from the FDA that the defendants have notified the FDA.

Dr. Proefrock stated that this would be difficult for the defendants because they are incarcerated and the defendant's ability to communicate with anybody is limited.

Mr. Pulver stated that he is sure the FDA would speak with the defendants.

Dr. Proefrock stated that when he contacted the FDA they stated that the incarceration was a private matter and they would not discuss the issues with him.

Mr. Pulver told Dr. Proefrock that the FDA must provide him with documentation that they have spoken with the defendants or there could be a violation of the injunction.

Mr. Pulver told Dr. Proefrock preferably the documentation should come from the FDA.

Mr. Pulver told Dr. Proefrock that the Board could only move forward after receiving this documentation.

Mr. Pulver stated that he is not sure what the FDA will do concerning this transaction.

Mr. Pulver stated that the injunction states that any actions, such as sub-leasing or assignments, must be approved by the FDA to ensure the defendants are complying with the order.

Mr. Wand gave the defendants the necessary information to contact the local FDA office.

**On motion by Mr. Dutcher and Mr. Van Hassel**, the Board unanimously agreed to table the application for The International Cosmetic and Compounding Pharmacy until further documentation is received from the applicants.

- **Portable Medical Pharmacy of Arizona**

Christopher Smith, pharmacy owner, and Mike Donohue, Pharmacist In Charge, were present to answer questions from Board Members.

President McCoy opened the discussion by asking the applicants to describe their business.

Mr. Smith stated that they would be opening an institutional pharmacy that provides services to skilled nursing facilities in the Tucson area.

Mr. Wand asked Mr. Smith if he operates a similar business in Nevada. Mr. Smith replied no. Mr. Smith stated that they would have some strategic partners in Nevada.

Mr. Smith stated that he owns some skilled nursing facilities. Mr. Smith has operated in the Tucson area a radiology and cardiology business for skilled nursing facilities.

Mr. Wand asked if his strategic partner in Nevada is a licensed pharmacy.

Mr. Smith replied yes.

Mr. Wand asked if the Nevada Board of Pharmacy has ever disciplined the pharmacy.

Mr. Smith replied no.

Mr. Wand asked if Mr. Donohue planned to remain as the Pharmacist In Charge.

Mr. Donohue replied that this would be an interim position for him.

Mr. Wand asked if they have been successful in recruiting a pharmacist.

Mr. Smith stated that they are currently searching for a pharmacist and are currently looking to relocate a pharmacist.

Mr. Wand asked if they plan to sell drugs to doctors, clinics, or hospitals.

Mr. Smith stated that they would only be selling to skilled nursing facilities.

Mr. Wand asked if the medications sent to the facility would be filled as patient specific prescriptions.

Mr. Smith replied that the routine medications would be dispensed from the pharmacy in Nevada and the stat medicines and controlled substances would be filled at the Tucson site.

Mr. Wand asked if the strategic partner in Nevada is licensed as a non-resident pharmacy in Arizona.

Mr. Smith replied no.

Mr. Wand asked if the Nevada pharmacy was currently shipping drugs into Arizona.

Mr. Smith replied that the pharmacy is not currently providing service to Arizona residents.

Mr. Wand informed Mr. Smith that the Nevada pharmacy would have to be licensed in Arizona prior to shipping products to Arizona.

Mr. Dutcher asked if the pharmacy in Nevada would be labeling the product for the facilities in Arizona. Mr. Smith replied yes.

Mr. Wand told Mr. Smith that the next meeting would be held in August and the Nevada pharmacy might want to have their permit approved at that meeting.

Mr. Van Hassel asked if the records would be kept at the Tucson pharmacy.

Mr. Smith replied that everything would originate in Tucson.

Mr. Wand stated that in order to fill the prescriptions in Nevada the prescriptions would need to be transferred by the Tucson facility.

Mr. Wand asked if they were planning to use a central fill process.

Mr. Wand stated that they could either transfer the prescriptions or have a central fill process approved.

Mr. Wand explained that the central fill process would have one common database and the prescriptions are filled with the same numbering system at both facilities.

Mr. Smith stated that it would not be a central fill process.

Dr. Smidt reminded Mr. Smith that the process he selected would require a pharmacist in Tucson to transfer all the prescriptions.

**On motion by Mr. Dutcher and Mr. McAllister**, the Board unanimously approved the application for Portable Medical Pharmacy of Arizona with the understanding that the strategic partner pharmacy in Nevada needs to apply for a non-resident pharmacy permit in Arizona prior to shipping medications to Arizona.

At the conclusion of questions from the Board Members and **on motion by Mr. Van Hassel and Mr. McAllister**, the Board unanimously approved the resident permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

- Cottonwood de Tucson  
4110 W. Sweetwater Dr.  
Tucson, AZ 85745  
Cottonwood de Tucson, Inc.
- Bashas' United Drug #161  
4940 S. Gilbert Rd.  
Chandler, AZ 85249  
Bashas' Inc.
- CVS/Pharmacy #7115  
7530 W. Cactus Rd.  
Peoria, AZ 85381  
Peoria AZ CVS LLC
- CVS/Pharmacy #7849  
1015 E. Ray Rd.  
Chandler, AZ 85225  
CVS EGL Ray McQueen AZ LLC
- CVS Pharmacy #5038  
2010 S. Dobson Rd.  
Chandler, AZ 85248  
German Dobson CVS, LLC
- CVS/Pharmacy #7078  
3303 S. Rural Rd.  
Tempe, AZ 85281  
Southern Tempe AZ CVS
- Bashas' United Drug #160  
2000 W. River Rd.  
Tucson, AZ 85704  
Bashas', Inc.
- Walgreens Drug #9057  
18433 N. 19<sup>th</sup> Ave.  
Phoenix, AZ 85009  
Walgreen Arizona Drug Co.
- Wal-Mart Pharmacy #10-5428  
1710 S. Greenfield Rd.

- Mesa, AZ 85206  
Wal-Mart Stores, Inc.
- Surgical Specialty Hospital of AZ  
6501 N. 19<sup>th</sup> Ave.  
Phoenix, AZ 85103  
(O) Surgical Specialty Hospital of Arizona, LLC
- Wal-Mart Pharmacy #10-2671  
1175 S. Arizona Ave.  
Chandler, AZ 85248  
Wal-Mart Stores, Inc.
- Melrose Pharmacy  
709 W. Montecito Ave.  
Phoenix, AZ 85013  
Melrose Pharmacy, LLC
- Walgreens Drug #7933  
15514 W. Waddell Rd.  
Surprise, AZ 85379  
Walgreen Arizona Drug Co.
- Graham Greenlee Pharmacy  
620 Central Ave., Suite C,  
Safford, AZ 85546  
Morenci Healthcare Center, Inc.
- Safeway Pharmacy #1997  
17049 W. Bell Rd.  
Surprise, AZ 85374  
Safeway, Inc.
- CVS/Pharmacy #07855  
2601 S. Houghton Rd.  
Tucson, AZ 85730  
CVS EGL Golf Links AZ, LLC
- Walton Drug of Morenci  
408 Burro Alley  
Morenci, AZ 85540  
(O) Debbie Walton
- Cornerstone Hospital of Southeast AZ  
7220 E. Rosewood St.  
Tucson, AZ 85710  
(O) Cornerstone Hospital of Tucson, LLC
- El Rio West Pharmacy  
1701 West St. Mary's, Suite 150  
Tucson, AZ 85745  
El Rio Santa Cruz Neighborhood Health Center
- Walgreens Drug #09261  
4710 E. Rose Garden Lane  
Phoenix, AZ 85050  
Walgreen Arizona Drug Co.

(O) = Ownership change

**On motion by Mr. McAllister and Mr. Dutcher**, the Board unanimously approved the non-resident permits listed below.

- Atlas RX, Inc.  
2208 S. Hickory St.  
Foley, AL 36535  
Atlas RX, Inc.
- Encino Pharmacy  
16500 Ventura Blvd. #110,  
Encino, CA 91436  
Ocean Drug, Inc.
- MSC- Medical Services Company  
11764 Marco Beach Dr.  
Jacksonville, FL 32224  
MSC- Medical Services Company
- Lifecare Solutions, Inc.

170 N. Daisy Ave.,  
Pasadena, CA 91107  
Lifecare Solutions, Inc.

- Advanced Pharmacy Services  
744 Horizon Ct., Ste 110,  
Grand Junction, CO 81506  
Advanced Pharmacy Services, LLC
- AmMed Homecare Pharmacy  
1657 Murfreesboro Rd.  
Nashville, TN 37217  
American Health Centers, Inc.
- Galloway Pharmacy  
2995 National Ave.  
San Diego, CA 92113  
Galloway, Inc.
- Accu-Care Services, Inc.  
18812 S. Dixie Hwy.  
Miami, FL 33157  
Accu-Care Services, Inc.
- Prime Therapeutics LLC  
2901 Kinwest Parkway, Bldg. B  
Irving, TX 75063  
Prime Therapeutics LLC
- Budget Drug Rx  
1137B Bustleton Pike  
Feasterville, PA 19053  
Charlotte Lopacki
- Pro Med Pharmacies, Inc.  
701 N. Taylor  
Amarillo, TX 79107  
Pro Med Pharmacies, Inc.
- Kohll's/Rx MPSS Pharmacy  
4230 L. Street  
Omaha, NE 68107  
Kohll's Pharmacy & Homecare, Inc.
- PBM Plus Mail Service Pharmacy  
300 Technecenter Dr., Suite C  
Milford, OH 45150  
PBM Plus Mail Service Pharmacy, LLC

## Wholesale Permits

- President McCoy stated that all permits were in order and representatives from two resident wholesalers were present to answer questions from Board Members.  
Michael Jones, president and owner of Gallipot, appeared to answer questions from Board Members.  
Mr. Jones is a pharmacist.  
President McCoy opened the discussion by asking Mr. Jones to describe the nature of his wholesale business.  
Mr. Jones stated that Gallipot is a company that he and his wife, who is also a pharmacist, started 25 years ago.  
Mr. Jones stated that they would like to open a distribution center in Scottsdale.  
Mr. Jones stated that they sell compounding supplies and chemicals to pharmacies.  
Mr. Jones did sign and return the wholesale orientation form for wholesalers.
- **Phoenix Long Term Care Pharmacy**  
Steven Hardman, the managing partner, was present to answer questions from Board Members.  
President McCoy opened the discussion by asking Mr. Hardman to describe the nature of his wholesale business.  
Mr. Hardman stated that the business is a long term care pharmacy that has recently contracted with a county correctional facility. The long term care pharmacy has been asked to supply bulk medications to the clinic and that is why they are applying for the wholesale permit.  
President McCoy asked Mr. Hardman to discuss the housing of his wholesale business in the same suite as his pharmacy business.  
Mr. Hardman stated that the wholesale permit is being requested because of the correctional facility business.  
Mr. Hardman stated that the facility would be ordering from them once a week.  
Mr. Hardman stated that they also provide the unit dose for the facility.  
Mr. Hardman stated that it would be a minor part of their business, but it would be greater than 5% of their total business.

Mr. Wand asked if an individual would need to pass through the pharmacy to reach the wholesale area.  
Mr. Hardman stated that the pharmacy has an entrance in back and an individual would enter through the front office to reach the wholesale area.  
Mr. Wand asked if only a pharmacist could enter the pharmacy area.  
Mr. Hardman replied yes.  
Mr. Hardman replied that there is a locked door between the two areas.  
Mr. Dutcher asked if the wall that separates the two areas is presently there.  
Mr. Hardman replied yes. Mr. Wand reminded Mr. Hardman that an inspection would be conducted before the permit is issued and that the wall between the two areas must go to the true ceiling for security procedures.  
Dr. Smidt asked if the pharmacy would be shipping more than 5% of its sales to the correctional facility.  
Mr. Hardman replied that is the reason he is applying for the wholesale permit.  
Mr. Wand asked to whom Mr. Hardman would be issuing the invoice at the correctional facility for the bulk products.  
Mr. Hardman stated that the medications would be invoiced to the Medical Director.  
Mr. Wand reminded Mr. Hardman that he signed the wholesale agreement, which states that he cannot repackage any products.

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

- Gallipot  
7441 E. Butherus Dr.  
Scottsdale, AZ 85260  
Gallipot, Inc.
- Phoenix Long Term Care Pharmacy  
4630 E. Elwood St. #15  
Phoenix, AZ 85040  
Korman, LLC
- Smilecence Teeth Whitening Systems  
2222 S. Harper St.  
Mesa, AZ 85212  
Jonathan Marquand
- Butler Animal Health Supply LLC  
4635 W. McDowell Rd., Suite 130  
Phoenix, AZ 85035  
(O) Butler Animal Health Holding Co., LLC

(O)= Change of ownership

### **Pharmacist, Pharmacy Interns, and Pharmacy Technician Licenses**

Following a review of the roster of applicants for licensure as pharmacists and assurance by the staff that all applications were in order and all fees paid: **On motion by Mr. Dutcher and Mr. Van Hassel**, the Board unanimously approved the Pharmacists licenses 14684 through 14782.

Following a review of the roster of applicants for licensure as pharmacy interns and assurance by the staff that all applications were in order and all fees paid: **On motion by Mr. Van Hassel and Dr. Smidt**, the Board unanimously approved the Pharmacy Intern licenses from 6872 through 6981.

Following a review and discussion of the roster of applicants for licensure as pharmacy technicians and assurance by the staff that all applications were in order, with the exception of #7342, and all fees were paid: **On motion by Mr. McAllister and Mr. Dutcher**, the Board unanimously approved the Pharmacy Technician licenses 7179 through 7797, with the exception of license #7342 for applicant Jill Gerkin, which was denied by the Board. (For discussion of #7342, see Agenda Item #13). Also, approved were 95 licensee changes from Pharmacy technician trainee to Pharmacy technician. For a complete list of names see attachments.

### **AGENDA ITEM 4 - Reports**

#### **Executive Director**

Executive Director Wand began his report by discussing the financial statements. Mr. Wand stated that some of the excess funds have been spent to remodel the office. Mr. Wand stated that new furniture has been purchased for the office staff that is ergonomically correct. Mr. Wand stated that the back conference is being enlarged. Mr. Wand stated that there would be a

small conference room built that the Board can use to conduct an executive session instead of asking the audience to leave the room.

Mr. Wand stated that the electronic Board Meeting equipment has been purchased. Mr. Wand stated that 13 laptops have been purchased. Mr. Wand stated that a CD duplicator has been purchased. Mr. Wand stated that a CD would be sent to all the Board Members prior to the Board Meeting.

Mr. Wand stated that GITA (Government Information Technology Agency) has approved the Board of Pharmacy to be a pilot for electronic renewals. The Board of Pharmacy was selected from the thirty health care boards to be the pilot. Mr. Wand stated that he anticipates having electronic renewals this October or next October. Mr. Wand stated that in the future an applicant might be able to apply on line with a credit card.

Mr. Wand stated that he has submitted a grant application to the Department of Justice for \$50,000. The grant would be used to assess the possibility of implementing a Prescription Drug Monitoring Program. Mr. Wand stated that the Board should hear by August if the Board has been approved to receive the grant.

Mr. Wand stated that the Board's new statutes would take effect on August 12, 2005. Mr. Wand stated that the Boards and Commissions Office is being deluged with new applications for new Board Member positions. Mr. Wand stated that the number of Board Members would go from seven (7) Board Members to nine (9) Board Members. The Board will add one technician and one pharmacist as new Board Members. Mr. Wand stated that the Board Meeting room is being remodeled. Mr. Wand stated that most meetings would then be held at the Board Office in the future. Mr. Wand stated that the Board Meeting room should be completed by August 12, 2005.

### **Deputy Director Report**

Deputy Director Frush directed the Board Members attention to the activity reports for the Compliance Staff. Ms. Frush indicated that the Compliance Staff is currently ahead of the number of inspections completed at this time last year. Ms. Frush indicated that the numbers of complaints are consistently increasing and the staff is spending time investigating complaints and cases of drug diversion. Ms. Frush indicated that the Drug Inspector has issued 65 letters from March through May. The majority of the Drug Inspector's letters have been for outdated non-prescription medications.

Ms. Frush stated during the months of March, April, and May, the Compliance staff issued letters for the following violations:

- 1. Outdated RX and OTC products in the pharmacy - (13)
- 2. Allowing technicians that are not licensed to work - (11)
- 3. Technician statements not signed - (11)
- 4. Failure to document disease and medical conditions- (9)
- 5. Controlled Substance Overages - (7)
- 6. Controlled Substance Shortages - (5)
- 7. Failure to have pharmacist or technician license available for review - (4)
- 8. Failure to post wall certificates (Technicians) - (3)
- 9. Failure to post pharmacy permit - (1)
- 10. Annual Controlled Substance Inventory not completed - (2)
- 11. Annual Controlled Substance Inventory counted incorrectly - Counted bottles - (1)
- 12. Unable to locate Controlled Substance Inventory - (2)
- 13. Failure to complete a Controlled Substances Inventory upon PIC change - (1)
- 14. Failure to inventory CIII-CV at change of Pharmacist-In-Charge - (2)
- 15. Dispensed a CII prescription past the 60 day limit - (2)
- 16. Dispensed a CII prescription with missing information and no call made to provider - (1)
- 17. Failure to obtain approval for central record keeping of controlled substances (DEA) - (2)
- 18. Inadequate CII record keeping - (filing and missing invoices) - (1)
- 19. Failure to receive an original hard copy of a CII Emergency prescription - (1)
- 20. No daily prescription log - (1)
- 21. Failure to sign daily prescription logs - (3)
- 22. Oral Prescriptions not initialed by transcribing pharmacist - (2)
- 23. Failure to document required information on an oral prescription - (1)
- 24. Failure to enter date of issuance correctly - (1)
- 25. Pharmacy Computer not functioning and reverted to manual system - (1)
- 26. Failure to provide adequate security for prescription blanks in a hospital - (1)
- 27. Failure to store IV Solutions in a locked storage area at a hospital - (1)
- 28. Inadequate temperature control in the pharmacy - (1)
- The following areas were noted on inspection reports for improvements :
- 1. Wall licenses of pharmacists and technicians need to be posted. Licenses must be available for review.

The following areas were noted on the inspection reports where pharmacists and technicians are meeting or exceeding standards :

- 1. Counseling

Areas outside the inspection reports that may be of interest :

- 1. Changes of employment and addresses can be made online at the Board Website
- 2. Be sure that an individual is licensed with the Board before allowing them to work in the pharmacy.

Mr. Dutcher asked if the Board contacts the prescriber if a CII is not received when an emergency prescription is issued. Ms. Frush stated that it is the responsibility of the pharmacist to notify the prescriber and DEA if the prescription is not received. Mr. Wand added that the pharmacist must notify the Board and DEA, but it is their responsibility to obtain the prescription.

Mr. Dutcher asked about the pharmacy that reverted to a manual system. Ms. Frush indicated that the pharmacy must notify the Board when these changes occur and when the problems are resolved, so that the system can be verified by a compliance officer that the system complies with the rules.

Ms. McCoy stated that while reviewing complaints she has noted that prescriptions transcribed by some pharmacists are as bad as the prescriptions written by some physicians. Ms. McCoy stated that some pharmacists are using abbreviations that are confusing. Ms. McCoy stated that the drug name should be clearly written and that the strength and directions should be clearly readable.

Ms. Frush acknowledged a letter received from the Office of Environmental Programs for the City of Phoenix thanking Mr. Wright for attending their recent meeting. The meeting addressed the issues of the disposal of pharmaceuticals. Mr. Wright stated that the Commission was researching the issues of medication disposal. Mr. Wright stated that the Commission is in a fact-finding mode at this time.

## APA

Kathy Boyle was present to represent the Arizona Pharmacy Alliance. Ms. Boyle welcomed the Board and the audience to the convention. Ms. Boyle discussed the various bills that were considered during the legislative session that ended on May 13, 2005.

## AGENDA ITEM 5 - Special Requests

- **#1 Martin Woensdregt**

Martin Woensdregt appeared with Lisa Yates and Brad Barron from the PAPA program.

President McCoy opened the discussion by asking Mr. Woensdregt to describe the nature of his request.

Mr. Woensdregt stated that in May of 2000, his license was placed on probation due to chemical dependency.

Mr. Woensdregt stated that he has met the requirements of his Consent Order and is requesting that his probation be terminated.

President McCoy asked Mr. Woensdregt if his life has changed in the past five years.

Mr. Woensdregt stated that he has learned a lot in the last five years.

Mr. Woensdregt stated that he is healthier, both mentally and physically.

Mr. Barron stated that a letter was submitted from the clinical director of the PAPA program indicating that he felt Martin has completed all the requirements of the program.

Mr. Barron stated that the PAPA steering committee feels that Martin is ready to be released from the program.

Mr. McAllister asked Mr. Woensdregt if he is working.

Mr. Woensdregt stated that he has worked at Banner Mesa for the last 4 years.

**On motion by Mr. McAllister and Mr. Dutcher**, the Board unanimously agreed to terminate the probation of Mr. Woensdregt's license subject to the terms of Board Order Number 00-0004-PHR.

- **#2 Lisa Bueno**

Lisa Bueno appeared with Lisa Yates and Brad Barron from the PAPA program.

President McCoy opened the discussion by asking Ms. Bueno to describe the nature of her request.

Ms. Bueno stated that she herniated a disc four years ago and her doctor prescribed Oxycontin for the pain.

Ms. Bueno stated that she became addicted to the Oxycontin and attempted to write her own prescriptions and her physician turned her into the Board of Pharmacy.

Ms. Bueno stated that she is requesting the termination of the suspension of her license and have probation imposed.

Ms. McCoy asked Ms. Bueno how she is addressing her addiction problem.

Ms. Bueno stated that she has signed a PAPA contract and is involved in a structured program.

Ms. Bueno stated that she attends 6 NA meetings a week.

Ms. Bueno stated that she has a sponsor and is working the 12- step program.

Ms. Bueno states that she attends PAPA counseling once a week.

Mr. Barron stated that the PAPA program is pleased with Ms. Bueno's progress and supports her request.

Mr. Wand stated that Ms. Bueno's counselor has submitted a letter of support.

Ms. McCoy asked Ms. Bueno if she consulted with the addiction specialist as recommended by her counselor.

Ms. Bueno stated that she has consulted with the addiction specialist.

Mr. McAllister asked Ms. Bueno if she would be returning to work in a pharmacy.

Ms. Bueno stated that she would like to return to work as a pharmacist.

Ms. Yates told the Board Members that once Ms. Bueno returns to work the standard PAPA contract increasing the number of drug screens would be instituted.

**On motion by Dr. Smidt and Mr. McAllister**, the Board unanimously agreed to terminate the suspension of Ms. Bueno's license and impose probation subject to the terms of Board Order Number 04-0027-PHR.

- **#3 Francis Cassidy**

Francis Cassidy appeared on his own behalf to request to proceed with reciprocity.

President McCoy opened the discussion by asking Mr. Cassidy to discuss the nature of his request.

Mr. Cassidy stated that he would like to proceed with reciprocity, but his license in California had been disciplined in 1992.

Ms. McCoy asked if Mr. Cassidy was practicing in California at this time.

Mr. Cassidy stated that he is practicing in California and his license has been restored.

Mr. Cassidy stated that he is reciprocating from his Oregon license.

**On motion by Mr. McAllister and Mr. Dutcher**, the Board unanimously approved the request by Mr. Cassidy to proceed with reciprocity.

- **#4 Ines Sanchez**

Ines Sanchez appeared with Pharmacy District Manager Sean Duffy to request to proceed with technician licensure.

President McCoy opened the discussion by asking Ms. Sanchez to describe the nature of her request.

Ms. Sanchez stated that she was not able to provide proof of a high school diploma and she has not been able to complete her GED.

Ms. Sanchez stated that she is requesting an extension to complete her GED and is assuming that she will have completed her GED by September.

Ms. Sanchez stated that she has completed three parts of the GED test and has two more parts to complete.

Mr. Wand stated that when the law went into effect in May of 2004 that those individuals were granted an extension until December of 2004 to obtain a GED.

Mr. Wand stated that it would be up to the Board to decide if Ms. Sanchez has completed the equivalent of a high school diploma.

Mr. Dutcher asked if the Board needed to decide if Ms. Sanchez had an equivalency or if the Board needs to grant her the extra time to complete her GED.

Mr. McAllister asked what the normal time span was to complete the GED program.

Mr. Duffy stated that he researched the subject and was told based off the applicant's score on the initial test an individual could complete the program in 3 to 6 months.

Mr. Duffy stated that some individuals depending on their test score could need up to 2 years to complete the program.

Mr. Pulver reminded the Board members that the statute states that an applicant for licensure as a pharmacy technician trainee must have a high school diploma or the equivalent of a high school diploma.

Mr. Pulver stated that it would be up to the Board to determine if Ms. Sanchez meets this requirement.

Mr. Wand asked if an individual would need to obtain a GED.

Mr. Pulver stated that the legislature did not specify a GED, but states that an individual must have the equivalent of a high school diploma and that is up to the Board determine if the individuals work experience or documentation is equivalent to a high school diploma.

Mr. McAllister noted that Ms. Sanchez has worked as a technician for 17 years and had been certified as a technician in California since 1991 and has ample work experience as a technician.

Mr. McAllister stated that he felt her work experience would qualify as the equivalent of a high school diploma.

**On motion by Mr. McAllister and Mr. Van Hassel**, the Board unanimously approved the request by Ms. Sanchez to proceed with technician licensure. The Board considered Ms. Sanchez's work experience as equivalent to a high school diploma.

- **#5 George Cosa**

George Cosa appeared on his own behalf to request permission to proceed with reciprocity.

President McCoy opened the discussion by asking Mr. Cosa about the nature of his request.

Mr. Cosa stated that he would like to proceed with technician licensure.

Mr. Cosa stated that he could not provide a copy of his high school diploma since he attended high school in Romania.

Mr. Cosa stated that he had just completed a technician training course in California and has brought a copy of the transcript with him.

Mr. Cosa stated that he was registered as a technician in California.

Ms. McCoy asked Mr. Cosa if the technician training program asked for his high school diploma.

Mr. Cosa stated that he told the training program that he was unable to obtain a copy of his diploma because he had

left Romania.

Mr. Dutcher asked how long Mr. Cosa was registered as a technician in California.

Mr. Cosa stated that he has been licensed since March of 2005.

Mr. Wand stated that Mr. Cosa would be licensed as a pharmacy technician trainee until he passes the PTCB exam.

**On motion by Dr. Smidt and Mr. Dutcher**, the Board unanimously approved the request by Mr. Cosa to proceed with technician licensure. Mr. Cosa would be licensed as a pharmacy technician trainee until he passes the PTCB exam. The Board considered Mr. Cosa's training program as the equivalent to his high school diploma since he could not produce his diploma from Romania.

- **#6 Robert Durgin**

President McCoy called Mr. Durgin forth to address the Board.

Mr. Durgin did not come forth to address the Board.

President McCoy asked Ms. Frush if Mr. Durgin was sent a letter to appear at this meeting.

Ms. Frush stated that Mr. Durgin was sent a letter.

Mr. Pulver reminded the Board Members that it was not required to notify the applicant that the Board would be discussing his application and the Board could proceed with their discussion.

Mr. Pulver stated that the Board has extended the best practice by offering the applicant a chance to appear before the Board.

Ms. McCoy stated that the applicant has submitted an application for technician licensure and has been convicted of a felony.

Mr. Wand stated that there are two felonies listed for this individual on the court report.

Ms. McCoy asked if the applicant has completed all the requirements of his court order.

Mr. Wand stated that without the applicant being present the Board could not be assured that all the requirements have been completed.

Mr. Wand pointed out to the Board Members that A.R.S. § 32-1927.01 (A) (2) states that the Board may revoke, suspend, or deny a license to an applicant convicted of a felony.

Mr. Wand stated that the statute does not say shall deny, so the Board can determine if the individual may be licensed.

**On motion by Dr. Smidt and Mr. Van Hassel**, the Board unanimously agreed to table the consideration of Mr. Durgin's application for technician licensure until he appears before the Board to answer questions concerning his felony conviction.

Mr. Pulver asked if this would affect any timelines for processing his application.

Mr. Wright stated that Mr. Durgin was notified that there was a problem with his application, so the time frames do not apply, since he chose not to appear at the meeting to answer the Board Member's questions.

- **#7 Sherry Bauser**

President McCoy called Ms. Bauser forth to address the Board.

Ms. Bauser did not come forth to address the Board.

President McCoy asked Ms. Frush if Ms. Bauser was sent a letter to appear at this meeting.

Ms. Frush stated that Ms. Bauser was sent a letter.

Mr. McAllister stated that he feels the offense was not related to patient care and her rights were restored.

Mr. Dutcher stated that he feels if the individual wanted to be licensed that she would have appeared at the Board Meeting to discuss the felony offense.

Ms. McCoy noted that the applicant was PTCB certified.

Mr. Wand stated that the applicant was less than truthful on the PTCB application because an applicant cannot take the PTCB exam if they have been convicted of a felony.

Mr. Wand stated that the PTCB has agreed to abide by the Board's decision after the fact.

Mr. Wand stated that the applicant made a false statement on the PTCB application.

**On motion by Mr. Dutcher and Mr. Van Hassel**, the Board agreed to table the application until the applicant could appear before the Board to answer questions. There was one nay vote from Mr. McAllister.

- **#8 Rodney McKinney**

President McCoy called Mr. McKinney forth to address the Board.

Mr. McKinney did not come forth to address the Board.

President McCoy asked Ms. Frush if Mr. McKinney was sent a letter to appear at this meeting.

Ms. Frush stated that Mr. McKinney was sent a letter.

Mr. Pulver stated that some felonies are undesignated felonies until the probation is complete and then the felony offense is changed to a misdemeanor.

Mr. Pulver stated that he would like to ask Mr. McKinney questions concerning his probationary period.

Mr. Dutcher asked about the various counts.

Mr. Dutcher stated that there are three counts.

Mr. Pulver stated the individual does have a felony offense.

Mr. Wand asked Mr. Pulver if the Board tables the request is it the responsibility of the applicant to request to appear or is the Board responsible for notifying the applicant.

Mr. Pulver stated that the Board is not required to give him notice because he does not have a license.

Mr. Pulver stated that the Board could say that they have the information that they need and the Board can move forward.

Mr. Pulver stated that as a courtesy a notice can be sent to the individual and if he chooses not to appear then the Board can make a decision on whether or not to deny or grant the individual a license.

>Mr. Dutcher noted that the PTCB certificate was issued in 2004 and the felony occurred in 1998.

Mr. Wand stated that it is his understanding that the question is still asked on the application and PTCB will discuss the issue with the various Boards.

Mr. Wand stated his understanding is if the Board approved the application then they would approve the PTCB.

Mr. Wand stated that he would check with PTCB again for clarification.

**On motion by Mr. Dutcher and Mr. McAllister**, the Board agreed to deny the request for a technician license. There was one nay vote by Mr. Van Hassel.

- **#9 Sonora Behavioral Health Hospital**

The request to appear to request a reduction in hospital pharmacy hours was canceled by the hospital.

### **AGENDA ITEM 6 - USP 797 Presentation**

Board Member, Tom Van Hassel gave an overview of USP 797. Mr. Van Hassel stated that USP 797 deals with the preparation of sterile products. In 2004, USP developed a set of standards to be followed by institutions preparing sterile products.

Mr. Van Hassel stated that USP 797 would require system changes, policy and procedure changes, quality practice changes, physical area renovations at most sites, training changes, and documentation changes. Mr. Van Hassel stated that JCAHO is requiring facilities to do complete an analysis of their current system.

Mr. Van Hassel stated that there would be changes in cleaning procedures. Mr. Van Hassel stated that there would be monitoring changes. Mr. Van Hassel stated that there would be documentation changes.

Mr. Van Hassel stated that employees must complete an annual training program. The program would consist of both didactic and written training.

Mr. Van Hassel stated that the USP 797 would assess various risk levels in preparation of sterile products.

Mr. Van Hassel stated that USP is conducting area meetings to gather information concerning the implementation of USP 797.

### **AGENDA ITEM 7 - Selection of USP 797 Task Force**

The following individuals have agreed to serve on the USP 797 task force :

Joe Foo (Cardinal Health)

David Feldman (Maryvale Hospital)

Geoff Tatelbaum (Coram Health Care)

Christopher Stoffel (New University of Arizona graduate)

Rich Gaffin (Pet Health)

Wallace Simons (Women's International Pharmacy)

Hal Wand, Cheryl Frush, and Dean Wright (Board Staff)

Chaired by Tom Van Hassel and Ridge Smidt (Board Members)

### **AGENDA ITEM 8 - Presentation - Primary Care Clinicians and Prescription Drug Abuse**

President McCoy introduced Katie Shubin, a recent graduate of Midwestern University's master degree program for physicians assistants and Dr. Jim Stoehr, a professor with Midwestern University. Ms. Shubin appeared to present her paper entitled, "Attitudes, Behaviors, and Knowledge of Arizona Primary Care Clinicians Regarding Prescription Drug Abuse.

Ms. Shubin stated that for the last year she had conducted a study concerning prescription drug

abuse. Ms. Shubin's study assessed the practices, knowledge, and attitudes of Arizona primary care clinicians to determine the educational needs of these primary care providers regarding prescription drug abuse. Ms. Shubin stated that a needs assessment survey was distributed to 1,000 primary care clinicians including MDs, DOs, and PA's currently practicing in Arizona.

Ms. Shubin stated that two hundred and forty-two surveys (242) were returned.

Ms. Shubin stated that the respondents correctly identified terms related to drug abuse overall 77% of the time. Ms. Shubin stated that 91% of Arizona clinicians view prescription abuse as a significant problem in Arizona. Ms. Shubin stated that 89% of the respondents supported the implementation of a prescription drug monitoring program in Arizona.

Ms. Shubin stated that the results of the study indicated that there is a need for increased education among primary care clinicians regarding prescription drug abuse.

Mr. Dutcher asked Ms. Shubin how she planned to educate the prescribers. Ms. Shubin stated that she hopes to publish the article. Ms. Shubin stated that the topics could be addressed by offering CME courses. Dr. Stoehr stated that the school would offer the CE courses because that would be above the level of a student.

Mr. Dutcher asked Ms. Shubin and Dr. Stoehr how they planned to distribute the information to the clinicians. Dr. Stoehr stated that they would like to provide tip sheets to the clinicians. Dr. Stoehr stated that they plan on adding this information to courses currently being taught at the University.

Mr. McAllister stated that it is important to note that 89% of the respondents were in favor of implementing a prescription drug monitoring program.

The Board recommended that Ms. Shubin and Dr. Stoehr share this information with the Arizona Medical Board and the Arizona Medical Association.

President McCoy thanked Ms. Shubin and Dr. Stoehr for sharing this information with the Board.

## **AGENDA ITEM 9 - Review and Response to Letter from Dennis Kendall, Assistant**

### **Director of Health Services, Arizona Department of Corrections**

#### **(Duty of a Pharmacy Technician)**

Paulette Boothby, Acting Pharmacy Program Manager, and Marilyn Wand, Pharmacy Manager at the Lewis Prison Complex, were present to address Board Members issues.

Mr. Wand opened the discussion by stating that he received a letter from Dennis Kendall concerning technician duties at the prison. Mr. Wand stated that there are two questions. The first question is that they want pharmacy technicians to perform duties at a prison facility that no longer has a pharmacy permit due to budgetary concerns. Mr. Wand stated the activities that the individuals will perform are on pages 1 and 2 of the letter. Mr. Wand stated that he feels that some of the duties are clerk duties. Mr. Wand stated that the first question is are the listed activities technician duties. Mr. Wand stated that the second question is to whom this person would report. Mr. Wand stated that these individuals were pharmacy technicians when the pharmacy was present at the prison. Mr. Wand stated that it is still a requirement that the individual be a pharmacy technician to hold this position. Mr. Wand stated that they want to call these individuals administrative assistants and should they report to a pharmacist.

President McCoy asked the participants to address the issue of to whom the technicians would report. Ms. Boothby stated that they are proposing that the title be changed from pharmacy technician to administrative clerk and they would report to the facility health administrator.

Ms. McCoy asked if the clerks would be required to be licensed pharmacy technicians. Ms. Boothby replied no. Ms. Boothby stated that this job would be administrative.

Ms. McCoy asked if any patient health information would be available to these clerks. Ms. Boothby stated that the clerks would have access to a reader that would enable the clerk to verify if the medication has been sent and it will allow them to print an MAR for healthcare providers.

Mr. Wand asked about the Health Needs Request Form. Mr. Wand asked about the procedure if a patient asked a health related question on this form. Ms. Boothby stated that the form would be faxed to the pharmacy and a pharmacist would answer the question.

Ms. Wand stated that duties that the clerks would be asked to perform do not require that a pharmacy technician perform these duties. Ms. Wand stated that at the Winslow pharmacy the nursing staff is performing these duties and there have been no problems.

Ms. Wand stated that the HNR forms are triaged by nursing and they determine if the form is faxed to the pharmacy. Ms. Wand stated that in most cases the forms are faxed to the pharmacy by nursing, not by the administrative clerk.

Dr. Smidt asked if the administrative clerk could view the patient's profile. Ms. Wand replied in a read only fashion, just like the nursing personnel. Ms. Wand stated that they could not make a change to the profile. Ms. Wand stated that the prison system is exempt from HIPAA.

Ms. McCoy stated that this position would be similar to a health unit secretary in the hospital and that individual reports to nursing. Mr. McAllister stated that the position is similar to a medical records clerk in a physician's office.

Mr. Wand stated that a licensed pharmacist from one of the regional pharmacies would do a quarterly inspection at the prisons that do not have a pharmacy. Ms. Boothby stated that those inspections would continue.

Mr. Van Hassel asked if there would be storage of unlabeled medications at these facilities. Ms. Boothby stated that there would be a remote drug storage area. Ms. Boothby stated that when the patient is seen, the prescriber would authorize a nurse to pull and label the prescription.

Ms. McCoy asked if the administrative clerk would refill the remote drug storage area. Ms. Boothby stated that it is possible that they could restock the remote drug space. Ms. Wand stated that the clerk would order the medication from the regional pharmacy and place the item in the remote area. Ms. McCoy asked about the checking process to insure that the drugs are placed in the remote drug storage area. Ms. Boothby stated that the nursing staff inventories the remote drug storage area daily. Ms. Boothby stated that quarterly the pharmacist would check the remote drug storage area when performing their quarterly inspection.

The Board agreed that the duties were not technician duties and the employees could report to the health care administrator. The Board authorized Mr. Wand to respond accordingly.

### **AGENDA ITEM 10 - Fry's Electronic Prescribing - Arizona Pilot**

Matthew Feldman and Terry Daane presented Fry's Electronic Prescribing Pilot.

Mr. Feldman opened the discussion by reviewing the benefits of e- Prescribing. Mr. Feldman stated that e-Prescribing reduces handwritten prescription illegibility issues, enhances security, data integrity, and forgery protection, reduces time consuming phone calls and faxes, increases ability to obtain responses from both prescribers and pharmacies, increases the ability to see and be able to interact with patients on the estimated 20% of new prescriptions that are not otherwise presented to the pharmacist, and improves patient service.

Mr. Feldman stated that the physician may send new prescription orders to the pharmacy, the pharmacy may send refill requests to the physician, and the physician may approve or deny refill requests from the pharmacy.

Mr. Feldman reviewed the system components and the security features. Mr. Feldman stated that only authorized individuals that are trained and qualified personnel with password protected access will have access to the software and activity.

Mr. Feldman reviewed the electronic prescribing process. Mr. Feldman stated that if any errors or omissions are detected, the electronic prescription message is returned to the originating system with a reject status message. The system will not detect formulary rejections.

Mr. Feldman stated that the prescriptions at the pharmacy end would be formatted for prescription filling. A hard copy would be printed and filed in the pharmacy.

Mr. Dutcher asked if they are using a third party. Mr. Feldman stated that the third party validates the prescriber and translates the data in a secure fashion.P>

Ms. McCoy asked about the error messaging. Mr. Feldman replied that it only searches that each field is filled with data. Ms. McCoy stated that just because a prescription is readable that the pharmacist should still be aware that errors could occur.

Mr. Wand stated that the Board does not need to take action on this agenda item that it is for informational purposes only because the process will comply with the electronic prescribing rules.

President McCoy recessed the meeting for lunch.

President McCoy reconvened the meeting at 1:15 P.M.

### **AGENDA ITEM 11 -Feasibility of Attendance at CLEAR Conference - Board Members and Staff**

Mr. Wand opened the discussion by stating that the 2005 CLEAR Conference will be held in Phoenix this year. Mr. Wand stated that programs would be available for both Board Members and Compliance Officers. Mr. Wand stated that funds would be available if any Board Members or Staff would like to attend the conference.

The Board Members decided to list this as an agenda item for the next Board Meeting and to let Mr. Wand know if anyone was interested in attending the conference.

### **AGENDA ITEM 12 - Review of Hearing to be referred to Office of Administrative Hearings (OAH)**

President McCoy opened the discussion by stating that Mr. Wand has prepared a Notice of Hearing to refer this case to the Office of Administrative Hearings. Ms. McCoy stated that the case involves drug-related allegations against a technician. Ms. McCoy stated instead of the Board hearing the case, the Board could refer the case to the Office of Administrative Hearings. The Office of Administrative Hearings would hear the case and make a recommendation to the Board. Mr. McAllister stated that he felt that this would be an excellent test case to send to the Office of Administrative Hearings.

**On motion by Mr. Van Hassel and Mr. Dutcher**, the Board unanimously agreed to send this case to the Office of Administrative Hearings.

### **AGENDA ITEM 13 - Review of Jill Gerkin's Technician Application**

President McCoy opened the discussion by stating that the Board has received additional information concerning application #7342 submitted by Jill Gerkin. Ms. McCoy asked if Ms. Gerkin was present.

Ms. Gerkin came forth to discuss the application.

Ms. McCoy stated that the Board has received information that addresses a felony conviction that was not disclosed on the application by Ms. Gerkin. Ms. McCoy stated that the applicant has provided false or misleading information on her application.

Ms. Gerkin stated that this was the first application that she filled out since her conviction and it was an honest mistake. She stated that she did not try to hide anything.

Mr. Pulver stated that the Board should review the application and ask the applicant why she answered NO to question 7, which asks about felony convictions.

Ms. McCoy read Question 7, which states, "Has the applicant had any convictions involving a misdemeanor, felony offense, or any drug-related offenses? Note: Even though a conviction has been vacated, pardoned, expunged, dismissed, or appealed or your civil rights restored, you are required to answer "YES." Ms. McCoy told Ms. Gerkin that she clearly checked No on the application.

Mr. Pulver stated that Question 8 states that if an applicant has been convicted that they must provide a copy of that conviction with the application. Ms. Gerkin again stated that it was an honest mistake and she said that she was not thinking because this was the first application that she filled out since the felony conviction.

Ms. McCoy stated that many of the duties and responsibilities of a pharmacy technician require that the technician be familiar with the rules and regulations of the Board of Pharmacy. Ms. McCoy stated that Ms. Gerkin did not take the application seriously and that bothered her. Ms. McCoy asked Mr. Pulver if the Board denied the application does she have the opportunity to apply at a later date. Mr. Pulver stated that the applicant could reapply and the Board could say no. Mr. Pulver stated that the applicant could appeal the decision. Mr. Pulver stated that the applicant did not come back to the Board and report herself.

Mr. Pulver stated that the applicant did not come back to the Board with the information, but it through the diligence of this Board that the information was obtained. Mr. Wand stated that it was reported to the Board by someone who works at the pharmacy. Mr. Wand stated that background checks are not performed when applications are submitted.

Mr. Van Hassel asked Ms. Gerkin about her pharmacy background. Ms. Gerkin stated that she worked at Safeway and is now employed at Casa Grande Hospital. Ms. Gerkin stated that the conviction occurred in 2003. Mr. Dutcher asked if she was working as a pharmacy technician when the conviction occurred. Ms. Gerkin replied yes.

**A roll call vote** was taken. (Mr. McAllister-nay, Mr. Dutcher - aye, Mr. Van Hassel - aye, Dr. Smidt- aye, and President McCoy -aye). The Board Members voted to deny the application of Jill Gerkin to be licensed as a pharmacy technician.

Ms. McCoy stated that it is the duty of the Board to protect the public and as a result the Board could not approve her request to become a pharmacy technician.

## **AGENDA ITEM 14 - Proposed Rules and Five-Year Review**

### **Pharmacist-administered Immunizations Rule**

Compliance Officer/Rules Writer Dean Wright stated that he is submitting for the Board's approval the changes made to the Pharmacist-administered Immunizations rule. Mr. Wright stated that the changes include the following: change pneumonia to pneumococcal, tetanus toxoid to tetanus booster, and add language to allow the administration of diphenhydramine during emergency situations.

The Board gave Mr. Wright approval to proceed with the rulemaking process.

### **Graduate Intern Rule**

Mr. Wright stated that he is submitting for the Board's approval the Notice of Final Rulemaking

and the Economic Impact Statement for the Graduate Intern Rules. Mr. Wright stated that he published a Notice of Proposed Rulemaking in the Arizona Administrative Register on April 8, 2005 for the Graduate Intern Rule. A hearing was held on May 16, 2005. Janet Elliott representing the Arizona Community Pharmacy Committee presented verbal and written comments supporting the proposed rulemaking. Mr. Wright stated that if approved by the Board the Notice of Final Rulemaking and the Economic Impact Statement would appear on GRRC's August 2, 2005 hearing agenda for final approval and if approved by GRCC the rule will become effective on October 8, 2005.

**On motion by Mr. McAllister and Mr. Dutcher**, the Board unanimously agreed to approve the Notice of Final Rulemaking and Economic Impact statement for the Graduate Intern Rules.

### **Five -Year Review**

Mr. Wright stated that the 5-year review for Articles 7, 9, and 10 is due June 30, 2005. The review states that the Board will be amending all the rules in Article 7 and R4-23-1003. Mr. Wright indicated that there is a time frame for amending the rules. Mr. Wright stated that R4-23-1003 (A) (1) (f) and (A) (4) should be amended to require records be retained for seven years instead of three years to conform to other rules and statutes.

President McCoy stated that she felt a task force would be necessary to review the Long Term Care Rules. Ms. McCoy indicated that the Board could discuss the establishment of a task force at the next Board meeting. Ms. McCoy indicated if any one was interested in serving on the task force that they could contact Mr. Wand at the office.

**On motion by Dr. Smidt and Mr. McAllister**, the Board unanimously approved the Five-Year Review.

Mr. Wright stated that the Counseling Rules would become effective on August 6, 2005.

## **AGENDA ITEM 15- Complaint Review**

The Consumer Complaint Review committee met prior to the Board Meeting to review 43 complaints. Mr. Dutcher and Dr. Tippet served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions. Board Members discussed Complaints #2909, #2913, #2919, #2926, #2928, #2935, and #2955.

**On motion by Mr. Van Hassel and Mr. McAllister**, the Board unanimously approved the recommendations of the Complaint Review Committee.

The following summary represents the final decisions of the Board in each complaint.

- Complaint # 2906 - Letter
- Complaint # 2909 - Conference
- Complaint # 2911 - No Further Action
- Complaint # 2912 - No Further Action
- Complaint # 2913 - No Further Action
- Complaint # 2914 - Conference
- Complaint # 2915 - Conference (Pharmacist and Technician)
- Complaint # 2916 - Conference
- Complaint # 2917 - No Further Action
- Complaint # 2918 - Letter
- Complaint # 2919 - Letter
- Complaint # 2920 - No Further Action
- Complaint # 2921 - No Further Action
- Complaint # 2922 - No Further Action
- Complaint # 2923 - Conference (Pharmacist and Technician)
- Complaint # 2924 - No Further Action
- Complaint # 2925 - Conference (Pharmacist and Technician)
- Complaint # 2926 - Conference
- Complaint # 2927 - Withdrawn
- Complaint # 2928 - No Further Action
- Complaint # 2929 - Conference
- Complaint # 2930 - Conference
- Complaint # 2932 - No Further Action
- Complaint # 2933 - No Further Action
- Complaint # 2934 - Consent/Hearing

**On motion by Mr. Dutcher and Mr. Van Hassel**, the Board unanimously agreed to refer this case to OAH if the technician does not sign the consent agreement.

- Complaint # 2935 - Letter
- Complaint # 2936 - No Further Action
- Complaint # 2937 - Letter
- Complaint # 2938 - Consent/Hearing
- Complaint # 2939 - Letter
- Complaint # 2940 - Conference
- Complaint # 2941 - Consent/Hearing

**On motion by Mr. Dutcher and Mr. Van Hassel**, the Board unanimously agreed to the Hearing being heard by the Board if the technician does not sign the consent.

- Complaint # 2942 - No Further Action
- Complaint # 2943 - No Further Action
- Complaint # 2944 - Conference
- Complaint # 2945 - No Further Action
- Complaint # 2949 - Consent/Hearing
- Complaint # 2950 - Consent/Hearing for Pharmacist; Conference for the Pharmacy Technician
- Complaint # 2951 - Consent/Hearing
- Complaint # 2952 - Table
- Complaint # 2953 - Conference
- Complaint # 2954 - Consent/Hearing
- Complaint # 2955 - Consent/Hearing

Ms. McCoy asked that technician education be placed on the agenda for the next Board Meeting.

Ms. McCoy stated that the technicians do not realize the importance of being licensed and the expectations of the Board.

### **AGENDA ITEM 16 - Conferences**

- **Complaint #2875**

Pharmacist Jay McCoy and Pharmacy Supervisor Fauzia Somani were present in response to a consumer complaint. Compliance Officer Rich Cieslinski gave a brief overview of the complaint.

Mr. Cieslinski stated that a prescription for Zantac Syrup was filled with Zyrtec syrup. The patient was a two- month - old infant and was given 120 doses before it was determined that the wrong drug had been dispensed.

President McCoy asked Mr. McCoy to address the error. Mr. McCoy stated that the doctor phoned in a new prescription for the Zantac Syrup. Mr. McCoy stated that the prescription was entered correctly but was incorrectly dispensed and verified. Mr. McCoy stated that the patient received Zyrtec Syrup instead of Zantac Syrup.

Ms. McCoy asked Ms. Somani why sound alike and look alike drugs were stored by each other on the shelf. Ms. Somani stated the company has addressed the issue. Ms. Somani stated that every store must separate the two products. Ms. Somani stated that Zyrtec is on the fast rack and the Zantac is either in the alpha or liquid section. Ms. Somani stated that both products are tagged with orange shelf screamers. Ms. Somani stated that every supervisor has had to verify that each store has these two products separated in the pharmacy.

Ms. McCoy stated that this is a common error and information has been published concerning this error, yet action is not taken until a catastrophic event occurs.

Mr. Dutcher stated that the label is attached to the stock bottle and the error is blatant because the bottle says Zyrtec and the pharmacy label says Zantac. Mr. Dutcher stated that the product was not verified. Mr. Dutcher told the pharmacist that he needs to slow down and verify the prescriptions.

Mr. Van Hassel asked about the information given to a patient during counseling. Mr. McCoy stated that the patient is told the directions and the use of the medication. Mr. McCoy stated that the product was labeled correctly and the patient was counseled from the patient literature, which indicated that the correct medication was given. Mr. Dutcher asked if the patient was shown the medication. Mr. McCoy stated that they did not open the bag.

Mr. Dutcher asked about changes to prevent this error. Mr. McCoy stated that in addition to the shelf stickers, the staff has been educated, and the error was reported to the ISMP website.

Mr. McCoy stated that they have received the electronic scale, which provides an NDC check.

Ms. McCoy asked if the pharmacists have access to the ISMP newsletter. Ms. Somani stated that every store has access to the ISMP website. Ms. Somani stated the company has a new error reporting system, which will alert all stores about errors that have occurred.

- **COMPLAINT # 2879**

Pharmacist David Carrick and Pharmacy Supervisor Melanie Malee were present to address a consumer complaint. Compliance Officer Sandy Sutcliffe gave a brief overview of the complaint.

Ms. Sutcliffe stated a patient received Epivir and Epzicom instead of Viramune and Epzicom. The patient took the incorrect medication combination for 30 days.

Mr. Carrick stated on the 17<sup>th</sup> of November, a prescription for Epivir was filled because it was on the autofill system. When the patient came in on the 20<sup>th</sup> of November, the patient filled her Epzicom. The patient did not request the Viramune. The patient was given the Epzicom that was filled that day and the Epivir that was on filled on the 17<sup>th</sup>.

Ms. McCoy asked if Mr. Carrick has made any changes in his practice. Mr. Carrick stated that when he refills prescriptions, he goes over the names of the medications with the patient. He stated that if a prescription is already filled he asks the patient if they still need that prescription.

Mr. Dutcher asked Mr. Carrick if he thought the autorefill was a case of the confusion. Mr. Carrick stated that he is not sure if the patient would have asked for the second medication.

Ms. Malee states that many physicians like that the medications are autofilled for HIV patients to improve compliance.

Ms. McCoy indicated in the reply it was stated that the computer triggered no drug-drug interaction. Ms. Malee stated that they are working with Medispan to correct the problem.

- **Complaint # 2880**

Pharmacist Nhung Nguyen and Pharmacy Supervisor Jeff Ramsey were present to address a consumer complaint. Compliance Officer Rich Cieslinski gave a brief overview of the complaint.

Mr. Cieslinski stated that a patient at a Long Term Care facility was to receive 3 IV bags of Levaquin 250mg/50ml, but received 3 IV bags of Levaquin 500mg/100ml labeled as Levaquin 250mg/50ml. The error was caught by a nurse prior to administering the medication to the patient.

President McCoy asked Mr. Nguyen about the error. Mr. Nguyen stated that he worked by himself. Mr. Nguyen stated that he did not have any technician help. Mr. Nguyen stated that there were a lot of orders that evening and he was working alone. He stated that he was notified of the error the next day. Mr. Nguyen believes that he confused the labels on two prescriptions, but he could not check the prescription again because the driver had already left.

Ms. McCoy asked Mr. Nguyen if he has changed anything in his practice to avoid making this error again. Mr. Nguyen stated that the items have been separated on the shelves.

Mr. Ramsey stated that this is the first error that Nhung has made. Mr. Ramsey stated that the products have been separated. Mr. Ramsey stated that they are working with their IT people to be able to scan barcodes on their IV products to avoid errors.

Mr. Dutcher stated that the pharmacist needs to check the label against the product. Mr. Ramsey stated that they are no longer short staffed and there is adequate help during peak hours.

- **Complaint # 2881**

Pharmacists Thomas Harker and Bruce Celiz-Hagen were present to respond to a consumer complaint. Sandy Sutcliffe gave an overview of the complaint.

Ms. Sutcliffe stated that the complaint was filed by a long term care facility that sent information on five separate dispensings that they documented as medication errors. One prescription had the wrong patient name, three were wrong medications dispensed, and one was the wrong strength of medication was dispensed.

President McCoy asked Mr. Harker to address the issues. Mr. Harker stated that he reversed the labels on two medication cards. Ms. McCoy asked if these were pre-packaged cards. Mr. Harker replied yes.

Ms. McCoy asked Mr. Harker if he has changed his practice. Mr. Harker stated that it was too much for his business, so he terminated the contract with the pharmacist, the technician, and the care facility.

Ms. McCoy asked Mr. Celiz-Hagen to address his errors. Mr. Celiz-Hagen stated that one was a phone call with the wrong patient's name and he is not sure if there was an error. Mr. Celiz-Hagen stated that the other prescription was filled with the wrong medication. Ms. McCoy asked if Mr. Celiz-Hagen if he was still filling prescriptions for the home. Mr. Celiz-Hagen stated that he still fills prescriptions for the home and where he works now that barcode scanning is used to ensure the right product is dispensed.

Mr. Dutcher stated that the pharmacist should work at a pace that is comfortable for the pharmacist.

Ms. McCoy asked Mr. Harker if he has other employees. Ms. McCoy asked Mr. Harker if technicians process prescriptions. Ms. McCoy asked if Mr. Harker has a way to identify who enters the prescription. Mr. Harker stated when he entered into the contract; he hired another technician and an additional pharmacist to handle the business. Mr. Harker stated that the long term care facility kept changing the orders all day long. Mr. Harker stated that each pharmacist logs on with his own initials and is responsible for the work of his technician. Mr. Harker stated that he does not plan to do this type of business again. Mr. Harker stated that he was not aware of any issues until the complaint was filed which occurred after the contract ended.

- **Complaint #2882**

Pharmacist Roger Parker and Pharmacy Supervisor Bryan Bakke were present to respond to a consumer complaint. Rich Cieslinski gave a brief overview of the complaint.

Mr. Cieslinski stated that the patient received Augmentin, but had told the pharmacy personnel that she was allergic to Penicillin. The patient stated that she was not counseled.

President McCoy asked Mr. Parker about the error. Mr. Parker stated that the technicians handed out the prescription and the patient was not counseled. Mr. Parker stated that he believes that he was not called to the window to counsel the patient.

Mr. Bakke stated that the pharmacy was not aware of the allergy. Mr. Bakke stated that the patient had two previous fills of Keflex and no allergy interaction was noted. Mr. Bakke stated that the technician overrode the interaction that was the Keflex therapy. Mr. Bakke stated that the allergy information was entered after the prescription was filled. Mr. Bakke stated that the doctor was notified and they were not aware of any allergy and that is why the prescription was written for Augmentin.

Dr. Smidt asked where the allergy information was collected. Mr. Bakke stated that the input technician gathers the allergy information. Mr. Bakke stated that the Compliance Officer has noted that allergies were documented on the last three inspections. Ms. Cieslinski stated that even though allergies are documented, there is no way to verify that they are correct. It is just noted that information has been entered in the field, which may be No Known Allergies.

Mr. Dutcher asked if a warning flashes on the screen what is the process. Mr. Parker stated that the allergy is printed and the patient is asked about the allergy at the time of counseling. Mr. Dutcher asked if the prescription is filled. Mr. Parker stated the prescription is processed and not filled until the patient is questioned about the allergy.

Mr. Wand asked about the MD override. Mr. Parker stated that the technicians were advised not to override an interaction with the statement MD aware.

Ms. McCoy stated that the handwriting and abbreviations on the prescription were difficult to read. Ms. McCoy told Mr. Parker that when he transcribes a prescription it should be legible and he should not use abbreviations for the drug name.

Ms. McCoy asked about the counseling. Mr. Parker stated that the problem has been rectified.

Mr. Parker stated that one prescription got away. Ms. McCoy cautioned Mr. Parker to change his practices to prevent this from occurring again.

- **Complaint # 2890**

Pharmacist Stephen Gulley and Pharmacy Supervisor Fauzia Somani were present to answer questions in response to a consumer complaint. Compliance Officer Rich Cieslinski gave a brief overview of the complaint.

Mr. Cieslinski stated that the complainant received Butalbital/APAP/Caffeine instead of Carisoprodol. The patient received the wrong medication because the Baker Cell was filled incorrectly.

President McCoy asked Mr. Gulley about the error. Mr. Gulley stated that a prescription was filled for the patient for 90 tablets of Carisoprodol. The patient's insurance would not cover the prescription and the patient requested 5 tablets and he would pay cash for them. Mr. Gulley stated that he was not aware that the tablets were mixed in the bottle. Mr. Gulley stated that when he was notified, he checked the cells and the tablets were mixed in the cell. Mr. Gulley stated that he was truly sorry for the error. Mr. Gulley stated that in order to correct the problem he has moved the two cells. Mr. Gulley said that both products are made by the same company and look alike. Mr. Gulley stated that a technician fills the cells and a pharmacist double checks the cell.

Ms. McCoy asked Ms. Somani if there are policies in place for filling Baker Cells. Ms. Somani stated that the pharmacist should verify the product and the cell prior to the cell being filled. Ms. Somani stated that the technician filled the cell before the pharmacist verified the medication was correct. Ms. McCoy asked if this policy is in place in all the stores that are using Baker cells. Ms. Somani replied yes.

Ms. McCoy reminded Mr. Gulley to be sure the technicians adhere to the policy because if a Baker Cell is filled incorrectly there could be multiple errors.

- **Complaint # 2891**

Pharmacist Abimbola Johnson and Pharmacy Supervisor Joe Klimpel were present to answer questions in response to a consumer complaint. Compliance Officer Dean Wright gave an overview of the complaint.

Mr. Wright stated that the pharmacist dispensed Tramadol 50 mg instead of Demerol 50 mg on a new prescription. The patient took eight doses over the two- day period before calling his doctor because he was feeling woozy and sick to his stomach. The patient claims he was not counseled.

President McCoy asked Ms. Johnson about the error. Ms. Johnson stated that she did counsel the patient. Ms. Johnson stated that her District Manager called her because the patient had called him. The District Manager asked what medication the doctor had prescribed. Ms. Johnson stated that the prescription was for Tramadol. Ms. Johnson stated that her District Manager asked her to pull the prescription and check to see if the medication was not Demerol.

Mr. Dutcher stated that looking at the prescription he did not see the drug as Tramadol and it is clearly Demerol. Mr. Dutcher asked if she was working too fast or was overloaded. Ms. Johnson stated that the prescription looked like Tramadol to her. Ms. Dutcher asked if Ms. Johnson worked with a technician. Ms. Johnson replied not at that time. Ms. Johnson stated that she has a clerk.

Mr. Dutcher asked if counseling was performed. Ms. Johnson stated that she counseled the patient.

Mr. McAllister asked if this patient had previous prescriptions for Demerol. Ms. Johnson stated no.

Ms. McCoy asked Ms. Johnson if she has made any changes in her practice. Ms. Johnson stated that she completed a CE on preventing errors. Ms. Johnson stated that she has changed the way she verifies the prescriptions.

- **Complaint # 2900**

Pharmacist James Haislet and Pharmacy Supervisor Holly Prievo were present to address a consumer complaint. Compliance Officer Dean Wright gave an overview of the complaint.

Mr. Wright stated that the pharmacist dispensed Pacerone 200mg instead of Pancrease on a new prescription. The patient did not take any of the incorrect medication. The patient's wife stated that the pharmacist did not counsel her husband. The pharmacist stated that the patient refused counseling, but the pharmacist did not document the refusal.

President McCoy asked Mr. Haislet to address the complaint. Mr. Haislet stated that the patient's wife dropped off the prescription and returned later to pick up the prescription. Mr. Haislet stated that he and the technician read the prescription as Pacerone. Mr. Haislet stated that he believes that he left a note for someone to check the prescription the next morning. Mr. Haislet stated that the technician asked the patient's wife if she had any questions for the pharmacist and the wife replied no that the doctor had went over the medication with them. Mr. Haislet stated that the wife read the literature and called the pharmacy. Her husband did not take any of the medication.

Ms. McCoy asked if there was an offer to do counseling from the technician. Ms. McCoy asked if it is the policy of the store that the pharmacist counsels the patient on all new prescriptions or are patients given an option. Mr. Haislet stated that they offer counseling on all new prescriptions.

Mr. Dutcher stated that if the pharmacist had counseled the patient this error would not have left the pharmacy. Mr. Haislet stated that he knows that now. Mr. Dutcher stated that there are three points that should have alerted Mr. Haislet to the fact that he had the wrong medication. The first point was that the prescription was written for 270 tablets and most Pacerone prescriptions are not written for that quantity. The second point was that most patients do not take nine (9) Pacerone tablets daily. The third point was that the prescription was written by a gastroenterologist.

Mr. Haislet stated that he did not realize that the prescription was written by a gastroenterologist.

Ms. McCoy asked Ms. Prievo if they have addressed the staffing issues. Ms. Prievo stated that they are currently recruiting and training technicians.

Ms. McCoy stated that the outcome could have been catastrophic if the patient had not read the literature provided. Ms. McCoy asked Mr. Haislet what he has changed in his practice. Mr. Haislet stated that he is looking for CE on cardiology drugs. Mr. Haislet stated that he has completed a CE program on errors.

- **Complaint # 2908**

Dawn Hoang was present to answer questions in response to a consumer complaint. Compliance Officer Rich Cieslinski gave a brief overview of the complaint.

Mr. Cieslinski stated that Ms. Hoang dispensed Azathioprine 50 mg instead of 6-Mercaptopurine. The mother questioned the medication and was told that the medication was correct. The two-year-old child took the wrong medication for 5 days before the medication was discontinued.

President McCoy asked Ms. Hoang about the error. Ms. Hoang stated that prior to this prescription she had compounded Dexamethasone and Protonix in liquid form for the patient.

Ms. Hoang stated a week later the patient had a prescription written for 6-Mercaptopurine. Ms.

Hoang stated that the first thing that came to her mind was Imuran. Ms. Hoang stated that because the patient was on Dexamethasone that is an immunosuppressive, she chose Imuran because it was another immunosuppressive agent. Ms. Hoang stated that she did not have reason to call the doctor. Ms. Hoang stated that the parents never called her to question the drug. Ms. Hoang stated that the nurse called her and asked her to pull the hard copy and check the drug. Ms. Hoang stated that the nurse asked her why she dispensed Imuran. Ms. Hoang stated that she told the nurse that Imuran metabolizes to 6-MP and that is why she chose that drug. The nurse told her that was the wrong drug. Ms. Hoang told the nurse that she would

give the patient the correct medication. The patient declined and had the prescription filled at another pharmacy and filed the complaint with the Board.

Ms. McCoy stated that the complaint report indicates that the mother questioned the medication and was assured the medication was correct. Ms. Hoang stated that the mother did not call and question this medication. Ms. Hoang stated that she counseled the father.

Ms. McCoy asked if this was a compounded prescription. Ms. Hoang replied that she dispensed the tablets.

Mr. Dutcher stated that he has issues with the fact that Ms. Hoang kept stating "I chose"

and did not dispense the medication as the doctor had written the prescription. Mr. Dutcher stated that Ms. Hoang stated that she saw 6-Mercaptopurine and immediately thought of Imuran.

Ms. McCoy asked Ms. Hoang what her process is for the final check of a prescription. Ms. McCoy stated that the label says azathioprine and the prescription says 6-Mercaptopurine.

Ms. Hoang stated that it is her fault that she did not call the doctor, but she thought the doctor wrote for the metabolite 6-mercaptopurine. Ms. McCoy stated that is beyond the scope of practice of a pharmacist. Ms. McCoy stated that Ms. Hoang is second guessing what the doctor has written based on her limited knowledge about the patient. Ms. McCoy stated that the prescription is clearly written for 6-Mercaptopurine and Ms. McCoy stated that there would be no reason to call the physician to clarify the prescription. Ms. McCoy stated that the prescription was filled with the wrong product. Ms. McCoy stated that the mother stated that she questioned the medication. Ms. McCoy stated that when a parent questions a medication for a child that the pharmacist should recheck the prescription.

Ms. McCoy asked Ms. Hoang if her pharmacy is a compounding pharmacy. Ms. McCoy stated that if a product is compounded then the patient is at the mercy of the pharmacist to compound the product correctly.

Mr. Dutcher stated that doctors do not write for metabolites, but write for the product that they want dispensed,

Mr. McAllister stated that this is a serious error and she could have been offered a consent order that would have resulted in suspension or revocation of her license.

Ms. McCoy stated that this might be more serious than a conference since it involves a child. Mr. Dutcher stated that the Board is thinking of more serious actions. Mr. Pulver stated that the Board could take this to a higher level, such as a consent or hearing.

Ms. McCoy stated that the patient did not get proper treatment for 5 days. Ms. Hoang stated that the child is stable and Ms. Hoang stated that she apologized to the parents.

Mr. Pulver stated that a consent could be offered to offset a hearing. Mr. Wand stated that he believes Mr. Dutcher is asking if they can specify the terms of the consent agreement. Mr. Pulver replied yes. Mr. Pulver stated that a motion should be made for a consent order prior to specifying terms.

Dr. Smidt asked Ms. Hoang how long she has been a pharmacist. Ms. Hoang stated that she graduated in 2001. Ms. Hoang stated that this is the first mistake that she ever made.

Ms. McCoy stated that she feels that Ms. Hoang made a judgment based on presumptions. Ms. Hoang stated that she would verify prescriptions if the name is not written carefully. Ms. McCoy stated that the patient is not able to search for compounded products on the Internet to ensure that they received the correct medication.

Mr. Dutcher made a motion to offer Ms. Hoang a consent order. The motion was not seconded.

Ms. McCoy told Ms. Hoang to review the scope of practice of a pharmacist. Ms. McCoy reminded Ms. Hoang to keep her patients foremost in her practice.

Ms. McCoy asked that a letter be sent to the practitioner discouraging the use of the writing the prescription as 6-Mercaptopurine.

### **AGENDA ITEM 17 - Consent Agreements**

President McCoy asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General's Office and have been signed. Mr. Wand provided an overview of the Consent Agreements for the benefit of the audience.

Mr. Wand stated that the first consent involved the removal of antibiotic capsules from the pharmacy by a technician. The technician did not have a valid prescription. Mr. Wand stated that the technician admitted to removing other merchandise from the store. Mr. Wand stated that the technician's license will be suspended for thirty days and he must pay a fine.

Mr. Wand stated that the second consent involved the changing of a controlled substance prescription by the pharmacist and the addition of refills to the prescription without authorization from the physician. The prescription was for the pharmacist. The consent order requires the pharmacist to sign a PAPA contract.

Mr. Wand stated that the third consent was issued due to violations discovered at a recent inspection. Mr. Wand stated that the pharmacy will be required to pay for two additional inspections within the next year ..

**A roll call vote** was taken. (Mr. McAllister - aye, Mr. Van Hassel - aye, Dr. Smidt - aye, Mr. Dutcher - aye, President McCoy - aye). All Board Members present voted to unanimously accept the following Notice of Hearing/Consent Agreement as presented in the meeting book and signed by the respondent:

- James Edwards  
04-0031-PHR
- Lori Wickenhauser  
05-0005-PHR
- excelleRx  
05-0007-PHR

### **AGENDA ITEM 18 - Drug Therapy Management Agreements**

President McCoy asked Ms. Frush to open the discussion. Ms. Frush stated that the Board had received four drug therapy management renewal agreements. The Drug Therapy Management Committee reviewed the agreements and recommended that the agreements be approved. Ms. Frush stated that the committee felt that the Board might want to review the rules to require the pharmacist to submit documentation showing quality assurance programs are in place and the pharmacists have met with the physicians on a routine basis. The rules do not require that the pharmacist submit this documentation when renewing their contract. The committee felt that the applicant should be required to submit outcome data and the data should cover the entire period of the contract.

Ms Frush stated that copies of the outcome data submitted are attached to the report for review by the Board Members. Ms. Frush stated that the time periods vary for each agreement and that is why the committee is recommending that the outcome data cover the entire period of the contract.

**On motion by Mr. Van Hassel and Mr. Dutcher**, the Board unanimously approved the following drug therapy

agreements:

- Sandra Leal  
El Rio Hospital  
Diabetes Type 1 and 2, Hypertension, and Hypercholestroemia
- Marissa Soto  
El Rio Hospital  
Diabetes Type 1 and 2, Hypertension, and Hypercholestroemia
- Heather Yeager  
Cigna Healthcare of Arizona  
Anticoagulation Clinic
- Kenton Brown  
Cigna Healthcare of Arizona  
Anticoagulation Clinic

President McCoy asked how the applicants would be notified. Ms. Frush stated that the applicants would be issued a new certificate with a new expiration date.

Ms. McCoy stated that the pharmacists are providing a service to their patients and hopes more pharmacists submit agreements to provide drug therapy management to their patients.

### **AGENDA ITEM 19 - Review of letter from PAPA concerning a contract violation by a confidential member**

President McCoy asked Mr. Wand to address this issue. Mr. Wand stated that he received a letter from PAPA indicating that a confidential member has violated his contract. PAPA has requested that the Board recommend the action that should be taken against this individual. Mr. Wand stated that the Board could offer the pharmacist a consent order that would change his status from a confidential member to a known member.

President McCoy stated that she feels that the Board should act upon this violation. She stated that the member has violated his contract twice.

Mr. Dutcher asked what the differences were in being a confidential member versus a known member. Mr. Wand stated that a known member could not be a preceptor or Pharmacist In Charge during their probation period. Mr. Wand stated that if the pharmacist violates the consent order then he would be subject to a hearing.

**On motion by Mr. McAllister and Mr. Dutcher**, the Board unanimously agreed to issue the pharmacist a Consent order changing his status from a confidential PAPA member to a known PAPA member.

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

President McCoy 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.

Comments were made concerning the following issues :

1. A pharmacist noted that during the complaint review that it was mentioned that a patient had a choice to have his prescription at any pharmacy. The pharmacist stated that some patients only have the mail order option.
2. Bob Lipsy stated that the Board is helping improve the quality of patient care in the state of Arizona.

There being no further business to come before the Board, **on motion by Mr. Dutcher and Dr. Smidt**, the Board unanimously agreed to adjourn the meeting at 3:45 PM.