

THE ARIZONA STATE BOARD OF PHARMACY

HELD A REGULAR MEETING AUGUST 21 & 22, 2002

RADISSON WOODLANDS HOTEL-FLAGSTAFF, ARIZONA

The following Board Members were present: President William E. "Bill" Jones, Vice President Paul Draugalis, Linda K. McCoy, Gerald Ritt, Dennis McAllister (8/21 only), and Daniel Ketcherside. Also present were: compliance officers Cheryl Frush, Mitzi Wilson, Dean Wright, Ed Hunter and Dennis Waggoner; Drug Inspector Toni Salcido, Deputy Director Hal Wand, Executive Director L. A. Lloyd and Assistant Attorney General M. Elizabeth "Lisa" Burns.

President Jones called the meeting to order at 9:00 a.m. and asked Hal Wand to explain the process of obtaining pharmacy law continuing education credit for attending. President Jones welcomed the audience and inquired if there were any pharmacy interns attending...there were none.

AGENDA ITEM I - APPROVAL OF MINUTES

On motion by Mr. Draugalis and Mr. Ketcherside, the minutes of the June 20, 2002 Special Meeting and the Executive Session of the same date were unanimously approved as submitted.

AGENDA ITEM II - RODEO-CHEDESKI FIRES

President Jones announced that during the recent Chedeski-Rodeo wild fire incident in North Eastern Arizona, in the immediate area of his residence, he was pleased with the professional attitudes and beyond-the-call of duty activities of several pharmacists/pharmacies in assisting "fire refugees" to obtain emergency amounts of their prescription medications from local area pharmacies. In recognition of the outstanding service demonstrated by the pharmacy personnel of the following pharmacies: Safeway Pharmacy #3189, Holbrook; K-Mart Pharmacy # 7655, Mesa; Walgreens Pharmacy # 1384, Tucson and Wal-Mart Pharmacy # 1549, Mesa. President Jones has commissioned the preparation of a recognition plaque to be presented to each of these pharmacies.

AGENDA ITEM III - PERMITS & LICENSES

PHARMACY PERMITS:

Deputy Director Hal Wand reported that all pharmacy permit applications 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 ranged from brief to extensive, with various applicant representatives; the following permits were unanimously approved on motions as detailed below. **On motion by Mr. Draugalis and Mr. Ketcherside**, the following pharmacy permit applications were unanimously approved pending final inspection:

IN-STATE

- Apothecary Shop of Arrowhead
17612 N. 59th Ave, #101, Glendale, AZ 85308
Apothecary Shop of Arrowhead Inc.
- Arizona Spine & Joint Hospital
4620 E Baseline Road, Mesa, AZ 85205
Arizona Spine & Joint Hospital
- Bashas' United Drug #120
7586 W Thunderbird Road, Peoria, AZ 85381
Bashas', Inc.
- Bashas' United Drug #128
13940 W Meeker Road, Sun City West, AZ 85375
Bashas' Inc.
- Costco Pharmacy #0691
10000 W McDowell Road, Avondale, AZ 85323
Costco Inc.
- CVS Pharmacy #3965
5975 W Chandler Blvd., Chandler, AZ 85226
CVS Corporation
- CVS Pharmacy #3268

765 S Lindsay Road, Gilbert, AZ 85296

CVS Corporation

- CVS Pharmacy #3272
2371 E Guadalupe Road, Gilbert, AZ 85234
CVS Corporation
- CVS Pharmacy #3436
2809 S Sossaman Road, Mesa, AZ 85212
CVS Corporation
- CVS Pharmacy #3491
9546 E Riggs Road, Sun Lakes, AZ 85248
CVS Corporation
- Fry's Food & Drug #72
87 E Williams Field Road, Gilbert, AZ 85225
Smiths Food & Drug Centers, Inc.
- PETNET Pharmaceuticals Phcy
NEC 40th St & Cotton Blvd Bldg 7, Phoenix, AZ 85040
PETNET Pharmaceuticals, Inc.
- Safescript Pharmacy
310 N. Wilmot Rd., Ste 310, Tucson, AZ 85711
Safescript of Arizona, Inc.
- Safeway Pharmacy #1771
1301 W. Dual Mine Rd., Sahuarita, AZ 85629
Safeway Inc.
- Sam's Pharmacy #10-6605
1225 N. Gilbert Rd., Gilbert, AZ 85234
Wal-Mart Stores, Inc.
- Walgreens Drug #07026
12244 W Cactus Avenue, El Mirage, AZ 85335
Walgreens AZ Drug Co.
- Walgreens Drug #05750
10315 E Broadway Blvd., Tucson, AZ 85748
Walgreens Arizona Drug Co.

The following applications for in-state 'pharmacy permits' were initially held for further discussion; both were later approved subsequent to an opportunity to meet with the Assistant Attorney General in Executive Session, and an opportunity to dialog with the applicants. **On motion by Mr. Ketcherside and Mr. McAllister** with the unanimous consent of the Board and subject to final inspection by the compliance staff.

- Kenco Medical Pharmacy
724 N. Industrial Dr., Campe Verde, AZ 86322
Kenco Medical, Inc.
- O2 Science Pharmacy
2125 E. 5th St., Ste 110, Tempe, AZ 85281
New Valley Health Group, Inc.

WHOLESALE DRUG PERMITS:

Following an in depth discussion with owner/operator Scott Powell of Arizona Warehouse Logistics Inc. concerning the handling, recordkeeping and redistribution of salvaged-closeout over the counter drugs; **and on motion by Mr. Draugalis and Ms. McCoy**, the Board voted unanimously to approve the following permits pending final inspection by compliance staff.

Full Service:

- Arizona Warehouse Logistics, Inc.
220 E. Bucket of Blood, Holbrook, AZ
Arizona Warehouse Logistics, Inc.
- Southwestern Clinical Services
1870 W. Prince Rd., #36, Tucson, AZ 85705
Southwestern Clinical Services

Non-Prescription:

- 21st Century Laboratories
2119 S. Wilson St., Tempe, AZ 85282
21st Century Laboratories, Inc.
- Costco Pharmacy #691
1000 W. McDowell Rd., Avondale, AZ 85323
Costco Wholesale Corp.
- Sam's Club #10-6605
1225 N. Gilbert Rd., Gilbert, AZ 85234
Sam's West, Inc.

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. Draugalis and Mr. Ketcherside**, the Board unanimously approve the following applicants:

Pharmacists License Numbers S13193 through 13309. See attachment A.

Intern License Numbers I05645 through I05669. See attachment B.

NON-RESIDENT PHARMACY PERMITS

Following a review of the applicants for non-resident pharmacy permits and with the assurance of the staff that the permits were in order and the fees paid, **on motion by Mr. Ketcherside and Mr. McAllister**, the Board voted unanimously in favor of approving all applications listed below:

- Ambulatory Pharmaceutical Services
309A Henderson Drive, Sharon Hill, PA 19079
IHS Acquisition XXX, Inc.
- American Breathing Care Plus
266 Industrial Blvd., Rainsville, AL 35986
American Breathing Care Plus Inc.
- Animal Rx Pharmacy
854 Avenue R, Ste 300, Grand Prairie, TX 75050
MWI Veterinary Supply Co.
- Animal Rx Pharmacy
2201 N. 20th Street, Nampa, ID 83687
MWI Veterinary Supply Co
- Anthem Prescription Management
8990 Duke Blvd., Mason, OH 45040
Anthem Prescription Mgmt, LLC
- Beverly Home Care Infusion Svcs
604 E. Huntington Dr., Monrovia, CA 91016
Home Care Preferred Choice
- Diabetic Products Pharmacy 4820 Park Blvd.
Pinellas Park, FL 33781
North America Technology, Inc.
- Evergreen Pharmaceutical, Inc.
12220 113th Avenue NE, Kirkland, WA 98034
Omnicare, Inc.
- Express Scripts
202 Precision Drive, Horsham, PA 19044
Express Access Pharmacy, Inc.
- First Call Pharmacy LLC
1500 Veterans Blvd., Kenner, LA 70062
First Call Pharmacy LLC
- Hal's Compounding Pharmacy
3825 32nd Street, San Diego, CA 92104
Hal's Compounding Pharmacy
- Horizon Scripts Com, Inc.
7136 Brookwood Dr., Brookfield, OH 44403
Horizon Scripts Com, Inc.

- Infinity Infusion Care, Ltd
5005 Mitchelldale #222, Houston, TX 77092
Infinity Infusion Care, Ltd
- KMC Pharmacy
12 Route 17 North; Suite 101, Paramus, NJ 07652
KMC Pharmacy Inc.
- M.O.M.'s Pharmacy
2800 S IH 35, Suite 108, Austin, TX 78704
Allion Health Care
- PharMerica
6330 E. 75th Street, Ste 322, Indianapolis, IN 46236
A Div of Amerisource Bergen
- Prescription Resources, Inc.
9741-A Southern Pines Blvd., Charlotte, NC 28202
Giant Pharmacy LLC
- Priority Healthcare Pharmacy
3998 Red Lion Road, Philadelphia, PA 19114
Pharmacy Plus, Inc.
- Pulmo-Dose Pharmacy
120 Max Hurt Drive, Murray, KY 42071
Pulmo-Dose Inc.
- Red Cross Drug
111 N Main Street, Blanchard, OK 73010
Red Cross Drug
- Reliant Pharmacy Service
1235 Stateline Road West, Southaven, MS 38671
Reliant Pharmacy Service Inc.
- Schrafts A Specialty Pharmacy
348 E Northfield Road, Livingston, NJ 07039
Schrafts A Specialty Pharmacy
- SinuCare, Inc. 270 S N. Lake Blvd.; Ste 1000,
Altamonte Springs, FL 32701
Home Care Solutions, Inc.
- Speed Scripts
6860 SW 81st Street, Miami, FL 33143
Speed Scripts Inc.
- Synavant Pharmacy Dept.
25 Madison Rd., Totowa, NJ 07512
Synavant Inc.
- US Specialty Care Pharmacy
9 Inverness Drive East, Englewood, CO 80112
Welldyne Inc.
- Veterinary Pharmaceuticals, Inc.
13113 13th Road West, Hanford, CA 93230
Veterinary Pharmaceuticals, Inc.

AGENDA ITEM IV - SPECIAL REQUESTS

#1 Maricopa County

Pharmacist Ron Keehn representing Maricopa Integrated Health System appeared to present the results of a pilot study requested by the Board requisite to approval of a waiver that would allow "electronic bar-code scanning" to replace the pharmacist's final prescription verification in their "limited service pharmacy". Mr. Keehn reported 7,000 prescriptions were involved in the verification study. The results were 100% accuracy, using both bar-code technology and pharmacist verification.

Compliance Officer Mitzi Wilson provided comments and recommendations pursuant to her observations of the process. Ms. Wilson described a possible safety concern relating to the seemingly non-stop motion of the automated process and the need for order entry review and documentation by a pharmacist prior to the actual dispensing. Also Ms. Wilson advised that pharmacist review and verify of prepackaging was needed.

In response to these comments, Mr. Keehn felt that an early-stage review by a pharmacist is feasible, he added that some software modification would be needed to implement this feature and he could not predict how soon it could be initiated.

Keehn added that he has complete confidence in the accuracy of the electronic bar-code scan system.

Board members directed numerous inquiries to Mr. Keehn. All inquiries were promptly and directly addressed. On conclusion of the discussion and **on motion by Mr. Ritt and Ms. McCoy**, the Board unanimously approved, pursuant to A.R.S. 32-1904(B) (6), the request from Maricopa Integrated Health System Pharmacy for a waiver to the Board of Pharmacy Rule A.A.C. R4-23-402(B) that a pharmacist or a pharmacy intern verify and initial the prescription order entry before it leaves the pharmacy. Permission is granted pursuant to agreed modification of the system providing pharmacist verification of order entry of all orders; pharmacist review and verification before and after the prepackaging process but prior to the dispensing phase. Consistent with Board procedure a waiver is subject to review and repeal by the Board.

#2 Walgreens Healthcare Plus

Rick Wendling, R. Ph., Steve Vickhammer, R. Ph. and Jill Drell, J.D. were present representing Walgreens Healthcare Plus in a request for a waiver from the Board of Pharmacy Regulation R4-23-402(B) that a pharmacist verify and initial a prescription before it leaves the pharmacy. In a written request, Mr. Wendling asked that the Board allow Walgreens Healthcare Plus to substitute remote pharmacist verification utilizing image scanning technology in place of manual verification by a pharmacist. Mr. Wendling stated that the Walgreens mail-service pharmacy facility in Florida has received permission from the Florida Board of Pharmacy to initiate this technology there. Both Ms. Drell and Mr. Vickhammer offered justification for the request and responded to questions from the Board.

On conclusion of the discussion and **on motion by Mr. Ketcherside and Mr. Draugalis**, the Board agreed to a pilot program in a maximum of two remote locations under the direction of Compliance Officer Cheryl Frush with periodic reports to the Board on the outcomes of the program. The Board will evaluate the effectiveness and public health protection impact of the program based on Ms. Frush's reports.

#4 & #5 Carmen Torres and Edwin Rivera

Both Ms. Torres and Mr. Rivera appeared seeking permission from the Board to sit for the MPJE (pharmacy law examination) for a 5th attempt to pass the examination and become licensed pharmacists.

Based on previous appearances and either little or no improvement in test results, even after taking a formal four-hour pharmacy law review class, several Board Members expressed reluctance in granting additional opportunities to test. Alternatives included, taking a full semester pharmacy law course in an accredited college or pursue an English proficiency course. Following a lengthy discussion and dialog the Board clearly agreed that more than one additional attempt would be unlikely. **On motion by Mr. Ritt and Ms. McCoy** the Board voted five in favor and one opposed to grant one additional test opportunity to both Ms. Torres and Mr. Rivera.

#6 David Woods

Mr. Woods appeared on his own behalf requesting Board approval to become a licensed graduate intern and subsequently sit for the licensing examinations in a attempt to again become a licensed pharmacist in Arizona. Mr. Woods asked permission to distribute printed information including a statement indicating why he desires to pursue pharmacy licensure, a summary of his employment since his revocation and several character references. Mr. Woods verbally described the dynamics of his family and employment history since his pharmacist licensed was revoked by the (AZ) board in 1995.

Following an in depth exchange of questions and answers between Mr. Woods and Board/Staff, and on **motion by Mr. Ritt and Mr. Draugalis**, the Board voted five in favor and one opposed to allow Mr. Woods to be licensed as a "graduate intern" for the purpose of obtaining at least 1500 hours of pharmacy intern training in preparation for sitting for the NAPLEX and MPJE licensure examinations. The Board placed conditions on their licensure approval , i.e. Mr. Woods enroll in and comply with the PAPA program for at least the period of his internship, on completion of 1,500 hours of intern experience Mr. Woods shall request an appearance before the Board to receive permission to sit for the licensure examinations and to discuss possible license restrictions if licensure is successful. Topics to be decided later include: serving as a Pharmacist-in-Charge, working in a pharmacy alone and serving as a pharmacy intern preceptor.

Mr. Woods was asked if he had any questions relating to the Board's motions. He indicated that he understood the motions.

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

- #3 John Bacovcin
- # 7 Kevin McConnell

- #8 David Shoup

On motion by Mr. Draugalis and Mr. Ritt, the Board unanimously agreed to table action on these requests until further notice.

#9 Kevin Dennick

(Mr. Dennick actually appeared on Thursday August 22, 2002 but is reported here for continuity purposes.)

Mr. Dennick appeared with PAPA Program Administrator Lisa Yates requesting the Board to stay the suspension imposed on his license and in lieu thereof that his license be placed on probation. Mr. Dennick briefly described the issues leading to the suspension of his license. Ms. Yates was present to report on Mr. Dennick's history with the PAPA program. In her concluding remarks, Ms. Yates stated that Mr. Dennick has complied with the PAPA program contract and he appears to be ready to return to pharmacy practice. In conclusion Mr. Dennick requested the Board to terminate the suspension imposed on his license and that he be placed on probation for a period determined by the Board.

On motion by Mr. Ritt and Mr. Ketcherside, the Board voted unanimously in favor of terminating the suspension on Kevin Dennick's license # S 8392 and in lieu thereof place his license on Probation as described in Board Order Number 02-0007-PHR.

President Jones declared the meeting in recess for lunch and reconvened the meeting in open session at 1:30 p.m.

AGENDA ITEM IV - REPORTS

Executive Director Lloyd distributed copies of the unaudited fiscal year end (6/30/02) financial report. Mr. Lloyd commented that the board had income in excess of its expenses for the fiscal year and that substantial unspent appropriated funds from last fiscal year have been carried forward to FY03. Mr. Lloyd provided comments on items in his written report, including possible statute changes, special projects, staffing and up-coming meeting opportunities. Board Members directed questions to Mr. Lloyd.

Director Lloyd called the Board's attention to a printed ACPE report provided at the meeting. The specific item of interest was that ACPE recently extended accreditation status to the pharmacy program at the American University of Lebanon. Lloyd suggested that this decision has possible impact on boards of pharmacy licensing requirements of non-U.S. pharmacy school graduates. In conclusion, Mr. Lloyd suggested a motion to attend the 2002 District 7/8 NABP/AACP annual meeting would be in order. **On motion by Mr. Draugalis and Ms. McCoy** the Board voted unanimously to fund the expenses of two representatives to the District meeting.

Deputy Director Hal Wand called the Board's attention to the Compliance Officer Activity Report. Mr. Wand detailed compliance activities in several areas and indicated that the addition of a non-pharmacy drug inspector is producing dramatic increases in the number on non-pharmacy inspections this calendar year. Mr. Wand touched briefly on unusual compliance/ complaint issues in recent weeks and commended the staff for their professionalism and dedication. Mr. Wand is confident that the inspection goals for 2002 will be completed in a timely manner.

(Lisa Yates actually appeared on Thursday August 22, 2002 but is reported here for continuity purposes.)

Lisa Yates, Administrator of "Pharmacists Assisting Pharmacists of Arizona", provided a printed copy of the quarterly report to the Board. Ms. Yates stated that currently there were 33 participants in the program. Yates also stated that PAPA is hosting the 15th annual Southwest Pharmacist Recovery Network meeting in Tucson September 14 & 15, 2002 and invited interested Board Members to attend. Ms. Yates called the Board's attention to participants experiencing program compliance issues and invited questions from the Board.

AGENDA ITEM VI - PROPOSED RULES

President Jones invited Compliance/Rule Writer, Dean Wright to comment on 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 Vitamins and Veterinary rules. Mr. Wright provided a status report and describe the proposed changes included in this package. Following a brief interchange between the Board and Mr. Wright and **on motion by Mr. Ritt and Mr. Ketcherside**, the Board voted unanimously in favor of final approval of the Notice of Final Rulemaking and the Economic Impact Statement in this matter.

Mr. Wright next addressed the administrative rules addressing Hospital Pharmacy. Following an overview of the revision process specifically referencing changes to the section on "investigational drugs" and current status of the proposed rule change, Mr. Wright invited questions/comments from the Board. On concluding the discussion and **on motion by Mr. McAllister and Mr. Draugalis**, the Board voted unanimously in favor of approving the Notice of Final Rulemaking and the Economic Impact Statement for the Hospital Pharmacy Rules.

AGENDA ITEM VII - CONSUMER COMPLAINT REVIEW COMMITTEE RECOMMENDATIONS

The Consumer Compliant Review Committee met prior to the Board Meeting to review 22 consumer complaints and make recommendations to the Board for resolution. Members Draugalis and Ketcherside shared in presenting the committee's findings and recommendations. Comment and inquiry from Board Members was encouraged.

Following a detailed presentation 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. McAllister and Ms. McCoy** and unanimously passed by the Board.

- Complaint # 2551 - Appear before the Board and Letter to prescriber
- Complaint # 2555 - Appear before the Board
- Complaint # 2557 - Letter of Warning to Pharmacist
- Complaint # 2558 - No further action
- Complaint # 2559 - No further action
- Complaint # 2560 - Appear before the Board
- Complaint # 2561 - Letter of Warning to Pharmacist
- Complaint # 2562 - No further action
- Complaint # 2563 - Appear before the Board
- Complaint # 2564 - Appear before the Board
- Complaint # 2565 - Letter to pharmacy management
- Complaint # 2566 - Appear before the Board
- Complaint # 2567 - Appear before the Board
- Complaint # 2569 - Letter of Warning to Pharmacist
- Complaint # 2570 - Letter of Warning to Pharmacist
- Complaint # 2571 and 2574 - Letter of Warning to Pharmacy District Manager
- Complaint # 2572 - Appear before the Board
- Complaint # 2573 - Appear before the Board
- Complaint # 2575 - No further action
- Complaint # 2576 - Appear before the Board
- Complaint # 2581 - Continue Board's Investigation

At 4:25 p.m. and **on motion by Mr. Ketcherside and Mr. McAllister**, the Board unanimously agreed to recess the open meeting and reconvene in Executive Session to obtain legal advice from Assistant Attorney General Lisa Burns.

At 4:35p.m. President Jones reconvened the meeting in open public session and immediately recessed the meeting until 9 a.m. Thursday August 22, 2002.

President Jones reconvened the Board of Pharmacy meeting in open session at 9:00 A.M. Thursday August 22, 2002 at the Radisson Woodlands Hotel in Flagstaff, Arizona. The following Members and staff were present at this meeting: President William E. "Bill" Jones, Vice President Paul Draugalis, Linda K. McCoy, Gerald Ritt, and Daniel Ketcherside. Also present were: compliance officers Cheryl Frush, Mitzi Wilson, Dean Wright and Ed Hunter, Deputy Director Hal Wand, Executive Director L.A. Lloyd and Assistant Attorney General M. Elizabeth "Lisa" Burns.

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 # 2542

President Jones invited Pharmacist Felicia Miller and supervisor Matt Cook to approach the Board. Compliance Officer Cheryl Frush was present to provide investigation data.

Ms. Frush summarized the findings of her visit with the consumer and the pharmacist relevant to this complaint.

President Jones invited pharmacist Miller to provide her recollection of the incident.

Ms. Miller began by stating that her initial reaction upon learning of the alleged dispensing error was shock. She indicated that she could not recall the precise details surrounding the incident, probably because she was a "floater pharmacist" at that pharmacy and in moving from pharmacy to pharmacy it is difficult to recall specifics of individual activities. Her initial reaction was concern for the patient and any adverse effects that occurred. She also stated that she immediately evaluated her typical dispensing/verification procedures and took steps to improve on what she previously believed to be good pharmacy practice.

President Jones thanked Ms. Miller for appearing and for her initiative in improving her practice routine.

COMPLAINT # 2547

President Jones requested Pharmacist Jason Bell and Pharmacy Supervisor Matt Cook to come to the conference table. Compliance Officer Cheryl Frush was present to summarize her investigation.

Ms. Frush reported that the consumer stated that in addition to receiving the wrong medication, she was not counseled by the pharmacist.

President Jones invited Mr. Bell to present his recollection of the events leading to this conference. Mr. Bell offered no excuse for the mistake, rather he feels it was an out and out error. President Jones asked Mr. Bell to describe his typical patient counseling methods. Mr. Bell obliged. President Jones encouraged Jason to always provide counseling and to always determine what the prescriber told the patient the medication was intended to treat. Mr. Bell was dismissed and thanked for his appearance.

COMPLAINT # 2549

Thomas Baboval, R.Ph. and supervisor Matt Cook appeared pursuant to an alleged dispensing error and subsequent consumer complaint. Compliance Officer Ed Hunter was present to describe the findings of his investigation.

President Jones asked Mr. Hunter to present his statement. Mr. Hunter stated that the complainant received the wrong medication in her prescription, the result of a failure to accurately verify the filled prescription with the prescription order. President Jones asked Mr. Baboval to relate his recollection of the events leading to this complaint.

Mr. Baboval indicated that he did not recall filling the prescription although his typed and written initials were on the prescription. He further stated that the prescription was a refilled script and was picked up a day after it was filled and at a time that he was not on duty. He also said he was disappointed that the consumer said the staff displayed indifference when told of the error.

Board members directed questions to Mr. Baboval and on conclusion, President Jones encouraged him to not overlook opportunities to counsel patients and improve patient-medication outcomes.

COMPLAINT # 2553

Pharmacist Mary Alice Cole and Supervisor June Puposar appeared pursuant to an alleged dispensing error and subsequent consumer complaint. Also present was Compliance Officer Dennis Waggoner, the investigating officer in this matter. President Jones requested Mr. Waggoner to present a synopsis of his investigation. Waggoner indicated that apparently there was an error in selecting the correct stock bottle from the shelf during the dispensing process. President Jones asked Ms. Cole to present her recall of the events leading to this consumer complaint.

Ms. Cole provided a detailed report of her recollection of the incident including her multiple attempts to contact the parent of the patient whose prescription was in question. Ms. Cole remembers telling the parent that she would call the drug information/poison center and contact the prescriber to take every precaution for the patient. President Jones commended Ms. Cole for her consideration of the patient and the parent and encouraged her to look for procedural changes to preclude repetition of this event.

AGENDA ITEM X - CONSENT AGREEMENTS

President Jones asked Deputy Director Hal Wand to provide background information and current status of the scheduled consent agreements.

Prior to beginning discussion of these matters, Board Member McCoy declared a conflict of interest in the matter of 02-0015-PHR and Mr. Draugalis declared a conflict in the matter of 02-0014-PHR. Neither board member participated in the item of conflict.

In consideration of the matter of **Notice of Hearing 02-0013-PHR issued to Deborah Grabowski**. Staff indicated that an agreement was reached in this matter the day before the Board meeting and only after the respondent sought assistance from an attorney. The respondent was not under a previous board order and numerous audits in pharmacies where the respondent had practiced failed to reveal drug shortages. Further respondent did not deny having chemical dependency history and personal relationship difficulties, including personality issues with PAPA personnel, where previously she was involved as a confidential self-referred participant. This consent presented several challenges prior to reaching an agreement.

Following a discussion on the pros and cons of the proposed consent and **on motion by Mr. Draugalis and Mr. Ritt**, the Board voted unanimously in favor of approving the Consent to Entry of Order in the Matter of Deborah Grabowski and Notice of Hearing 02-0013-PHR.

Having had sufficient opportunity to review the remaining proposed Consents to Entry of Order, and with all members comfortable in grouping these matters into one motion; the following were adjudicated in a single motion:

- Walgreens Drug #2079 - 02-0009-PHR
- Aaron Ezrailson - 02-0011-PHR
- Thomas A. MacLean - 02-0012-PHR
- Jamie Casillas - 02-0014-PHR
- Craig A. Westley - 02-0016-PHR

On motion by Mr. Ritt and Ms. McCoy, with Mr. Draugalis not voting, the Board unanimously agreed to approve the Consents to Entry of Order in the above listed matters.

On motion by Mr. Ritt and Mr. Draugalis, with Ms. McCoy not voting, the Board unanimously agreed to approve the Consent to Entry of Order in the matter of:

Mark A. Heisler - 02-0015-PHR

AGENDA ITEM XI - HEARINGS

There were no hearings scheduled for this meeting, the agenda item was posted in the event that a consent agreement was not accepted and a hearing became necessary.

AGENDA ITEM XII - PHARMACY TECHNICIANS (Application for regulation per ARS 32-3105)

This agenda item was included to allow opportunity to discuss/debate this scope of practice expansion. Having addressed this item at a previous Board meeting and as part of the Executive Director's report at this meeting, there were no additional comments or questions presented at this time. Staff, in counsel with the Arizona Pharmacy Association is preparing the request for submission.

AGENDA ITEM XIII - FY 2004 APPROPRIATION

Issues related to the 2004 appropriation request were presented and discussed by the Executive Director during Agenda Item number V. The major issues facing the Board and necessitating appropriation increases are additional staff pursuant to dramatically increasing workloads and the office space and equipment to accommodate them.

The Board agreed in principle to the agency growth needs and by mutual consent endorsed staff to pursue the funding necessary to support the workload.

AGENDA ITEM XIV - PROPOSED LEGISLATION

Statute changes identified by the staff and presented to the Board for review and discussion were included in the agenda material. Executive Director Lloyd offered to elaborate on any or all of the proposals...there being no requests for discussion...by consent the legislative changes proposed will be prepared for further consideration.

AGENDA ITEM XV - DEPARTMENT OF JUSTICE GRANT

Executive Director Lloyd directed Board Members attention to the material provided in the meeting book and offered to address questions or concerns from members and/or audience. Apparently the combination of stakeholder letters and general discussion have adequately satisfied the majority of questions.

AGENDA ITEM XVI - BOARD OFFICE STAFFING & MEETING LOCATIONS

Executive Director Lloyd referred Board Members to previous discussion re. appropriations FY2004 and staff growth needs to ensure reasonable service and protection of public health.

No further discussion was necessary at this time on this issue.

AGENDA ITEM XVII - CONFIDENTIALITY OR PRESCRIPTION(medical) RECORDS/ARS 12-1291

President Jones favors continuing discussion at the November Board meeting on this issue and requested research and guidance from Assistant Attorney General Lisa Burns. Specifically, President Jones is interested in clarification as to whether having a party other than the patient pick up a filled prescription at a pharmacy is viewed as a violation of confidentiality and to what extent is the Board of Pharmacy required to enforce such issues?

AGENDA ITEM XVIII - REVIEW AND APPROVAL OF SUBSTANTIVE POLICY STATEMENTS

Compliance Officer/Rulewriter Dean Wright was asked to review and explain this agenda item. Mr. Wright stated the periodic review and revision of Agency Policies is required. Following Dean's explanation and discussion of revisions to two existing Board Policies and **on motion by Ms. McCoy and Mr. Ritt** the Board unanimously approved the proposed revisions and the continuation of the Board's remaining five policy statements.

AGENDA ITEM XIX - CALL TO THE PUBLIC

To accommodate persons not attending both days of the Board Meeting, President Jones provided a "call to the public" at the end of the session each day. In so doing President Jones stated that any topics introduced that were not on the agenda could not be discussed by the Board at this meeting.

Topics presented included:

- Kathy Boyle spoke to the need for the Board to continue its support for PAPA
- Kathy Boyle spoke to the issue of Proposition 203 that will appear on the November General Election Ballot....203 if approved will require DPS to dispense marijuana to medically diagnosed patients. Boyle indicated that APA will take a position opposing this ballot measure and encouraged the Board to also take a position.

AGENDA ITEM XX - ADJOURNMENT

There being no further business to come before the Board,President Jones opened the floor to a motion for adjournment.

On motion by Mr. Ritt and Ms. McCoy, and without opposition, President Jones declared the meeting adjourned at 10:30 a.m.