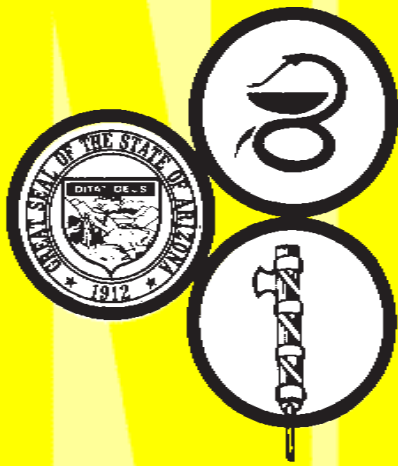


October 2009



Arizona State Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Update on Board Staff

On July 26, 2009, Compliance Officer M. Larry Dick passed away after an illness. The Arizona State Board of Pharmacy staff really misses Larry and his special sense of humor. The Board office received numerous cards and letters of sympathy from pharmacy practitioners that were unanimous in their comments about Larry's ability to be fair in his compliance duties and also commented on his friendly and calm demeanor.

Tamiflu Update

Pharmacists in Arizona may compound Tamiflu® oral suspension according to the directions in the Roche package insert (p19) when it is unavailable from permitted manufacturers or wholesalers. Pharmacists **may not** compound similar products using bulk chemicals from a source other than Tamiflu capsules from Roche.

Biennial Renewal For Licenses and Permits

Starting August 17, 2009, the Board's online renewal system was activated for testing and began accepting renewals for licenses and permits for those few individuals who regularly visit the Web site and who happened to notice that the service was activated. This brief period before renewal letters are officially mailed out allows the Board staff to "work the bugs out" of the system and to monitor any enhancements added since the previous renewal period. (Visit: <https://az.gov/app/pharmacy/index.xhtml>.) This year renewal certificates are being sent via e-mail to the e-mail account provided by the person renewing online. The renewal certificates should arrive within 24-48 hours after a successful renewal is completed. Those licensees who order relief certificates will receive them via regular mail (not e-mail) within 72 hours. The actual statutory period for renewals is the 60 days between September 1 and October 31 each year, but we usually extend the open and close dates of the required period by two weeks on each end for testing and cleanup. This renewal year will be primarily for licensees and permittees whose license or permit ends in an odd number. Also renewing will be individuals whose license or permit ends in an even number, but whose license or permit is new or is being rotated into the odd or even scheme. If your physical address or e-mail address is incorrect, please update it online

during your renewal to ensure prompt delivery. Those persons who prefer to renew via regular United States mail may of course choose this option as always. The following links may be used to access the forms.

- ◆ Licensees: www.azpharmacy.gov/pdfs/generic%20license%20renewal%20fillable.pdf.
- ◆ Permittees: www.azpharmacy.gov/pdfs/generic%20permit%20renewal%20fillable.pdf.

Statewide Rules Moratorium

Dean Wright, who is the Board compliance policy advisor and rule writer, notes that the governor's moratorium on rulemaking may not be lifted until June 30, 2010. Dean has been holding back on working on the quality assurance and pharmacist immunization rules because of the moratorium, but expects to resume progress on these important rules packages soon. It is a time consuming and often thankless task but as most pharmacists know, Dean is very good at it because of his extensive knowledge of the process in Arizona, which is quite complex, and because of his long tenure as a rule writer. He is usually able to speed up the lengthy process considerably and the Board is always pleased with the quality and quantity of his work in this area.

Technician Training

Pharmacy technicians and technician trainees have been licensed in Arizona since 2004. Compliance officers have determined that one of the most important requirements for utilizing technicians is not always complied with, however. Even though pharmacies have had five years of experience with technician licensure, Compliance Officer Rich Cieslinski has noticed a deficiency that appears to be widespread and asked that this compliance reminder be included in this *Newsletter*. Rich and the entire compliance staff ask that all permittees and pharmacists-in-charge review Arizona Administrative Code rule number R4-23-1105. The most common deficiency noted by Rich in regard to this rule is that during annual inspection or consumer complaint investigations pharmacy personnel are routinely unable to locate the required training manual(s). The manuals are required to be on file and presented to the compliance staff for review during annual inspections. According to the rule, the training manuals may be filed either in electronic or hard copy format, must be

Continued on page 4

revised periodically, be signed by the pharmacist-in-charge, and be readily retrievable by the pharmacy personnel on duty at the time of the compliance visit.

Disciplinary Actions

Notice: Before making a prescription-dispensing or other decision pursuant to information in this issue, you are encouraged to verify the current condition of a license with the appropriate licensing agency (Board).

Pharmacists

Abramchick, Hyman (S012245) – Suspension terminated. Five-year probation imposed. Effective July 9, 2009.

Babington, Ronald (S013760) – \$500 fine to be paid within 90 days and eight continuing education (CE) hours. Effective September 10, 2009.

Birkholz, Terri (S007029) – \$2,000 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Bristol, Jr, Ernest (S013963) – \$2,000 fine to be paid within 90 days and six CE hours. Effective September 10, 2009.

Brophy, William (S012173) – Probation terminated. Effective September 10, 2009.

Callaway, Gerald (S007717) – \$1,000 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Carranza, Robert (S015967) – Five years probation, new five-year Pharmacists Assisting Pharmacists of Arizona (PAPA) contract, 400 hours community service. Effective June 23, 2009.

Choday, Haritha (S015102) – \$1,000 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Cuestas, Melissa (S009200) – \$1,000 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Garden, David (S004518) – Probation terminated. Effective September 10, 2009.

Karn, Kerry (S010907) – Probation terminated. Effective September 10, 2009.

Lederman, Robin (S016982) – \$1,000 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Llamas, Frank (S005978) – \$1,000 fine to be paid within 90 days and eight CE hours. Effective June 23, 2009.

Makai, Gerwyn (S016844) – Suspension terminated. Four-and-a-half years probation imposed. Effective July 14, 2009.

Malik, Faiza (S016827) – \$500 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Miloshoff, James (S016725) – Suspended at least six months and cannot ask for suspension to be lifted until he returns to Arizona full-time. Five-year PAPA contract. Lifting of suspension will begin a five-year probation period in which respondent must complete 400 hours community service. Effective July 14, 2009.

Mullins, Rich (S011395) – Revoked. Effective July 13, 2009.

O'Connor, Daniel (S011401) – \$500 fine to be paid within 90 days. Effective June 23, 2009.

Olshansky, Harold (S008834) – Nine months suspension, followed by one-and-a-half years probation, \$10,000 fine, must retake Multistate Pharmacy Jurisprudence Examination®. Effective June 23, 2009.

Schember, Michael (S016347) – Six months probation, \$1,000 fine, nine CE hours. Effective June 23, 2009.

Sumner, Robert (S010132) – License surrendered. Effective September 10, 2009.

Waugh, Robert (S013300) – Six-month probation, \$1,000 fine, nine CE hours. Effective June 23, 2009.

Whitehead, John (S008573) – \$500 fine to be paid within 90 days and eight CE hours. Effective September 10, 2009.

Woodburn, Mark (S012314) – \$2,000 fine to be paid within 90 days and six CE hours. Effective September 10, 2009.

Technicians

Fornelli-Vertrees, Sarah (T003607) – Probation terminated. Effective July 9, 2009.

Kendrick, Brandon (T011274) – Revoked. Effective September 10, 2009.

Disciplinary Actions – Board of Pharmacy (Actions Since the July 2009 Newsletter)

Disciplinary Actions – Other Boards

Arizona Medical Board (MDs)

Bartschi, Carlin G. (MD 9497) – License revoked. Effective 35 days after August 5, 2009, unless respondent petitions for rehearing or review.

Bayham, Wilbur (MD 2694) – Non-disciplinary – Respondent's practice is limited in that he shall not practice medicine in the state of Arizona and is prohibited from prescribing any form of treatment including prescription medications, until respondent applies to the Board and receives permission to do so. Effective April 13, 2009.

Borjeson, Robbi (MD 24093) – License revoked. Effective September 9, 2009.

Chattman, Martin S. (MD 7618) – Decree of censure and practice restriction for 10 years with set terms and conditions. Respondent is prohibited from prescribing, administering, or dispensing any controlled substances. Effective August 5, 2009.

Fankhauser, Grant (MD 37503) – *Interim Consent Agreement for Practice Restriction* – Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until respondent applies to the Board and receives permission to do so. Effective February 4, 2009.

Hochane, Sam (MD 32092) – *Interim Consent Agreement for Practice Restriction* – Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until respondent applies to the Board and receives permission to do so. Effective June 22, 2009.

Lee, Justin M. (MD 41535) – *Interim Consent Agreement for Practice Restriction* – Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until respondent applies to the Board and receives permission to do to. Effective August 25, 2009.

Molina, John W. (MD 20789) – Non-Disciplinary – Physician's practice is limited in that he shall not practice medicine in the

state of Arizona and is prohibited from prescribing any form of treatment including prescription medications until physician applies to the Board and receives permission to do so. Effective August 17, 2009.

Smith, William Murray (MD 11497) – Non-Disciplinary – Physician's practice is limited in that he shall not practice medicine in the state of Arizona and is prohibited from prescribing any form of treatment including prescription medications until Physician applies to the Board and receives permission to do so. Effective August 31, 2009.

Sosa-Roche, Jose A. (MD 18643) – Request for license inactivation with cause and order inactivating license with cause. Effective June 29, 2009.

Teague, Robert (MD 3925) – *Interim Findings of Fact* – Respondent's license to practice allopathic medicine in the state of Arizona is summarily suspended pending a formal hearing. Effective June 23, 2009.

Tolman, Kenneth J. (MD 36900) – License surrendered to the Board. Effective August 5, 2009.

Yeh, Albert Szu Yun (MD 32323) – *Interim Consent Agreement for Practice Restriction* – Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until respondent applies to the Board and receives permission to do so. Effective July 20, 2009.

Naturopathic Physicians Medical Board (NMDs)

Eastman, Carole (NMD 04-789) – Voluntary – Respondent shall not prescribe, administer, or dispense anabolic steroids, any estrogen blockers, any fertility drugs, or any appetite suppressant drugs. Respondent may prescribe and dispense DHEA 7-Keto for medical conditions, but not for bodybuilding purposes. Effective August 28, 2008.

Board of Osteopathic Examiners (DOs)

Arnold, Lloyd (DO 0641) – *Interim Consent Agreement for Practice Restriction* – For the first 30 days, respondent shall only refill once any prescription for a given chronic pain patient. By the 45th day, respondent's practice shall be restricted in that he shall no longer prescribe any Schedule II medications or Schedule III hydrocodone combinations and morphine combinations to any patient, nor shall such medications be prescribed by any health care practitioners supervised or employed by respondent at his practice. Effective August 7, 2009.

Gloskowski, Aaron (DO 4405) – Respondent placed on probation for five years with set terms and conditions. Effective June 29, 2009.

Regulatory Board of Physician Assistants (PAs)

Langley, Jennifer (PA 2433) – *Interim Findings of Fact* – License to perform health care tasks as a physician assistant in the state of Arizona is summarily suspended pending a formal hearing. Effective July 8, 2009.

Mitchelson, Robert (PA 3097) – Respondent is placed on probation for 10 years with stayed revocation. Respondent shall not prescribe, administer, or dispense Fioricet®. Effective August 19, 2009.

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The *Arizona State Board of Pharmacy News* is published by the Arizona State Board of Pharmacy and the National Association of Boards of Pharmacy Foundation, Inc, to promote voluntary compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of the Foundation or the Board unless expressly so stated.

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