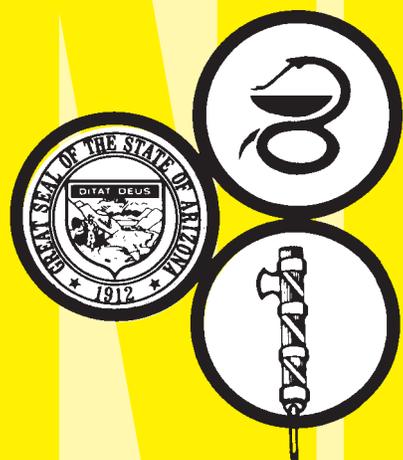


July 2000



Arizona State Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

5060 N 19th Ave, Suite 101, Phoenix, AZ 85015

Important Notice to Pharmacists-In-Charge

At the Arizona State Board of Pharmacy May 2000 meeting, the staff reported instances of as many as 200 individual, outdated over-the-counter (OTC) drugs on shelves in high volume stores. Following an in-depth discussion, the Board unanimously agreed to adopt a new substantive compliance policy position concerning "expired non-prescription drugs" to be removed from sale in a timely manner.

Specifically, in the instance where a pharmacy is located within a larger mercantile establishment, eg, supermarket or mass merchandise business, the pharmacist-in-charge (PIC) is recognized as having responsibility to ensure that beyond expiration date, non-prescription drugs are removed from sale and either destroyed or returned to the original source for disposal. This is not to say that the PIC personally shall perform this task, but rather the PIC is expected to ensure that it is done routinely and regularly.

Contrary to following a typical "three strikes and you're out" policy, the Board has directed the staff to allow a **single warning**. In the event of a subsequent OTC drug expiration date violation within the time frame of the next compliance visit in the permitted establishment, the Board will view this violation as a staff initiated complaint, and both the PIC and the permit holder may be subject to disciplinary action.

FDA Notice of Correction of Drug Information

The US Food and Drug Administration (FDA) has notified Jones Pharma Inc (Jones) that some promotional labeling and advertising materials for Levoxyl (levothyroxine sodium tablets, USP) contain false or misleading statements. Specifically, the FDA objected to the claim that Levoxyl is interchangeable with Synthroid. Please be aware that there are no generically equivalent levothyroxine sodium tablet products on the market today. Pursuant to Arizona statute (32-1963.01), when no generically equivalent product is available, no substitution can take place.

Stay informed as to which items are generically equivalent and which are not. Though computers are great pharmacy tools, the pharmacist cannot let computers make practice decisions. Know the law and follow it. Pharmacists have licenses...computers do not!

Y2K Legislative Changes of Note

The *Arizona Uniform Controlled Substance Act* has been amended as follows:

- ◆ GHB (gamma hydroxybutyrate)[illicit] is added to Schedule I;

- ◆ The US Food and Drug Administration-approved orphan drug formulation of GHB is added to CIII;
- ◆ Remifentanyl is added to CII;
- ◆ Marinol (synthetic only) and ketamine are added to CIII; and
- ◆ Finally butorphanol, modafinil, sibutramine, and zaleplon are added to CIV.

- ◆ The state act now reflects that a pharmacy has seven days to obtain a written Rx for an emergency CII phoned-in script.

The controlled substance changes were effective in April; please make appropriate notations in your controlled substance inventory records.

In the *Pharmacy Practice Act*:

- ◆ The traditional "prescription only drug legend" on stock bottles is changed to comply with the new federal law allowing "**Rx only**" in place of "Caution: Federal law, ..." on the label of prescription only drugs.
- ◆ The statement "Warning: May be habit forming" is no longer required to appear in the label of certain drugs; this is also a conforming change to the federal act.
- ◆ "US citizenship" has been deleted as a requirement for licensure as a pharmacist.
- ◆ The Board of Pharmacy is no longer required to make available a list of licensed practitioners from Sonora and Baja, Mexico.
- ◆ Fees have been approved for compressed medical gas suppliers and distributors.
- ◆ Language was added to allow other pharmacy personnel (techs, etc) to advise patients of the price difference between a brand name drug and a generic and only when the prescription is a fee-for-service transaction.
- ◆ Arizona pharmacies may now fill "valid" prescriptions written by licensed practitioners from Canada.
- ◆ The maximum fine the Board can impose on a permit holder was increased from \$500 to \$1,000 per violation.
- ◆ Finally, it is now a violation for a pharmacy to sell more than 5% of their "**Rx only**" inventory at wholesale.

The Arizona State Board of Pharmacy Web page contains state pharmacy laws and rules, and is located at www.pharmacy.state.az.us.

Board Office Moving

In August (specific date unknown), after nearly 20 years at our present location, the Arizona State Board of Pharmacy will be moving to Suite 140 at 4425 W Olive Ave, Glendale, AZ 85302. The phone numbers will be changing, but have not yet been assigned. Please feel free to visit us at the new location.

Know a Pharmacist or Intern Needing Assistance?

Pharmacists Assisting Pharmacists of Arizona (PAPA) is serving approximately 40 individuals in various stages of recovery from addicting drugs or chemicals. An impressive percentage of PAPA participants complete the prescribed program and practice with an unencumbered license in a variety of pharmacy locations. More importantly, recovering pharmacists are given a new lease on life! For more information call **Lisa Yates** at 480/838-3668 between 9 AM and 5 PM, Monday through Friday.

Disciplinary Actions

Board of Pharmacy

The following licensees/permittees have entered into consent agreements in lieu of a hearing:

Joan K. Brekken, RPh #6899, license was reinstated, five-year probation with conditions.

Oscro Drug of Texas, Inc, monetary penalty (fine), expired non-prescription drugs offered for sale to public.

P-D Laboratories (Glendale, Ariz), wholesale drug permit suspended, repackaging a vaccine without proper license.

Martin Woensdregt, RPh #7329, indefinite suspension, pursuant to ARS 32-1932.01.

Board of Medical Examiners

Ellis V. Browning, MD #1985, license to practice canceled by Board.

Martin S. Chattman, MD #7618, license on probation five years, may not prescribe CII and CIII controlled substance drugs during the probation.

Walter J. McGaffic, MD #13976, license reinstated.

Darryl J. Mohr, MD #11224, by Board order, is restricted from prescribing any prescription medication or device for any patient or individual in this or any other jurisdiction unless he personally has conducted a physical examination of the patient.

Patrick Mullanney, MD #8684, license surrendered by Board order.

Phillip Siegel, MD #4742, revoked.

Rodney L. Smith, MD #16325, may not practice clinical medicine in Arizona until further notice.

Board of Osteopathic Examiners

Jon Austin, DO #1395, Board order requires licensee to perform complete physician examination prior to prescribing prescription only drugs.

Jack Bouchier, DO #0800, license summarily suspended pending further Board action.

David William Nyman, DO #3510, license revoked.

Arturo Portales, DO # 3315, license is restricted from prescribing any prescription-only drug or controlled substance via the Internet without performing a complete physical examination and history.

John Stathakis, DO #0999, license restricted from prescribing any medications via the Internet without performing complete physicals and histories.

Board of Dental Examiners

Earl Weisbrod, DMD #2681, voluntarily surrendered license effective March 31, 2000, pending further consideration by the Board at its June 2000 meeting.

Joint Board of the Regulation of Physician Assistants

Bahman Naji-Talakar, PA-C # 2024, revoked for one year effective February 18, 2000.

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

Timely Reminders

Licenses ending in even numbers will be renewing November 1, 2000. Be sure the Arizona State Board of Pharmacy has your current address for mailing notices. Every year the post office returns dozens of renewal notices due to wrong addresses.

Also, take a few minutes to review your continuing education records for the past 24 months, and don't forget the important three hours of pharmacy law. Pharmacy law includes both state (not just Arizona) and federal controlled substance acts, and the state practice acts and regulations. Do it, and then it is done!

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