

**Minutes to the Meeting of the North Carolina Board of Pharmacy
Durable Medical Equipment Committee
April 24, 2007**

Chairman Marcia Ladd called the meeting to order at 10:05 a.m. at the Board of Pharmacy office. Present for the meeting in addition to Chairman Ladd were Dr. Parker Chesson and Joey McLaughlin. Also present were Board of Pharmacy staff, Karen Matthew, Krystal Brashears, Amy Cook, Wendy Watson, Rachel Paris, and Board Counsel Clint Pinyan and Sarah Phillips.

Chairman Ladd read the ethics statement.

Minutes of the January 23, 2007 meeting were approved by all.

Old Business:

Chairman Ladd brought up the issue of whether entities licensed by Division of Facility Services (DFS) are required to have BOP DME permits, and Chairman Ladd asked for clarification. Mr. Pinyan stated that an organization licensed under either Chapter 131E or Article 2 of Chapter 122 of the General Statutes would not need a BOP DME permit if it distributes devices or medical equipment in the normal course of treating patients of the facility or agency's health care services. It would need BOP DME permit if it distributes devices or medical equipment outside the normal course of treating its own patients. Any entities operating without BOP DME permits should be referred to the Board of Pharmacy for investigation. Then each case would be looked at separately.

To clarify the issue, Chairman Ladd requested Mr. Pinyan discuss the issue with BOP's Executive Director, Jay Campbell, to draft questions and answers on this issue to place on the BOP website.

Mr. Pinyan also stated there was no "grace period" mentioned in the rules for an entity holding only a DFS permit to obtain a BOP DME permit if they needed one. Mr. Pinyan stated each case would be reviewed separately, on its own facts, and treated appropriately after investigation.

Mr. McLaughlin asked if any calls had been referred from Dan Ragan from N.C. Department of Agriculture, Food & Drug Section, to Board staff on inspection referrals. Ms. Matthew, Ms. Brashears and Ms. Cook stated there had been no referrals from Mr. Ragan for follow-up investigations.

New Business:

Mr. Pinyan stated there had been a review conducted of the practices for DME pre-hearing conferences (PHC). In the future, PHCs will be conducted by one member to make a recommendation about resolution to the full DME subcommittee, which then will make a recommendation to the Board of Pharmacy for approval.

The meeting dates for the quarterly DME committee meetings were set for July 24, 2007 and October 23, 2007.

The meeting was then adjourned at 10:35 a.m.

NEXT MEETING

The committee set the next date for a meeting on Tuesday, October 23, 2007.

Marcia Ladd, Chairperson

Karen Womack

Joey McLaughlin

Parker Chesson

(not present)
Mel Elliott