

President Stan Haywood called the meeting to order at 9:10 am with Board Members Parker Chesson, Betty Dennis, Joey McLaughlin, Wallace Nelson and Stan Haywood present. Board Member Rebecca Chater was not present. Also present were Executive Director Jay Campbell; Board Counsel Clint Pinyan; Board Investigator Holly Price Hunt, Board Investigator Ken Wilkins, Director of Investigations Karen Matthew; Financial and Administrative Service Director Gail Brantley; Director of Licensing Debra Stump, Technician Specialist Wanda Andrews, Permit Specialist Wendy Watson, IT Manager Tom Buedel, Director of Operation Kristin Moore. Present as visitors were: Lori Setzer, CVS; David Moody, Mutual Drug; Tom Readling, Mutual Drug; Heidi Barefoot, Target Pharmacy; Christine Davis, Cardinal Health NPS; Mary Christine Parks, NCPRN; RPh. John Torris; Darlyne Torris; RPh. Scott Lackey, Burnsville Pharmacy; Attorney Bob Crawford; RPh. Harita Narra; Gray Stewart, GlaxoSmithKline; Allison Landers, GlaxoSmithKline; Danny Seavers, Kerr Drug; Karen Hammond, CVS; Karl Frederiksen, UNC/SOP; Roy Martin; David Catalano, Walgreens.

Ethics Statement & Welcome

President Stan Haywood read the Ethics Statement regarding any conflicts of interest and/or appearances of conflicts of interest of any Board member. There were no conflicts noted by any Member.

President Haywood welcomed all visitors.

Minutes of March 2009 Board meeting and April 8, 2009 Board Meeting

The members received the March 2009 meeting minutes and the April 8, 2009 conference call meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

Disciplinary Hearing – RPh. Scott Lackey, license (#10279)

RPh. Scott Lackey, license #10279, appeared before the Board concerning noncompliance of his January 2009 Consent Order. Board attorney Clint Pinyan proceeded with the case. Board Executive Director Jay Campbell, duly sworn, testified that that Mr. Lackey entered into a Consent Order in January 2009 that stipulated that Mr. Lackey would receive a stayed thirty day suspension and serve a seven day active suspension within thirty days of the consent order. Mr. Lackey did not send notice of his intention to serve his seven day suspension until after the thirty day stipulation had passed. Mr. Lackey, duly sworn, testified that he did not dispute the staff accusations and he would comply with any order the Board deemed necessary. After presentation of evidence and testimony, it was moved by Mr. Nelson, seconded by Dr. Chesson with no dissenting votes, to move into close session to deliberate the matter.

The Board returned to open session, on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes. Mr. Haywood stated that on a motion from Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, Mr. Lackey would serve a 37 day active suspension which would begin on April 27, 2009.

Consideration of Reciprocity Application – RPh. John Torris

Mr. John Torris appeared before the Board in reconsideration of his reciprocity application. Board attorney Clint Pinyan proceeds with the case and stated that in November 2007, Mr. Torris appeared before the Board in consideration of his reciprocity application from Virginia. Mr. Pinyan stated that Mr. Torris had falsely answered question 7 on his North Carolina Reciprocity Question “Have you ever been charged by any Board of Pharmacy on matters which could have produced an action on your license?” Mr. Torris had also answered falsely to a similar question on the NABP reciprocity questionnaire. In fact Mr. Torris had been reprimanded on his Virginia pharmacist license in 1996 for 2 misfills and a mislabel of medication. The Board November 2007 decision was to deny Mr. Torris’s reciprocity application. Mr. Torris resubmitted a reciprocity application in October 2008 which did list his previous disciplinary action in Virginia. After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes.

The Board resumed open session on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes. Mr. Haywood stated that on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the Board would accept Mr. Torris’s reciprocity application and that he could continue with the reciprocity process.

Consideration of Reciprocity Application – RPh. Harita Reddy Narra

Ms. Harita Reddy Narra appeared before the Board in consideration of her reciprocity application from Michigan. Mr. Campbell proceeded with the case and stated that Ms. Narra had answered falsely on her NABP reciprocity application when asked is she had any previous disciplinary action. Ms. Narra had answered “no” when she had in fact been reprimanded by the Michigan Board of Pharmacy for a dispensing error. Ms. Narra, duly sworn, stated that she did not intend to deceive the Board when she answered falsely on her application. After presentation of evidence and testimony, it was moved by Mr. McLaughlin, seconded by Dr. Dennis to move into closed session to deliberate the matter.

The Board resumed open session on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Mr. Haywood stated that, on a motion from Mr. Nelson, seconded Mr. McLaughlin with no dissenting votes, the Board would deny Ms. Narra reciprocity application and that she would not be eligible to reapply for reciprocity for one year.

Mr. Haywood stated that the Board requests that Mr. Campbell add a resolution to the May 2009 NABP Annual Meeting to add a reprimand category to the NABP reciprocity questionnaire. Mr. Campbell stated that he would call NABP Executive Director Carmen Catizone to discuss the matter.

Legislative Update

Mr. Campbell presented a proposed bill by Representative Stewart in the General Assembly to establish the Drug, Supplies and Medical Device Repository Program in the Department of

Health and Human Services. Mr. Campbell suggested that North Carolina Board of Pharmacy would be appropriate place for oversight of the repository program rather than the Department Health and Human Services. The Board could take over the responsibility without appropriations presented in the bill. The consensus of the Board was that Mr. Campbell would contact Representative Stewart to discuss the proposed changes to the bill.

CE Audits

Mr. Campbell stated that the 2008 CE audit had been completed by staff. It was the consensus of the Board that Board member Dr. Chesson would review the four pharmacists who did not complete the required CE for 2008 during the May 11, 2009 prehearing conference.

Open Mike Session

Joy Green, Wingate University, gave an update of on the assessment program at Wingate University School of Pharmacy. Ms. Green also reported to the Board the current statistics on pharmacy students registered at Wingate.

Steve Caiola, University of North Carolina Chapel Hill, review the current statistics of pharmacy students registered at UNC School of Pharmacy.

Fred Eckel, North Carolina Association of Pharmacist, spoke to the Board concerning ACPE continuing education accreditation changes and how they may affect small pharmacy associations.

Investigation Statistics

Karen Matthew, Director of Investigations, presented the Investigative Statistics for April 2009.

Ms. Matthew also stated twenty-four people were arrested in Kentucky concerning fraudulent prescription from Florida.

DME Elections

Ms. Matthew presented to the Board an update on the May DME elections. The DME elections will be held online, similar to the present Board elections. There are presently 5 candidates for Marcia Ladd's DME seat. Ms. Matthew also thanked Kristin Moore and Tom Buedel for there help with the election.

National Association of Boards of Pharmacy (NABP) Resolution

Mr. Campbell presented the resolutions for the May 2009 NABP Annual Meeting. Mr. Campbell asked the Board to review the resolutions and discuss them with their NABP delegate Board President Stan Haywood.

The Board adjourned for lunch at 12:10 and resumed open session at 1:30 pm.

ForHealth Technologies, Inc. – IntelliFlowRx – Dennis A. Tribble

Mr. Dennis Tribble demonstrated a computer program used in IV preparation marketed by ForHealth Technologies, Inc. Mr. Tribble requested that the Board identify any issues with the program which would need to be addressed before marketing the program in North Carolina. The Board specifically noted that this system could not be used in a “telepharmacy” setting.

Consideration of Out-of-State Pharmacy Permit Application – Pavilion Compounding

Ms. Lou Norton, Pavilion Compounding appeared before the Board in consideration of an out-of- state permit application. Board attorney Clint Pinyan proceeded with the case and stated that Pavilion Compounding submitted an out-of-state permit application in early 2008. On the application, Pavilion admitted to inadvertently shipping prescriptions to North Carolina without a permit. Mr. Pinyan presented a proposed consent order to the Board in which Pavilion Compounding would be granted a permit which would be indefinitely suspended stayed for 10 years with conditions. On a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the proposed consent order.

Consideration of DME Application – Mercy Medical Supply (vis Ahemd M. Abadi)

Mr. Ahmed M. Abadi, Mercy Medical Supply appeared before the Board in consideration of an Device and Medical Equipment (DME) application. Mr. Campbell proceeded with the case and stated the Mr. Ahemd M. Abadi submitted a DME permit application for Mercy Medical Supply in October 2008. Mr. Campbell stated that Mr. Abadi had pleaded guilty to a federal felony charge of conspiracy to import khat. He was sentenced to pay a large fine, a suspended prison sentence and placed on probation which has now been completed. Mr. Abadi, duly sworn, testified that he was not aware at the time that khat was illegal in the United States.

After presentation of evidence and testimony the Board moved into closed session to discuss the matter on a motion from Dr. Dennis, seconded by Mr. Nelson with no dissenting votes. The Board resumed open session on a motion from Mr. Nelson, seconded by Mr. McLaughlin with no dissenting votes. Mr. Haywood stated that on a motion from Mr. Nelson, seconded by Dr. Chesson with a split decision, the Board would deny the Mercy Medical Supply DME application.

Update on Board Elections

Operations Director Kristin Moore and IT Manager Tom Buedel updated the Board on the May 2009 elections progress.

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. McLaughlin, seconded by Dr. Chesson, to approve the consent agenda as presented. The motion carried with no dissenting votes. The following items were approved.

Staff Issue a Letter of No Further Cause for Action

RPh. James Bedford Bryant - license #05511 and UHS Employee Pharmacy - permit #07764, were subjects of a prehearing conference held March 16, 2009, heard by Dr. Betty Dennis, regarding allegations that while RPh. Bryant was acting as pharmacist manager for UHS Employee Pharmacy, Technician Christopher Dickens – registration #07665 diverted controlled substances medication. Technician Dickens confessed to the diversion and voluntarily surrendered his registration. Recommendation: **Staff Issue a Letter of No Further Cause for Action** for RPh. Bryant and UHS Employee Pharmacy

Staff Issue a Letter of Concern:

RPh. Robert McLean Thompson – license #15004 and Koonce Drug Company, Inc. – permit #05507, were subjects of a prehearing conference held March 16, 2009, heard by Dr. Betty Dennis, regarding allegation that while RPh. Thompson was acting as pharmacist manager for Koonce pharmacy, an unregistered technician Sonya Ford diverted 44,335 dosages of controlled substances. Recommendation: **Staff Issue a Letter of Concern** to RPh. Thompons and Koonce Drug Company, Inc permit.

Staff Issue Letter of Caution and Staff Issue Letter of Warning

RPh. Angela Rachele Beers – license #16629 and Walgreens Pharmacy – permit #09006 were subject of a prehearing conference held March 16, 2009, heard by Dr. Betty Dennis, regarding allegations that while acting as pharmacist manager at Walgreens pharmacy an unregistered technician Dora Sapp diverted approximately 2500 tablets of Hydrocodone and there were three additional unregistered technicians working at the pharmacy. Recommendation: **Staff Issue Letter of Concern** to RPh. Beers and **Staff Issue Letter of Warning** to Walgreens Pharmacy

Staff Issue Letter of Warning

RPh. William Edmonson – license #08032 was subject of a prehearing conference held March 16, 2009, heard by Dr. Betty Dennis, regarding allegations of a dispensing error. Recommendation: **Staff Issue Letter of Warning** to RPh. Edmonson.

A copy of consent orders can be found elsewhere in the Minutes and are incorporated by reference herein.

March 2009 Financials

Gail Brantley, Financial and Administrative Service Director, presented the March 31, 2009 financial statistics to the Board.

Consideration of Proposal Submitted by Michael Morton and Vanceboro Pharmacy

Board Attorney Clint Pinyan presented a proposed consent order for RPh. Michael Morton and Vanceboro Pharmacy. Mr. Morton had appeared before the Board at the November 2008 Board meeting regarding allegations of diversions of controlled substances at Vanceboro Pharmacy by technician Julie Harris and shortages of controlled substances discovered during the audit conducted on Vanceboro Pharmacy. Board decision was to suspend Vanceboro Pharmacy permit 12 days stayed for 5 years with conditions. Conditions of the stayed suspension were that Vanceboro Pharmacy submits a written policy and procedure governing security measures to Board Executive Director, annual inventory on controlled substances, maintain a perpetual inventory on controlled substances to be randomly inspected by Board investigators and quarterly audits of controlled substances. Mr. McLaughlin also stated that the Board would suspend Mr. Morton's license for 12 days, 5 days active suspension, remaining 7 days stayed for 5 years. Mr. Morton would also be required to take and pass the Multistate Pharmacy Jurisprudence Exam (MPJE) within one year of the order. Mr. Pinyan stated that RPh. Morton did not wish to perform the conditions upon which a portion of their suspension is stayed. RPh. Morton and Vanceboro Pharmacy wished to serve the full 12 day suspension. On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board moved to accept the proposed consent order which allow RPh. Morton and Vanceboro Pharmacy to serve the 12 day suspension starting May 11, 2009 and concluding May 25, 2009.

Board Retreat

It was the consensus of the Board to hold a Board retreat August 26th and August 27th 2009 at the Board office.

There being no further business, the meeting adjourned at 3:05 p.m.

L. Stan Haywood, President

R. Joseph McLaughlin, Jr., Vice President

Wallace E. Nelson

J. Parker Chesson, Jr.

Betty H. Dennis

Rebecca W. Chater