

President Bill Mixon called the meeting to order at 9:00 am with Board Members Gene Minton, L. Stan Haywood, Carol Yates Day, Robert A. Graves, and Robert J. McLaughlin present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Josh Kohler, Director of Operations Kristin Moore, and Director of Licensing Deborah Stump. Present as visitors were: Andy Bowman, Campell Univ./NCBOP; Brent Slaughter, NC Mutual Drug; Joe Jordan, NCPHP; Logan Graddy, NCPHP; RPh. Kim Heath; Chirag Patel, Campbell Univ.; RPh. Kerri Barker; Glenn Herrington, Wingate Univ.; Natalie Young, UNC/ESOP; Evan Medford, Wingate Univ.; Victoria Mayer, Publix Super Markets; Bryan Kleinberg, UNC/ESOP; Kayla Bulmer, Campbell Univ.; Arun Sundaram, Campbell Univ.; and Stacie Mason, NCBOP.

Ethics Statement & Welcome

President Mixon read the Ethics Statement regarding any conflicts of interest and/or appearance of conflicts of interest of any Board member. No conflicts were noted by Board members.

Minutes of the March 2016 Board Meeting

The members received the March 21, 2016 meeting minutes prior to this meeting for review. It was moved by Mr. Graves, seconded by Mr. McLaughlin, to accept the minutes as submitted. The motion passed with no dissenting votes.

Minutes of February 2016 Board Meeting

The members received the amended February 16, 2016 conference call meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin, seconded by Mr. Haywood, to accept the minutes as submitted. The motion passed with no dissenting votes.

Petition for Reinstatement of License – RPh. Kim Heath, License #14409

RPh. Kimberly Talley Heath, license #14409, appeared before the Board to request reinstatement of her pharmacist license. Mrs. Heath voluntarily surrendered her license August 6, 2014 after diverting controlled substances for personal use. Ms. Heath, duly sworn, testified on her substance abuse treatment and her reasons for seeking reinstatement of her license. Dr. Gaddy, NCPHP, duly sworn, testified that North Carolina Physicians Health Program (NCPHP) supports reinstatement of Ms. Heath's pharmacist license with conditions.

On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into close session to deliberate the matter. Open session resumed on a motion from Mr. Haywood, seconded by Mr. Graves with no dissenting votes. Mr. Mixon stated that on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board granted Ms. Heath request for reinstatement of her pharmacist license with conditions effective August 1, 2016.

A copy of the Order Reinstating License with Conditions can be found elsewhere in the Minutes and is incorporated by reference herein.

Request for Modification of Reinstatement Order – RPh. Kelli Barker, License #12966

RPh. June Kelli Barker, License #12966, appeared before the Board to request modification of her 2003 reinstatement order by lifting the restriction on serving as a pharmacist manager. Mr. Campbell reviewed for the Board Ms. Barker's Board history since the 2003 order. Mr. Campbell stated that Board staff does not support Ms. Barker's request for modification of her reinstatement order. Ms. Barker, duly sworn, stated her reasons for requesting the modification.

On a motion from Mr. McLaughlin, seconded by Mr. Graves with no dissenting votes, the Board moved into close session to discuss the matter. When open session resumed, Mr. Mixon stated that on a motion from Mr. McLaughlin, seconded by Mr. Haywood on a 3 to 1 split vote, the Board denied her request for modification of her reinstatement order. Mrs. Day abstained from the vote.

A copy of the Order Denying Petition to Modify Reinstatement Order can be found elsewhere in the minutes and is incorporated by reference herein.

Proposed Policy for Review of and Action on, Criminal Background Check Nightly Reports

At the November 2015 meeting, the Board authorized Board staff to enter into a Memorandum of Understanding with US ISS, a criminal background check vendor, to perform periodic criminal background checks for current licensees which was implemented in January 2016.

Mr. Campbell presented a proposed policy for categorizing and acting upon information gleaned from the nightly check which will consist of three tier categories. Tier 1 reports are deemed as a potential threat to public health and safety and will be immediately opened as an investigative case. Tier 2 reports will be reviewed by the Director of Investigations/Inspections to deem whether opening an investigative case is warranted. Tier 3 reports are not a threat to the public health and safety and will not be opened as an investigation.

To provide more granular data for implementation of this policy, Board staff requests authority to enter into a modification to the agreement with US ISS. At an increase of \$500 per month for services (\$6,000 per year), US ISS can provide amended services that will both significantly reduce the time required for staff to sort daily reports and significantly expedite action as specified in the draft policy.

After discussion, on a motion from Mr. McLaughlin, seconded by Mr. Graves with no dissenting votes, the Board moved to approve the proposed background check policy and the modification to the Memorandum of Understanding with US ISS.

Update on IT System Upgrade

Mr. Campbell presented a proposed contract with ThoughtSpan Systems, a software development company located in Charlotte, North Carolina, to rebuild the Board's database system and maintain that system.

After discussion, on a unanimous vote, the Board approved the proposed contract.

Reports to the Board

Joe Jordan, NCPHP, updated the Board on enrollment with the North Carolina Physicians Health Program.

Update on Joint Legislative Administrative Procedure Oversight Committee Review of Occupational Licensing Boards

Mr. Campbell updated the Board on the Joint Legislative Administrative Procedure Oversight Committee Review on Occupational Licensing Boards. Mr. Campbell stated that there is a proposed bill in response to the Dental Board/FTC case that may be submitted during the short session that would appear to require few changes to the Board's present rules and operational procedures.

Update on Follow-Up by the Office of State Auditor

Mr. Campbell updated the Board on the follow-up visit of the State Auditor. He stated the meetings are going smoothly and the staff is providing the auditors with requested information and documents.

Report from the Second Annual Occupational Licensing Boards Best Practice Seminar

The Second Annual Occupational Licensing Boards Best Practice Seminar was held April 12, 2016. Mr. Campbell stated that he and Board Counsel Clint Pinyan presented presentations at the seminar regarding occupational licensing board obligation to the protection of the public health and safety. He stated that the seminar went very well.

Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the 2016 March financial report to the Board.

Investigative/Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the April 2016 investigative report.

Consent Agenda

Following a review of the consent agenda, where Mr. Minton corrected himself that a staff issued letter of warning is recommended from the prehearing conference regarding RPh. Neil Edlen instead of a consent order of reprimand presented. It was moved by Mr. Minton, seconded by Mr. McLaughlin to approve the consent agenda with the correction to the RPh. Edlen's disciplinary recommendation. The motion carried with no dissenting votes. The following items were approved.

Prehearing Conference

Staff Issued Letters of Warning

RPh. Gavin Houchins, license #13879; Mooresville Compounding Specialties Pharmacy, permit #08134; RPh. Douglas Balog, license #12965; and HealthSmart Pharmacy, permit #07780 were subjects of a prehearing conference March 7, 2016, heard by Mr. Minton, regarding allegations that Mooresville Compounding Specialties Pharmacy, along with pharmacist manager Rph. Gavin Houchins, and HealthSmart Pharmacy, along with pharmacist manager Douglas Balog, engaged in wholesale shipments into Arizona and other states without having the required non-resident permits had utilized the online service www.MatchRx.com to facilitate the transactions. Secondly, the pharmacies made wholesale shipments of drugs that were not in original, unopened manufacturer's packaging. The permits also bought drugs through interstate mail shipments from unpermitted wholesale shippers without receiving any pedigree for the drugs. Both permits were cited with numerous compounding violations during inspections conducted during the investigation. Recommendation: Staff Issues **LETTERS OF WARNING** be issued to RPh. Gavin Houchins, RPh. Douglas Balog, and the permits.

Staff Issued Letters of Warning

RPh. Neil L. Edlen, license #17779, and Gates Pharmacy, permit #11190, were subjects of a prehearing conference held March 7, 2016, heard by Mr. Minton, regarding allegations that between November 2013 and March 2015, on approximately ninety-six (96) occasions, Gates Pharmacy engaged in wholesale shipments into Arizona and other states without having the required non-resident permits. Also, between November 2013 and April 2015, on approximately 5,188 occasions, the pharmacy bought drugs through interstate mail shipments from unpermitted wholesale shippers. Last, during an inspection on August 25, 2015, the pharmacy was cited for failing to keep and maintain adequate compounding records, including descriptions of final preparations and assigned beyond-use dates. Recommendation: Staff Issues **LETTERS OF WARNING** to RPh. Edlen and the permit.

Staff Issued Letters of Warning

RPh. Hal Walrod, license #23510, and Walgreens Pharmacy, permit #12339 were subjects of a prehearing conference held March 14, 2016, heard by Mr. McLaughlin, regarding allegations that RPh. Walrod, serving as pharmacist manager, and Walgreens failed to maintain adequate security of the pharmacy, failed to maintain control over Schedule II, Schedule III, and Schedule IV controlled substances, failed to maintain an appropriate inventory control system to detect and prevent the diversion of controlled substances, and failed to ensure appropriate supervision of technicians which resulted in diversion of controlled substance medications by three (3) different employees. Moreover, two (2) separate inspections on January 7, 2015, and October 7, 2015, yielded multiple violations. Recommendations: Staff Issues **LETTERS OF WARNING** to RPh. Walrod and the permit.

Staff Issued Letters of Warning and Consent Order

RPh. Albert J. Rachide, license #06925; RPh. Arian Harris, license #023827; and Pink Hill Pharmacy, permit #04576 were subjects of a prehearing conference held March 14, 2016,

heard by Mr. McLaughlin, regarding allegations that four (4) forged prescriptions for Oxycodone 5/325mg were filled by the pharmacy between the dates of July 2, 2014, and July 16, 2014, and that Pink Hill Pharmacy, PM Albert Rachide #06925, and RPh. Arian Harris filled had dispensed those orders. The prescriptions were filled under circumstances in which a reasonable pharmacist would have concluded the prescriptions were fraudulent. Recommendation: **CONSENT ORDER THREE (3) DAY SUSPENSION/STAYED ONE (1) YEAR** to RPh. Rachide and staff issues **LETTERS OF WARNING** be issued to RPh. Harris and the permit.

Staff Issued Letters of No Action

RPh. Daniel Phillips, license #20522; RPh. Sefakor Fudzie Gyapong, license #22747; and Walgreens Pharmacy, permit #12287 were subjects of a prehearing conference held March 14, 2016, heard by Mr. McLaughlin, regarding allegations that Walgreens, permit #12287, dispensed Risperidone 0.125mg with the incorrect directions of, "Take ½ tablet daily", instead of the prescribed strength of 0.25mg with the correct directions of, "Take 1 tablet twice daily", on April 8, 2015. Patient ingested the incorrect strength of Risperidone causing acute psychosis.

The computer system showed multiple prescriptions for Risperidone for the patient; however, the incorrect strength of 0.125mg was chosen with old directions for use. Additionally, evidence showed that multiple drug utilization review (DUR) warnings were overridden, including one for duplicate prescriptions. Walgreens Pharmacy and the pharmacist manager Phillips failed to provide the statutorily required error information within the required period.

Recommendation: Staff issues **NO ACTION LETTERS** to RPh. Phillips, RPh. Gyapong, and the permit.

Increase in Pharmacists to Technician Ratio

1. Caswell Developmental Center #02943 located in Kinston/ Ritchie Applewhite, Pharmacist Manager
2. CVS Pharmacy #09427 located in Charlotte/Jenny Gardner, Pharmacist Manager
3. CVS Pharmacy #09481 located in Charlotte/Jennifer Pham, Pharmacist Manager
4. CVS Pharmacy #10878 located in Lumberton/Roshanda Ruffin, Pharmacist Manager
5. CVS Pharmacy #10809 located in Morganton/Christopher J. Chiota, Pharmacist Manager
6. CVS Pharmacy #10839 located in Newton/Earl Clifford Black, Pharmacist Manager
7. Healthwise Pharmacy #12650 located in Greenville/Marcie Parker, Pharmacist Manager
8. Kerr Health Long Term Care LLC #11744 located in Raleigh/Rebecca Floyd, Pharmacist Manager
9. Newton Drug Co LLC dba HealthSmart Pharmacy #07639 located in Newton/Melina Travis, Pharmacist Manager
10. O'Neal's Drug Store, Inc. #00054 located in Belhaven/Taffy Klaassen, Pharmacist Manager
11. Robinhood Family Pharmacy #10989 located in Winston Salem/Gunar Stowers, Pharmacist Manager
12. Wake Forest Drug, Inc. #08830 located in Wake Forest/Deborah M. Townsend, Pharmacist Manager
13. Walgreens #12247 located in Holden Beach/Angela Pyatte, Pharmacist Manager
14. Wal-Mart Neighborhood Market #1207 located in Kings Mountain/Cynthia Marlowe, Pharmacist Manager

15. Walgreens #12213 located in Edenton located in Edenton/Jenny Bright, Pharmacist Manager

CPP Candidates

Danielle Marie Land, PharmD #25455, UNCH Pain Management Center, Chapel Hill NC

Reciprocity Candidates

Candidates License by Reciprocity 3/16/2016 – 4/19/2016					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Alpesh	Mahesh	Patel		NJ	3/16/2016
Claire	P.	Chachere		MS	3/16/2016
Katrina	H.	Delgado		MA	3/16/2016
Jonathan	Jens	Ashton		ME	3/16/2016
Rakeshbhai	Jitendrabhai	Patel		MI	3/16/2016
Ali	Mohammad	Odeh		AZ	3/16/2016
Iris	Shum	Pita		MA	3/16/2016
Fotini	M.	Papadakis		NJ	3/16/2016
Daniel	Scott	Boney		IL	3/23/2016
Susan	Irene	Best		CO	3/23/2016
Terrell		Jefferson		GA	3/23/2016
Monica	Jean	Trujillo		AZ	3/23/2016
Jessica	Joyce	Carr		VA	3/30/2016
Kiran	D.	Ravadi		SC	3/30/2016
Jessica	Marie	Curcio		VA	3/30/2016
Alexia	Nannette	Westerhausen		TX	3/30/2016
Michael	S.	Kirkbride		PA	3/30/2016
Joseph	Gregory	Ellis		MO	3/30/2016
Rivkah	Dora	Mantel		FL	3/30/2016
Maggie	Kennedy	Brilhart		SC	3/30/2016
Kyla	Danielle	Bussert		OH	4/6/2016
Tiffany	Brenyce	Redus		VA	4/6/2016
Marianne		Billeter		IN	4/6/2016
Matthew	Lee	White		AR	4/6/2016
Joseph	Henry	Moncayo		FL	4/6/2016
Deryck	Kyle	Hill		NY	4/6/2016
Michelle	Renee	Vrba		OH	4/6/2016
Kwasi	Sarfo	Wiredu		SC	4/6/2016
Nicole	Lisa	Ebisch		PA	4/6/2016
Melissa	Lee	Madrona		OR	4/13/2016

Candidates License by Reciprocity 3/16/2016 – 4/19/2016					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Joshua	David	Ogle		TN	4/13/2016
Gene	S.	Kotz		PA	4/13/2016
Michael	James	Holtel		SC	4/13/2016
Eva	Jacklyn	Rymaszewska		NJ	4/13/2016
Katie	Davis	Daniels		SC	4/13/2016
Omini		Surapaneni		VT	4/13/2016
Kamren	Daquane	Gallon		VA	4/13/2016
Allan	C.	Haddad		VT	4/13/2016
Diana		Bujula		SC	4/13/2016
Jennifer	Lea	Frakes		PA	4/13/2016
Tetee	Semi-Zor	Kuyateh		RI	4/13/2016
Tuynh	Van	Nguyen		PA	4/13/2016
Kenneth	Alan	Teuton		SC	4/13/2016
Michael	Daniel	Brockman		VA	4/13/2016
Jimmy	Charles	Ball		TN	4/13/2016
Stanley	P.	Harris		VA	4/13/2016
46					

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

Closed Session

On a motion from Mr. Graves, seconded by Mrs. Day with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension.

Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Minton with no dissenting votes. Mr. Mixon stated that on a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes, the Board summary suspended the permit #08786, Medaus Pharmacy in Birmingham, Alabama.

In June 2015, Mr. Andrew Bowman was elected to the Southeastern District Board seat. This meeting was the last official meeting Mr. McLaughlin would serve as the Southeaster District Board member. Mr. Campbell and staff thanked Mr. McLaughlin for his dedicated service to the Board and the citizens of North Carolina. Mr. McLaughlin thanked Board members, Mr. Campbell, and Board staff for their support during his tenure on the Board.

On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board adjourned the meeting at 12:15pm.

William A. Mixon, President

Carol Yates Day, Vice-President

Andy Bowman

Gene Minton

L. Stan Haywood

Robert A. Graves