

President Robert J. McLaughlin called the meeting to order at 9:00 am with Board Members Carol Yates Day, Gene Minton, Dr. Parker Chesson, Lazelle Marks and Bill Mixon present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial Administrative Services Director Gail Brantley. Present as visitors were: Christine Davis, Cardinal Health; Cindy Clark, NCPRN; Valanda Nelson, NCPRN; Tom Readling, Mutual Drug; Lisa Collums, Kerr Drug; David Catalano, Walgreens; Rich DeBenedetto, Walgreens; David Barrington, Omnicare; Heidi Barefoot, Target; Bill Pidel, Campbell; Stephen Fu, Walgreens Infusion Services; Joshua Ransom, UNC/ESOP; Hilary Jones, UNC/ESOP; Julia Zhu, Campbell Univ./Walgreens; Daniel McClure, Campbell Univ./Walgreens; Lauren Gray, UNC/ESOP, Realo Drugs; Sarah Todd, UNC/ESOP; Gregory Rhoden, Campbell Univ./Realo Pharmacy; Andrew Thorne, UNC/ESOP; Michael Tiller, Compressed Gas Association; John K. Willenborck, Compressed Gas Association; Stephen Kerecman, Linde LLC; Michael Piacenza, Linde LLC; Morgan Sullivan, Wingate Univ.; Chris Sullivan, Wingate Univ.; Eric Carter, Campbell Univ.; Jordan Carrera, UNC/ESOP; Darrin Sismour, Jabez Pharmacy; Corey George, Jabez Pharmacy; Melissa R. Weaver, Campbell Univ./ Village Pharmacy; Taylor Fisher, UNC/ESOP; Bryan Love, UNC/ESOP; Kaylah Roberson, Walgreens; Heidi Barefoot, Target Pharmacy; Jay Goss, UNC/ESOP; Missy Betz, NCBOP; and Loretta Wiesner, NCBOP.

Ethics Statement & Welcome

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

Public Hearing on Rule .2401 and .2403 – Health Department Nurses Dispensing Naloxone

The Board held a public hearing on proposed amendments to rule N.C.A.C. 46.2401 and .2403 to allow registered nurses in health departments to dispense Naloxone. Prior to the hearing, Board staff received three (3) written comments. Two (2) were in favor of the amendments and one (1) had concerns with providing drugs that could increase drug use or miss use of Naloxone. John Kessler, Secondstory Health, LLC, spoke in favor of the proposed amendment changes.

Minutes of the May 13, 2014 Meeting and May 16, 2014 Meeting

The members received the May 13, 2014 and the May 16, 2014 conference call minutes prior to this meeting for review. It was moved by Dr. Chesson and seconded by Mr. Mixon to accept the minutes as submitted. The motion passed with no dissenting votes.

Consideration of Amendments to Rule .2401 and .2403 – Health Department Nurses Dispensing Naloxone

Board staff requested the Board consider adoption of amendments to 21 NCAC 46 .2401 and .2403. After discussion, on a motion from Mr. Minton, seconded by Mr. Mixon with no dissenting votes, the Board moved to adopt the proposed amendments and send them to the Rule Review Commission.

Discussion of Expiration Dating Requirements as They Apply to Compressed Medical Gases – Michael Tiller and John Willenbrock, Compressed Gas Association; Michael Piacenza and Stephen Kerecman, Linde LLC

Board inspectors are noting that during Device and Medical Equipment (DME) facility inspections, some medical gas suppliers are affixing expiration dates to cylinders and other are not. Rule .2610(b) states that medical gas cylinders be affixed with expiration dates and lot numbers.

Michael Tiller and John Willenbrock, Compressed Gas Association; and Michael Piacenza and Stephen Kerecman, Linde LLC, presented a presentation on medical gas requirements at the federal level and how it relates to state expiration date requirement.

After discussion, the members directed Mr. Campbell to write and publish guidance to the medical gas suppliers holding permits from the Board advising that Board inspectors would echo federal requirements during inspections.

The Board adjourned for a break at 9:42am and resumed open session at 10:00am.

Request for Declaration of Eligibility for Licensure, Benjamin Van Pelt

Mr. Benjamin Van Pelt appeared before the Board in consideration of his application for pharmacist licensure. Mr. Van Pelt submitted an Application for Examination and Registered Pharmacist Certificate to Board staff in May 2011. On the application he indicated that he had diverted hydrocodone-containing products from his place of employment while he was a pharmacy student at UNC Eshelman School of Pharmacy. He indicated that he had received substance abuse treatment and monitoring at a facility in Wilmington while under the supervision of school faculty. Board staff recommended that the petitioner contact North Carolina Pharmacy Recovery Network (NCPRN). He entered into a treatment and monitoring program with NCPRN in December 2011. Mr. Van Pelt, duly sworn, testified on his recovery progress. Cindy Clark, NCPRN, duly sworn, testified on his recovery progress and stated that NCPRN advocates for Mr. Van Pelt to continue with the licensing process. If he is able to obtain his pharmacist license NCPRN recommends that license be subject to conditions.

After presentation of evidence and testimony, on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved into close session to deliberate the matter. Open session resumed on a motion from Dr. Chesson, seconded by Mr. Mixon with no dissenting votes. Mr. McLaughlin stated that on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved to allow Mr. Van Pelt to move forward with licensure. If he successfully completes licensure as a pharmacist, that license will be subject to conditions.

A copy of the Order Regarding Licensure can be found elsewhere in the Minutes and is incorporated by reference herein.

Request to Modify Order Reinstating License, Frank Burton Dean, License #05693

RPh. Frank Burton Dean, license #05693, appeared before the Board to request modification of his January 17, 2012 Reinstatement Order. Mr. Marks recused himself from the matter. Mr. Dean requested that the Board lift condition #5 of his order that requires him to obtain prior approval of employment by the Board Executive Director and NCPRN. Cindy Clark, NCPRN, duly sworn, stated that NCPRN has no objection to the request.

After presentation of evidence and testimony, on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board approved the requested modification.

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

Presentation Concerning Dispensing of Syringes, John Taube

Mr. Taube did not attend the meeting and thus no presentation was received.

Further Discussion of Potential Amendments to 21 NCAC 46.1810 Governing Compounding

At the May 13, 2014 Board, meeting Mr. Campbell presented a discussion draft of possible amendments to Board rules governing compounding that were proposed by the Compounding Working Group. The proposed amendments would combine standards for compounding products into one rule and would synchronize the rules with the federal Drug Quality and Security Act.

After discussion, on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved to approve the proposed rule amendments and publish them for notice and comment.

Certification of Central District Board Member Election Results

On May 15, 2014 the voting for the Central District Board elections concluded. Mr. Stan Haywood received the majority of the vote but did not receive more than 40% of the votes casted. Mr. Kevin Isaacs, who received the second highest percentage of votes, could request a run-off in writing within nine (9) days from the end of the election (by May 24th 2014). Mr. Isaacs chose not to contest the election results. On a motion from Mr. Mixon, seconded by Mrs. Day with no dissenting votes, the Board moved to certified the results of the election and declare Mr. Haywood the winner of the Central District election.

Legislative Update

Mr. Campbell stated that three (3) bills have been introduced to the General Assembly's short session of potential importance to the Board.

H.1220, An Act to Create Compassionate Use Registry for the Use and Administration of Hemp Oil would allow registration and administration of hemp oil for the relief of symptoms of patients with seizure disorders.

H.1037, An Act to Strengthen the Monitoring of Controlled Substance, as Recommended by the Joint Legislative Program Evaluation Oversight Committee and S.749 An Act to Strengthen the Monitoring of Controlled Substance have been introduced which would require continuing education requirements for controlled substance prescribing as a condition of licensure for dentists, nurses, podiatry examiners, and physicians. It would also allow the NC Controlled Substance Reporting System to share information with other states. The rule would mandate the implementation of Statewide Strategic Plan by the Department of Health and Human Services which would include the formation of a Prescription Drug Abuse Advisory Committee to combat prescription drug abuse. It would require a representative from the Board of Pharmacy along with other licensing Boards.

Program Evaluation Division (PED) is conducting a study on occupation licensing boards. PED was to conduct entrance conference(s) with licensing boards in May 2014. As to date, no one from the PED has contacted the Board about the study. Mr. Campbell stated that the PED met with representatives from other licensing boards to develop a questionnaire for the study.

Consideration of Proposed Consent Order Lifting Summary Suspension of Pharmacy Permit #08132, Jabez Home Infusion

The Board issued an Order Summarily Suspending Permit, #08132, Jabez Home Infusion, on March 7, 2014 after concerns that the compounding practices at Jabez Home Infusion could not assure the protection of the public health and safety. Jabez made changes to improve sterile compounding deficiencies at the pharmacy; the Board re-inspected the permit in May and June and found substantial improvement. Jabez has also stated it will not engage in high-risk sterile compounding which provides staff with additional assurance of protection to the public health and safety.

Staff presented a proposed consent order to lift the summary suspension on Jabez Home Infusion. Board staff will re-inspect the facility within ninety (90) days of them resuming operation. After discussion, on motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board approved the proposed consent order to lift the summary suspension.

A copy of the Consent Order Terminating Summary Suspension can be found elsewhere in the Minutes and is incorporated by reference herein.

NABP/AACP District III – Charleston, SC

Mr. Campbell reminded Board members that the 2014 District III meeting would be held August 2-5, 2014 in Charleston, South Carolina. Board member should contact staff if they wish to attend this year's meeting.

Investigations Department Report

Joshua Kohler, Director of Investigations and Inspection, presented the June 2014 investigative report.

Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the May 2014 financial statistics to the Board

Reports to the Board

There were no presentations for the Reports to the Board Agenda item.

Consent Agenda

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

Prehearing Conference

RPh. Keyur Patel, License #18142; RPh, RPh. Abeer Dabbagh, License #14710; and CVS Pharmacy, Permit #09419; were subjects of a prehearing conference held May 12, 2014, heard by Dr. Chesson, regarding allegations that on April 16, 2013, CVS Pharmacy dispensed approximately eighteen (18) tablets of Abilify 10mg in with the prescribed medication of Guanfacine 1mg to a patient. The patient ingested six (6) Abilify tablets over a nine (9) day period and experienced side effects including headache, vomiting, and dizziness. The patient was eventually admitted to the ER and was later discharged with mild abdominal pain. Recommendation: **Staff Issues Letters of Warning** to RPh. Patel and RPh. Dabbagh. **Staff Issues Letter of No Action** to permit.

Consent Order

Civic Center Pharmacy, permit #09155, was subject of a prehearing conference held May 12, 2014, heard by Dr. Chesson, regarding allegations that they compounded and dispensed a schedule III controlled substance to patients in 48 states from prescribers at HCG Medical in Tulsa, Oklahoma. Civic Center Pharmacy should have reasonably known that the prescriptions were issued without a physical examination and in absence of prior prescriber-patient relationship. Recommendation: **Indefinite Suspension of permit, stayed indefinitely** with usual conditions.

RPh. Janice Deichert, License #17913, was subject of a prehearing conference held May 12, 2014, heard by Dr. Chesson, regarding allegations of a dispensing error and on three occasions refilling a personal prescription for Hydrocodone sooner than permitted. Evidence showed that she did not consume more controlled substance than had been prescribed. Recommendation: **Seven (7) Day Suspension/ Stayed Five (5) Years with conditions.**

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

Increase in Pharmacists to Technician Ratio

1. Oakboro Pharmacy – Oakboro #07734, Angie Smith RPh, App. 05/12/2014
2. Walgreens – Fuquay Varina #08271, Emily Beatty RPh, App. 05/12/2014
3. Wal-Mart Pharmacy – Arden #07939, Anthony Affinito RPh, App. 05/12/2014
4. CVS/Pharmacy – Clayton #10452, Jennifer Nash, App. 06/06/2014
5. CVS/Pharmacy – Davidson #10810, Kristin Cathcart RPH, 06/06/2014
6. O’Neal’s Drug Store – Chocowinity #07717, Bruce Johnson RPh, 06/06/2014
7. Wal-Mart Pharmacy – Pisgah Forest #7997, Daryl Waldrop RPh, 06/06/2014
8. Kerr Drug – Raleigh #11720, Donald L. Gabig RPh, 06/06/2014
9. Wal-Mart Pharmacy – Huntersville #11537, Thomas Redmond RPh , 06/06/2014
10. Wal-Mart Pharmacy – Shallotte #08008, Arthan Brettos RPh, 06/06/2014
11. Wal-Mart Pharmacy – Spruce Pine #08014, Norman Pillsbury RPh, 06/06/2014
12. Wal-Mart Pharmacy – Sylva #08016, Tyler Melton RPh, 06/06/2014
13. Wal-Mart Pharmacy – Wallace #08020, Angela Boney RPh, 06/06/2014
14. Wal-Mart Pharmacy – Waynesville #07951, Marianne Affinito RPh, 06/06/2014
15. Wal-Mart Pharmacy – Weaversville #10307, Julie Trizano RPh, 06/06/2014
16. Wal-Mart Pharmacy – Whiteville #08023, Mickey Worthington RPh, 06/06/2014
17. Wal-Mart Pharmacy – Hendersonville #7970, Michael Kanetzke RPh, 06/09/2014
18. Guardian Pharmacy of Eastern NC dba Southern Pharmacy Services – Kernersville, Brian W. Dufour RPh, 06/09/2014
19. Triangle Compounding Pharmacy – Cary #10159, Wendy Hagwood RPh, 06/11/2014.
20. Kerr/Walgreens – Durham #11743, Sara Ann Dawson RPh, 06/11/2014
21. Wal-Mart Pharmacy – Jacksonville #09946, Eva Schaffner RPh, 06/11/2014
22. Wal-Mart Pharmacy – Laurinburg #7981, Sharon Butler RPH, 06/11/2014

CPP Candidates

RPh. Megan Fontana Diffenbaugh, License #21729 at Nebo Primary Care

RPh. Megan Fontana Diffenbaugh, License #21729 at Glenwood Primary Care

RPh. Marguerite L. Conger, License #20138

RPh. Christine H. Dresback, License #16438 (Practice Site: Mission My Care Plus
Candler)

RPh. Christine H. Dresback, License #16438 (Practice Site: Mission My Care Plus
Leicester)

RPh. Irene Y. Park, License #22456

Closed Session

On a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to discuss two (2) possible summary suspensions and a personnel matter. Open session resumed on a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes. Mr. McLaughlin stated that the technician registrations for Technician Sherry Ortiz, registration #30681, and Technician Tikiya Rascoe, registration #02706, were summarily suspended.

There being no further business, the meeting adjourned at 11:45pm.

Robert J. McLaughlin, Jr, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Gene Minton

Carol Yates Day

William A. Mixon