



North Carolina Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Item 1175 – Disciplinary Actions August – November 2002

Permits: Revocation: 1; Active Suspension of Permit: 1
 Pharmacists: Reinstate with Conditions: 3; Letter of Warning: 10; Letter of Reprimand: 1; Letter of Concern: 1; Suspension With Stay Order: 3

More information regarding cases can be found on the North Carolina Board of Pharmacy's Web site at www.ncbop.org under "Disciplinary Matters."

Item 1176 – Pharmacist Renewal Applications

You may have noticed that you did not get your regular license renewal application mailed to you automatically this year. The Board is renewing pharmacists' licenses to practice pharmacy on the Internet whenever possible. This can be accomplished at our Web site at www.ncbop.org and clicking on the "Online Pharmacist and DME Renewal" icon.

There is a 60-day grace period after December 31, 2002, in order to renew your license to practice pharmacy. If you want a paper renewal, you may download one from our site at the address listed above under "Downloadable Forms." You may also request one via e-mail at RenewalForms@ncbop.org or call the Board office at 919/942-4454.

Item 1177 – Renewal News

Just a reminder that the Board is strongly encouraging pharmacists and, for the first time this year, Device and Medical Equipment permittees to renew their 2003 licenses/permits online at www.ncbop.org and follow the prompts on the home page. An immediate confirmation is available for online renewals and certificates will be mailed within approximately three days of the online process.

Item 1178 – Waivers Required to Employ Certain Individuals

It is the responsibility of ownership to be aware of the background of its employees. Federal rules state that Drug Enforcement Administration (DEA) registrants shall not employ as an agent or employee who has access to controlled substances any person who has been convicted of a state or federal felony offense relating to controlled substances or who has had a DEA registration denied, revoked, or surrendered for cause.

It is the responsibility of ownership to apply for a waiver of this requirement under section 21 CFR 1307.03. A registrant who knows or should have known of his or her employee's record but does not apply for a waiver could have action taken against his or her DEA registration.

Item 1179 – HIPAA: HHS Publishes Final Modifications to the Privacy Regulations

Compliance date

- ◆ Covered entities must be in compliance with the rule by April 14, 2003.

Acknowledgement

- ◆ Regulations require covered health care providers with a direct-treatment relationship with an individual, including pharmacies, to make a good-faith effort to obtain the individual's written acknowledgement of receipt of the "notice of privacy practices" no later than the date of first service delivery.
- ◆ A pharmacist is permitted to have the individual sign or initial an acknowledgement within the log book that patients already sign when they pick up prescriptions, so long as the individual is clearly informed on the log book of what they are acknowledging and the acknowledgement is not also used as a waiver or permission for something else (such as a waiver to consult with the pharmacist).

Marketing

- ◆ Requires an authorization from the individual before making any "marketing" communications. "Marketing" means:
- ◆ To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service.

What to do

- ◆ Inventory uses of protected health information
- ◆ Identify covered entities and business associates
- ◆ Develop and implement privacy policies and procedures
- ◆ Give notice and get acknowledgement
- ◆ Determine organization type
- ◆ Training

The above is by no means an exhaustive list of all that must be completed before April 14, 2003. **Do not wait until**

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the last minute; begin the process now. Contact your pharmacy organizations about the availability of Health Insurance Portability and Accountability Act compliance manuals.

Item 1180 – DME Issues

Submitted by Teresa Gregory, Chairperson of the DME Committee

The Devices and Medical Equipment (DME) Board has conducted several hearings this quarter resulting in the permanent revocation of one permit and an active suspension of another permit. More activity can be expected with the new inspector, who has begun conducting routine investigations as well as responding to complaints.

The Board is currently looking into the legalities of “oxygen bars,” which are slowly entering our state. If anyone is aware of one of these “spas,” feel free to call the Board’s investigative office at 828/465-2324 with any information you may have.

Please remember that if you have a location that has a permit, then a copy of all required materials including patient charts and personnel files should be kept at the permitted location. With inclement weather soon to be upon us, please remember that your oxygen patients should have a minimum of 24 hours of backup oxygen that is easily accessible to them.

Item 1181 – Discussions with Board Members May Jeopardize Cases

Occasionally a licensee attempts to communicate directly with a member of the Board of Pharmacy to discuss a pending case. Such ex parte communications can result in the contacted Board member being unable to participate in the hearing on the matter.

Generally, the caller just wants to get an impression regarding Board opinion or to confirm that the Board has all the facts. It is important to understand, however, that Board members acting as individuals have no authority to act on any matter on behalf of the Board or to direct staff to take specific action. The Board is authorized to act only during lawfully convened meetings when a quorum is present. A Board member who is contacted directly may be forced to disqualify himself from the discussion or from the vote on the matter.

If you have an issue before the Board and wish to obtain general information, please contact the Board office. Although the staff will not be able to tell you how the Board will decide a specific case, they can provide general and historical information, possible alternatives, and information on procedural steps. The Board operates under the North Carolina Administrative Procedures Act.

Attention Pharmacists

Board rules require that address changes for pharmacists and technicians and any change in pharmacist-managers be reported within **30 days** of the change. If the Board office is not notified of the change, the pharmacist, pharmacy, or technician is in violation of the rules of the Board.

Item 1182 – Doctor’s Disciplinary Actions

Pharmacists who have an e-mail address on file with us should have noticed that the Board is now sending out summaries of disciplinary actions on doctors by the North Carolina Medical Board. This is especially useful for pharmacists who question the validity of any physician’s prescription.

If you have an e-mail address but are not getting these notices, it is because we do not have that information in our files. Go to our Web site at www.ncbop.org and click on the section for “Online Pharmacist and DME Renewals” and provide us with your e-mail address. This will ensure that you get up-to-date information on physicians who may have had action taken on their license to practice.

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