



# North Carolina Board of Pharmacy

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## Item 1070 – Newsletter as an Official Notice

This *Newsletter* is a publication of the North Carolina Board of Pharmacy, and is intended to inform licensees about laws, rules, and pharmacy practice. Please read and keep these *Newsletters*, as they are official notification and are used in Board hearings to establish that a pharmacist knew, or should have known, certain information. *Newsletter* binders are issued with each new pharmacy permit, and should be present at each pharmacy location.

## Item 1071 – Disciplinary Actions

### Prehearing Conference Recommendations

**Karen Banks**, Knightdale (DOB March 4, 1971) and **Eckerd Drugs**, 11360 US Highway, Clayton. Heard by Board Member Lockamy. Dispensing error. Recommendation: Letter of Concern. Accepted by Banks March 21, 2000; accepted by Donna Wilson, pharmacist-manager on behalf of Eckerd Drugs March 20, 2000; accepted by Board March 21, 2000.

**Laura Cates**, Apex (DOB July 12, 1965); **Robert A. Whitmore**, Morrisville (DOB April 13, 1971) and **Kroger Pharmacy**, 940 US 64 Hwy, Apex. Heard by Board Member Crocker. Violation of patient counseling rule. Recommendation: Consent Order. Licenses of Cates and Whitmore suspended three days, stayed two years with specific conditions including the Quality Assurance Program of Kroger Company; permit suspended one day, stayed two years with specific conditions including Quality Assurance Program of Kroger Company. Accepted by Cates March 12, 2000; accepted by Whitmore March 17, 2000; accepted by Cates on behalf of Kroger March 12, 2000; accepted by Board March 21, 2000.

**Vivian M. Belton**, High Point (DOB September 1, 1962); **W. Kim Jon**, Jamestown (DOB May 1, 1966) and **CVS Pharmacy**, 124 Montlieu Ave, High Point. Heard by Board Member Moose. Violation of patient counseling rule. Recommendation: Reprimand for both pharmacists and permit. Accepted by Belton February 29, 2000; accepted by Jon March 2, 2000; accepted by Barry Jasilli on behalf of CVS March 6, 2000. Accepted by Board March 21, 2000.

**Gwendolyn S. DeVaughn**, LaGrange (DOB February 27, 1960) and **Eckerd Drugs**, 621-A North Berkeley Blvd, Goldsboro. Heard by Board Member Lockamy. Recommendation: Letter of Concern to DeVaughn and Eckerd Drugs. Accepted by DeVaughn February 25, 2000; accepted by DeVaughn on behalf of Eckerd Drugs March 15, 2000; accepted by Board March 21, 2000.

**Eckerd Drugs**, 240 S Stratford Road, Winston-Salem. Heard by Board Member Crocker. Dispensing error. Recommendation: Specific enhancements or developments to Eckerd's Quality Assurance Program be undertaken. Accepted by Neill Wilson, pharmacist-manager, on behalf of Eckerd March 11, 2000; accepted by Board March 21, 2000.

**Eckerd Drugs**, 1100 Henderson Drive, Jacksonville. Heard by Board Members Rogers and Lockamy. Violation of patient counseling rule. Recommendation: Letter of Warning. Accepted by Eckerd March 21, 2000; accepted by Board March 21, 2000.

**Eckerd Drugs**, Vineyard Station, 710 Laura Duncan Road, Apex. Heard by Board Member Rogers. Violation of patient counseling rule. Recommendation: Letter of Warning. Accepted by George Veltri on behalf of Eckerd February 25, 2000; accepted by the Board March 21, 2000.

**Eckerd Drugs**, 12225 Capital Blvd, Wake Forest. Heard by Board Member Rogers. Violation of patient counseling rule. Recommendation: Letter of Warning. Accepted by George Veltri on behalf of Eckerd February 25, 2000; accepted by Board March 21, 2000.

**Greg Elkins**, Charlotte (DOB February 13, 1966). Heard by Board Member Overman. Consumption of alcohol while not engaged in practice of pharmacy, but to extent to render him unfit to practice pharmacy. Recommendation: Enter into contract with Pharmacist Recovery Network and comply with mandates of that contract and other specific conditions. Accepted by Elkins September 27, 1999; accepted by Board November 16, 1999.

**Philip S. Goldstein**, Chapel Hill (DOB April 14, 1960). Heard by Board Member Lockamy. Dispensing error. Recommendation: Letter of Reprimand. Accepted by Goldstein February 25, 2000; accepted by Board March 21, 2000.

**Charles Josey**, High Point (DOB December 2, 1933); **Marjorie W. Wingate**, Greensboro, (DOB January 1, 1945) and **Eckerd Drugs**, 2920 Waughtown St, Winston-Salem. Heard by Board Member Lockamy. Violation of patient counseling rule. Recommendation: Letter of Concern for each

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pharmacy and Eckerd Drugs. Accepted by Josey February 25, 2000; accepted by Wingate March 7, 2000; accepted by George Veltri on behalf of Eckerd February 24, 2000; accepted by Board March 21, 2000.

**Derrick B. Kimrey**, Raleigh (DOB December 6, 1970) and **CVS Pharmacy**, 7126 Hwy 64 East, Knightdale. Heard by Board Member Moose. Dispensing error. Recommendation: Reprimand for both Mr Kimrey and CVS Pharmacy. Accepted by Kimrey February 29, 2000; accepted by Barry Jasilli on behalf of CVS March 6, 2000; accepted by Board March 21, 2000.

**Charles Sprinkle**, Barnardsville (DOB September 17, 1947); **Joseph Swofford**, Clyde (DOB May 13, 1940); and **Weaverville Drug Company**, Weaverville. Violation of patient counseling rule. Consent Order entered: License of Sprinkle suspended seven days, stayed two years, with active three-day suspension of license and other conditions; license of Swofford suspended seven days, stayed two years, with active three-day suspension of license and other conditions; permit suspended seven days, stayed two years, with active one-day suspension of permit and other conditions. Accepted by Sprinkle October 21, 1999; accepted by Swofford October 21, 1999; accepted by Sprinkle on behalf of Weaverville Drug Company October 21, 1999; accepted by Board November 16, 1999.

**Mary Strickland**, Fayetteville (DOB February 13, 1968). Heard by Board Member Moose. Dispensing error. Recommendation: Letter of Concern. Accepted by Strickland March 3, 2000; accepted by Board March 21, 2000.

**Jeff E. VanSchaack**, Moyock (DOB May 25, 1959) and **CVS Pharmacy**, 1316-H N Broad St, Edenton. Heard by Board Member Moose. Dispensing error. Recommendation: Reprimand for Mr VanSchaack; Formal Caution for CVS Pharmacy. Accepted by VanSchaack February 28, 2000; accepted by Barry Jasilli on behalf of CVS Pharmacy March 6, 2000; Accepted by Board March 21, 2000.

### Consent Orders

**Donald W. Beaver, Sr**, Concord (DOB November 19, 1939). Consent Order entered. Does not possess ability to practice pharmacy with reasonable skills and safety to the public. License suspended indefinitely, stayed indefinitely, with specific conditions. Accepted by Beaver April 28, 2000; accepted by Board April 18, 2000.

**George W. Moore**, Hickory (DOB March 7, 1945). Consent Order entered. Violation of Consent Order entered January 20, 1998; consuming marijuana. License actively suspended for seven days and other conditions. Accepted by Moore March 20, 2000; accepted by Board March 21, 2000.

**John Wesley Saunders**, Wendell (DOB May 3, 1938). Consent Order entered. Order Summarily Suspending License entered June 20, 1996. License shall be reinstated once specific conditions of reinstatement have been met. Accepted by Saunders January 16, 2000; accepted by Board January 18, 2000.

### Full Board Hearing

**George David Teal**, Fayetteville (DOB August 15, 1953). Use of unauthorized prescriptions to file false insurance claims. License suspended three years, stayed three years, with active suspension of 90 consecutive days and other conditions.

### Item 1072 – Red Cross Vouchers

Last year during the Hurricane Floyd aftermath, many pharmacists became aware of Red Cross vouchers for the first time. These forms are used by disaster victims to pay for essential goods such as prescription drugs. More information can be obtained from the National Red Cross office at 202/737-8300, ext 8544.

### Item 1073 – Substitution of Timed Release Products

The Food and Drug Administration (FDA) classifies products in the *Orange Book* on the basis of equivalency. While the North Carolina Product Selection Law does not refer to the *Orange Book* or require its use, the portion on extended release dosage forms is worth noting.

The members of the Board concurred with the *Orange Book* text under BC-Extended Release Dosage Forms that is paraphrased in the following paragraph.

Although bioavailability studies have been conducted on these dosage forms, they may be subject to bioavailability differences, primarily because firms developing extended release for the same active ingredient rarely apply the same formulation approach. FDA (the Board) does not consider different extended-release dosage forms containing the same active ingredient and equal strength to be therapeutically equivalent unless equivalence between individual products and both rate and extent has been specifically demonstrated through appropriate bioequivalence studies. Extended-release products for which such bioequivalence data have not been submitted are coded BC, while those for which such data are available have been coded AB.

It can be generally stated, then, that extended-release dosage forms are presumed not to be therapeutically equivalent, or substitutable.

### Item 1074 – Faxes for Hospice Patients

Pharmacists should remember the revisions of the Code of Federal Regulations regarding controlled substances published in the July 1997 North Carolina Board of Pharmacy *Newsletter*. Remember that the fax transmission of prescriptions for Schedule II drugs is allowed for hospice patients in a hospice setting **or** in any other location. The document that comes from the fax machine is considered the original, and nothing additional is needed from the prescriber.

Please note: this is separate and different from the emergency dispensing of Schedule II controlled substances found at 21 CFR 1306.11(d), which is also printed in the July 1997 *Newsletter*. The revision of that regulation increased the length of time to get a signed prescription in an emergency situation from 72 hours to seven days.

### Item 1075 – More Pharmacists Successful on DSM Exams

In Item 1062 of the April *Newsletter*, several pharmacists were listed as successfully passing the disease state management (DSM) examinations. **William (Bill) Koonce**, Forest City, and **Lesley Koonce**, Forest City, should be added to that list for passing the DSM exam in diabetes.

### Item 1076 – MedWatch Report Sought

The US Food and Drug Administration (FDA) needs to know about adverse events and product problems with medications,

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medical devices, special nutritional products, and other products regulated by FDA.

Under FDA's voluntary reporting systems, health professionals are urged to report serious adverse events with these products, even if they are not certain the product caused the event, or if they do not have all the details. Detailed information on how to report is available on the user-friendly reporting form. It is available at the MedWatch site on the FDA homepage on the Internet at [www.fda.gov/medwatch](http://www.fda.gov/medwatch) or by telephone to 1-800/FDA-1088. Reports may be submitted via mail, fax, or the Internet.

### **Item 1077 – Continuing Education Credit for Free Clinic Volunteers**

At the July 1999 meeting of the Board, the members recognized the merit of pharmacists who volunteer for service at free clinics. In a close vote, the members approved one contact hour of continuing education (CE) credit for every three hours of volunteer practice at free clinics, with a maximum of three contact hours per year. If a pharmacist is subjected to a CE audit, it will be the responsibility of the pharmacist-manager at the clinic to certify the hours worked and credit issued.

### **Item 1078 – Reciprocity and Immigrants**

During the January 2000 reciprocity session, it was noted that a significant number of candidates were born in foreign countries. Some of these individuals were graduates of foreign pharmacy schools, while others had degrees from US colleges. **Hoa Tran**, a student on a rotation in the Board office, calculated that in January 17% of the candidates for licensure by reciprocity were born in foreign countries.

This is an effective reminder that the United States is truly a nation of immigrants.

### **Item 1079 – Comment on Remedy for Pediatric Poisoning**

Activated charcoal is produced by burning wood pulp, coconut, and other organic matter, which is heated with steam at 600°C-900°C. This process makes a porous, expansive network with a large surface area that can adsorb toxic substances. Activated charcoal typically has a surface area of 950 to 2000 m<sup>2</sup>/g. Charcoal capsules, tablets, and briquettes for grilling are **not** equivalent, and should never be used as a substitute for activated charcoal.

The Carolinas Poison Center recommends that parents keep a bottle of activated charcoal in the home for every child under the age of six. Activated charcoal is now a first choice for home gastrointestinal decontamination of pediatric poisonings. The departure from the use of Syrup of Ipecac is based on the recent availability of over-the-counter activated charcoal, as well as lack of data from human and animal studies that shows any clinical benefit from using Syrup of Ipecac (Position Statement: Ipecac Syrup. *Clinical Toxicology*: 35(7), 699-709; 1997).

The recommended dose of activated charcoal in children is 1 g/kg without a cathartic. A sufficient amount for pharmacists to recommend that parents and caregivers purchase is 12.5 g or 15 g containers.

Neither activated charcoal nor Syrup of Ipecac should be recommended without the advice of a poison center or pediatrician. There are many instances in which the child has not ingested a sufficient amount of toxin to need decontamination

and can simply be observed. In addition, neither agent should be used for caustics or hydrocarbons when there is risk of airway compromise, or when too much time has elapsed for the toxin to be available in the gastrointestinal tract.

The staff of the Carolinas Poison Center can answer any questions regarding use of activated charcoal or assist in the handling of emergency poisonings. The emergency number is 1-800/848-6946 available statewide, 355-4000 in the Charlotte area. For non-emergency questions, the center's business number is 704/395-3795.

The Carolinas Poison Center is the state designated poison resource for all of North Carolina, and is certified as a Regional Poison Center by the American Association of Poison Control Centers. Specially trained nurses and pharmacists are available on a 24-hour basis to assist with emergency poisonings. In addition, board-certified medical toxicologists are available for physician consultation.

The above item was submitted by **Anna M. Rouse, RPh, CSPI**, assistant director, Carolinas Poison Center.

### **Item 1080 – Characteristics of an Illicit Prescription**

Here are several clues to help you identify a forged prescription.

- ◆ The script appears too professional.
- ◆ The quantities, directions, and dosages differ from the norm.
- ◆ The script is written with unusual abbreviations or textbook presentation.
- ◆ The directions are written in full without typical abbreviations.
- ◆ The quantity dispensed or the number of refills appears altered.
- ◆ The quantity dispensed appears to be unusually large.
- ◆ Markings on the prescription appear to have been erased or whited-out.
- ◆ Evidence shows the prescription blank is a photocopy. For example, dust and other particles appear as faint black dots on the copy.
- ◆ Evidence shows the entire prescription has been photocopied with a color copier. For example, the parts written in ink do not smudge.

**You are under no obligation to fill any prescription** (see Board Rule .1801). If a script seems questionable, do not dispense it. Here are some helpful hints:

- ◆ Establish dispensing guidelines for all prescription drugs, especially scheduled products.
- ◆ Post dispensing regulations and store policies in a prominent location.
- ◆ Contact the law enforcement authorities.
- ◆ If the forged script bears the name of a practicing physician, inform the physician as soon as possible.
- ◆ Notify other area pharmacies, as well as local and state pharmacy associations.
- ◆ Establish store procedures to prevent or control confrontations with customers.
- ◆ Maintain a professional demeanor with patients at all times; use a witness or mounted video camera to document confrontational encounters.

### **Item 1081 – Law Book on Internet**

The latest edition of the North Carolina Board of Pharmacy's Law Book has been posted on the Internet at [www.ncbop.org](http://www.ncbop.org),

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under drug law, and it can easily be downloaded. For people who have not yet familiarized themselves with the World Wide Web, a paper copy is available from the Board office for \$10.60.

Each pharmacy is expected to have a current copy of the *Pharmacy Law Book* on hand, and this item is checked as part of a regular inspection visit.

**Item 1082 – Election Results**

The results of the election for the one available position on the North Carolina Board of Pharmacy were tabulated in Board office on May 15, 2000. The results of the election are printed below.

**District 5**

|                               |       |
|-------------------------------|-------|
| James Carroll.....            | 291   |
| Robert L. “Bob” Crocker ..... | 1,264 |
| Alyce Holmes .....            | 621   |
| William D. “Billy” Smith..... | 423   |

**Bob Crocker** was declared the winner for District 5, representing the Southeast part of the state.

**Item 1083 – Clinical Pharmacist Practitioner Rules**

A committee consisting of members from the North Carolina Board of Pharmacy and the Medical Board has met on several occasions and produced proposed rules on clinical pharmacist practitioners. As of the deadline for this *Newsletter* no public hearing date had been scheduled, but by the time you receive this publication a date certainly will have been set. Please refer to the Board’s Web site locate at [www.ncbop.org](http://www.ncbop.org) and check under New Developments for information on this important activity.

**Item 1084 – Opening a New Pharmacy?**

Some people may find it difficult to believe that in today’s market of minimal reimbursements, managed care headaches, and decreased Medicaid payments that a pharmacist would consider opening a new pharmacy. Openings do occur on a regular basis, however, as the Board issues approximately 230 new pharmacy permits each year. Many of these pharmacists are opening new businesses, and the text in the following para-

graph, provided by Amy J. Edwards of the Office of Secretary of State, can be helpful in that regard.

The Business License Information Office (BLIO) Web site, located at [www.secstate.state.nc.us/blio/default.htm](http://www.secstate.state.nc.us/blio/default.htm), offers great online resources for the new business operator. This site allows you to download most of the required government forms, link to other professional sites, and find many other valuable links to government and private organizations that are waiting to help you get started in business. If you want to start a new business in North Carolina, you will save plenty of time and effort by visiting the Business License Information Office first. BLIO provides a one-stop information resource for new businesses. BLIO’s trained consultants can tell you which federal, state, and local permits you will need to start your business, and what resources are available to help you get started. Telephone 919/807-2166 or 1-800/228-8443 (inside North Carolina).

**Item 1085 – Emergency Oxygen Supply Clarification**

Item 1067 in the April 2000 *Newsletter* needs clarification. The statement regarding “sufficient backup of oxygen” shall mean **an accessible** minimum supply of 24 hours. We trust this clarifies the statement.

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