

President Robert (Joey) McLaughlin, Jr. called the meeting to order at 9:05 am with Board Members Betty Dennis, Wallace Nelson, Rebecca Chater and Stan Haywood present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Board Counsel John Buford, Board Investigator Jason Smith, Board Investigator Krystal Brashears, Board Investigator Melissa Cummings, Board Investigator Amy Sykes Cook, Financial and Administrative Service Director Gail Brantley, Director of Licensing Debbie Stump, IT Manager Thomas Buedel, Financial and Human Resources Analyst Rhonda Jones and Director of Operations Kristin Moore. Present as visitors were: Heidi Barefoot, Target Pharmacy; Cindy Sugg, NCPRN; Mary Christine Parks, NCPRN; Christine Davis, Cardinal Health NPS; Gene Minton, Drugco Discount Pharmacy; Lazelle Marks, Medical Center Pharmacy; Lisa Collums, Kerr Drug; John A. Fratamico, CVS; Justine O'Connor, Brooks Pierce; Tom Reading, Mutual Drug; Blake O'Neal, UNC/SOP intern; Frank Biondello, ATG REAAB; Edilma Taylor, CVS; Thomas D'Andrea, Neil Medical Group; Anne Slade, NCDHHS-DMA; Katie McGrail, UNC/SOP; Bill Irvin, CVS; Gregory Bohmert; Shawn Shuck; RPh. Gary Koesten, 1800Petmeds and RPh. Douglas London

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. There were no conflicts noted by any Member.

President McLaughlin welcomed all visitors and asked that they introduce themselves to the Board members and state their pharmacy affiliation.

Minutes of the November 2009 and December 10, 2009 Board Meetings

The members received the November 2009 and December 10, 2009 meeting minutes prior to this meeting for review. It was moved by Mr. Haywood and seconded by Mrs. Chater to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Hearing – RPh. Fredrick Mays – License #10812

RPh. Fredrick Mays, license #10812, appeared before the Board to request reinstatement of his pharmacist license. Board attorney John Buford proceeded with the case and stated that Mr. Mays entered into a five year contract with the Pharmacy Recovery Network (PRN) January 1, 2007. Mr. Mays voluntarily surrendered his license for substance abuse problems and diversion of controlled substances May 9, 2007. Mr. Mays failed to comply with his PRN obligations and was terminated from the PRN program December 2008.

Board Member Dr. Parker Chesson arrived at the Board meeting at 9:38am.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes. Open session resumed on a motion from Mr. Nelson, seconded by Dr. Dennis with no dissenting votes. Mr. McLaughlin stated that on a motion from Mr. Nelson, seconded by Mrs. Chater with no dissenting votes, the Board would deny Mr. Mays' request for reinstatement and would

revoke his pharmacist license. Mr. Mays may not petition for reinstatement until at least two years from the date of his order.

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

Disciplinary/Reinstatement Hearing – Technician Bobbie-Leigh Agee registration #08436

Technician Bobby-Leigh Agee, registration #08436, appeared before the Board to request reinstatement of her technician registration. Board attorney Clint Pinyan proceeded with the case and stated that Ms. Agee had voluntarily surrendered her registration April 2, 2009 after testing positive for marijuana and clonazepam during a drug screening at Baptist Hospital where she was employed. Ms. Agee did have a valid prescription for clonazepam from her physician. Mr. Pinyan stated that staff does not object to the reinstatement but would recommend reinstatement with conditions including a Pharmacist Recovery Network (PRN) contract.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mrs. Chater, seconded by Mr. Nelson with no dissenting votes. When open session resumed, Mr. McLaughlin stated that on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes, the Board would allow Ms. Agee's registration to be eligible for reinstatement with a suspension stayed indefinitely with conditions once she obtains employment.

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

Request to Modify Terms of Surrender – RPh. Douglas London – License #14088

RPh. Douglas London, license #14088, appeared before the Board to request modification of his voluntary surrender. Mr. Campbell proceeded with the case and stated that Mr. London voluntarily surrendered his license October 5, 2009 after he was reported to the Board by the Pharmacist Recovery Network (PRN) for noncompliance issues with his PRN contract. Mr. London's surrender stated that he is not allowed in a pharmacy except as a patient. Mr. London requested that the Board allow him to be present in his pharmacy so he could conduct administrative duties.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Nelson, seconded by Dr. Dennis with no dissenting votes. Open session resumed on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes. Mr. McLaughlin stated that on a motion from Mr. Haywood, seconded by Mr. Nelson with no dissenting votes, the Board would deny Mr. London's request for modification of his voluntary surrender.

License Reinstatement Hearing – RPh. Amanda Gatlin – License #11866

RPh. Amanda Gatlin, license #11866, appeared before the Board to request reinstatement of her pharmacist license. Mr. Campbell proceeded with the case and stated that Ms. Gatlin voluntarily

surrendered her license February 17, 2006 for substance abuse problems and diversion of controlled substances. Mr. Campbell stated that staff did not have objection to Ms. Gatlin's reinstatement and that PRN advocates reinstatement of Ms. Gatlin's pharmacist license.

Rebecca Chater left the meeting for the day at 12:15pm.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes. Open session resumed on a motion from Mr. Haywood, seconded by Dr. Chesson with no dissenting votes. Mr. McLaughlin stated that on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the Board would grant Ms. Gatlin's request for reinstatement of her license with conditions.

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

Open Mike

No one appeared to speak during Open Mike session.

Board adjourned for lunch at 12:45 and returned to open session at 1:30pm

Presentation of Fiscal Year 2008-2009 Audit

Robin Duffie and Ben Murdock of Blackman & Sloop presented the annual financial audit for the Pharmacy Board. Ms. Duffie thanked the Board for the opportunity to present the financial statement and commented on the positive experience with the audit and on how helpful the Board staff was in assisting them. Mr. Murdock proceeded to review the audit with the Board. The Board thanked Ms. Duffie and Mr. Murdock for their work on the audit.

On a motion from Mr. Haywood, seconded by Dr. Chesson with no dissenting votes, the Board moved to accept the audit as presented.

Financial Report

Gail Brantley, Financial and Administrative Service Director, presented the December 2009 financial statistics to the Board

Request for Modification of Reinstatement Order – RPh. Jerome Turchin – License #10421

RPh. Jerome Turchin, license #10421, appeared before the Board to request modification of his reinstatement order to remove the conditions of prior approval of employment by Board Executive Director, not serving as a preceptor, and not being employed more than 40 hours per week. Mr. Campbell proceeded with the case and stated that staff did not object to Mr. Turchin's request.

After presentation of evidence and testimony, on motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes, the Board moved to allow the requested modification of Mr. Turchin's reinstatement order.

Armed Forces Personnel License Renewal Rulemaking

Mr. Campbell stated that Armed Forces Personnel License Renewal Rule was published for comment on the NC Register and the Board website. The Board did not receive any comments. No one appeared at the public hearing on December 15, 2009 to comment. Mr. Campbell requested that the Board approve the rule as written. On a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes, the Board moved to approve the rule as written.

Drug Donation Rulemaking

Mr. Campbell presented a draft of a proposed Drug Donation rule that would allow certain drugs and devices to be donated for re-dispensing. After discussion, on a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes, the Board moved to publish the draft to the NC register and the Board website for comments.

Request for Approval to Act as Pharmacist Manager – 1800PetMeds – RPh. Gary Koesten

RPh. Gary Koesten appeared before the Board in consideration of pharmacist manager approval. Mr. Koesten submitted a pharmacist manager change for 1800PetMeds pharmacy, permit #6890, a mail order pharmacy in Florida, to the Board office. Mr. Koesten's pharmacist license was disciplined in Florida in 2002 and in Michigan in 2003 for dispensing medications to pets that had not been examined by veterinarian. Mr. Campbell stated that Mr. Koesten has complied with the terms of the Florida and Michigan disciplinary orders.

After presentation of evidence and testimony, on a motion from Mr. Nelson, seconded by Dr. Chesson with no dissenting votes, the Board approved Mr. Koesten as pharmacist manager of 1800PetMeds.

CVS Request for Board Clarification for Rx Pick Up and Delivery by Registered Pharmacy Technicians

Bill Irvin, CVS pharmacy, accompanied by CVS counsel Laura Carpenter, spoke to the Board concerning a CVS program whereby CVS Caremark-employed registered pharmacy technicians will travel to certain worksites to pick-up written prescriptions from patients and deliver filled prescription orders and over-the-counter ("OTC") items to those patients. Mr. Irvin stated that the patients would be required to pick up their prescription at a designated time and place. After discussion, it was the consensus of the Board that the proposed program would be a drop off/pick up location that would need to be permitted by the Board.

Upcoming Board Member and DME Election

Mr. Campbell reminded the Board of the upcoming elections in 2010. Mr. Campbell stated that the next election for the Southeastern District would be held April/May 2010. The Southeastern

District seat is presently held by Mr. McLaughlin. Mr. McLaughlin is presently serving his first five year term and thus is eligible for re-election.

Mr. Campbell also stated that Durable Medical Equipment (DME) committee elections for Rehabilitation Technology Supplier Representative would be held in June 2010.

2010 Pharmacy Leaders' Forum – February 4-5, 2010

Mr. Campbell reminded the Board that the 2010 Pharmacy Leaders' Forum would be held February 4-5, 2010 at the Proximity Hotel, Greensboro NC. Mr. Campbell also stated that NC State Health Director Dr. Jeff Engel would be a guest speaker at the forum.

NABP 106th Annual Meeting, May 22-25, 2010 – Delegate Certification and Travel Grant

Mr. Campbell reminded the Board that the NABP 106th Annual Meeting would be held May 22-25, 2010 in Anaheim, CA. Mr. Campbell stated that the Board would need to select a voting delegate. It was the consensus of the Board that President McLaughlin would be the voting delegate for the NABP Annual Meeting and Mr. Campbell would be the alternate delegate.

Reminder of SEI Filing Deadline, April 15, 2010

Mr. Campbell reminded Board members that their Statement of Economic Interest (SEI) form was due to the State Ethics Commission by April 15, 2010.

Investigations/Inspection Report

Karen Matthew, Director of Investigations presented the investigative statistics for December 2009 and January 2010.

Consent Agenda

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

Consent Agenda

Consent Order

RPh. Christopher Hawk, license #17134, was subject of a prehearing conference held October 26, 2009, heard by Mr. McLaughlin, regarding allegations that pharmacist manager Hawk maintaining inadequate and inaccurate logs, permitted two technicians to work under one pharmacist without Board approval and employed unregistered technicians. Recommendation: 30 day suspension (3 day active/ 27 day stayed 2 years).

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

Increase in Pharmacists to Technician Ratio

- 1) CVS Pharmacy #06796, Thomasville, NC- PIC Gary Sutherby – Appr. 12/11/09
- 2) U Save It Pharmacy #10047, Franklin, NC – PIC Larry R. Cloer – Appr. 12/11/09
- 3) Food Lion Pharmacy #09904, Grandy, NC – PIC Donald Murdock- Appr. 12/11/09
- 4) Fred’s Pharmacy #10393, Old Fort, NC – PIC Elizabeth Norton – Appr. 12/11/09
- 5) CVS Pharmacy #06648, Grantsboro, NC – PIC Darlene Molett, - App. 12/11/09

Reciprocity Candidates

Candidates Licensed by Reciprocity 1/21/2010 & 1/26/2010

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Jennifer	Marie	Ashworth		FL	1/21/2010
Judy	Edwards	Bailey		SC	1/21/2010
Desmond	Ramon	Belin		MD	1/21/2010
Diane	N.	Collins		WV	1/21/2010
Chad	Robert	Deuvall		VA	1/21/2010
Rebecca	Marie	Deuvall		VA	1/21/2010
Jesse	C.	Fishman		GA	1/21/2010
Julie	Lynn	Geurink		MN	1/21/2010
Tammy	Rene	Gingerich		TX	1/21/2010
Rebecca	A.	Hartsell		SC	1/21/2010
Gary	Joseph	Hegedus		FL	1/21/2010
Sunira		Jain		ME	1/21/2010
Nasser	Moneir	Khalil		FL	1/21/2010
Samuel	Ryan	Kocol		FL	1/21/2010
Robert	S.	Lupski	Jr	NY	1/21/2010
Stephanie	Jo	Magner		IN	1/21/2010
Ravi	Chandra	Nagalla		MI	1/21/2010
Eric	Patrice Sede	Nietcho		MI	1/21/2010
Erica	Jeanne	Rossi		FL	1/21/2010
Jason	T.	Rubin		FL	1/21/2010
James	Keith	Smith		MI	1/21/2010
Angela	Marie	Swearingen		SC	1/21/2010
Erin	Marie	Templin		OR	1/21/2010
Binh	Ngoc	Tran		GA	1/21/2010
Jothimaliar		Wall		MD	1/21/2010

Candidates Licensed by Reciprocity 1/21/2010 & 1/26/2010

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Richard	Madison	Weaver		IN	1/21/2010
Lembe	Ambe	Zamcho		SC	1/21/2010
Ronald	C.	Malone		NY	1/26/2010

CPP Applicants

RPh. William J. Hitch, License #17720

Closed Session

On a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions. When open session resumed on a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes, technicians Amber Holt Blalock, registration #26685; Princess Marquita Sheree Reid, registration #26269 and Jennifer Monroe, registration #23564 were summarily suspended. Pharmacists William L. Pollard, license #15400 and Kelechukwu Innocent Uche, license #20287 were also summarily suspended.

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

There being no further business, on a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes, the meeting adjourned at 3:45 p.m.

Robert J. McLaughlin, Jr., President

Betty Dennis., Vice President

Wallace E. Nelson

J. Parker Chesson, Jr.

Stan Haywood

Rebecca W. Chater