

President Rebecca Chater called the meeting to order at 9:00 am with Board Members Dr. Betty Dennis, Dr. Parker Chesson, Robert J. McLaughlin, Jr., Gene Minton, and E. Lazelle Marks present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Financial and Administrative Services Director Gail Brantley, Director of Investigation Karen Matthew, Board Investigator Tom Currin, Financial Analyst Rhonda Jones, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Mary Christine Parks, NCPRN; Cindy Clark, NCPRN; Christine Davis, Cardinal Health; Tom Readling, NC Mutual; April Sloan, Target; Himanshu Patel, Walgreens; Jignesh Patel; Rick McKinney; Lori Setzer, CVS; David Moody, Mutual Drug; David Catalano, Walgreens; Greg Lawson, Drugco Security; Anna Hoppert, NCBOP/Student; RPh. Maggie Wong; Brenda Maloney, Q&B; RPh. Irving Trust; Vincent Sweeney, Campbell Univ/SOP; Jeffrey Reichard, Intern; Bobbie Furr, Boyce & Furr; Christopher Tidmarsh, student; Toni Neal, UCMS; Laura Green, McNeill's LTC; Sonya Lawson, McNeill's LTC; Fred Eckel, NCAP; Tony Mitchum, Wal-Mart; Taifa Peaks, Creighton student; Melanie Thompson, Creighton student; April Sloan, Target; and Morgan Norris, NCAP.

Ethics Statement & Welcome

President Chater 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 Board member.

President Chater welcomed all visitors to the meeting.

Minutes of the November 2010 Board Meetings

The members received the November 16, 2010 meeting minutes prior to this meeting for review. It was moved by Mr. Minton and seconded Dr. Dennis to accept the Minutes as submitted. The motion passed with no dissenting votes.

Presentation of FY 2009 – 2010 Audit

Bobbie Furr, Boyce, Furr and Company, Inc., presented the annual financial audit for the Pharmacy Board.

On a motion from Mr. McLaughlin, second by Dr. Dennis with no dissenting votes, the Board moved to accept the audit report as presented.

Open Mike

Mike James updated the Board on various legislative issues.

Consideration of Internship Hours – Maggie Wong

RPh. Maggie Wong appeared before the Board to request credit for internship hours obtained in Canada. RPh. Wong was educated and trained as a pharmacist in Canada and is seeking licensure in North Carolina. RPh. Wong spoke about her training and work experience in

Canada. Mr. Campbell stated that staff did not have any objection to accepting the internship hours.

On a motion from Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, the Board moved to accept the internship hours from Canada.

Consideration of Internship Hours – Alyssa Keating and Vincent Sweeney

Members discussed the forms required to certify internship hours obtained in North Carolina and the many requests from students to allow completion of these forms months/years after the training programs were begun and completed. It was the consensus of the Board to direct Mr. Campbell to send a letter to each of the North Carolina Schools of Pharmacy to emphasize to incoming students – and re-emphasize periodically throughout the Pharm.D. program –that (i) some states require extra-academic experiential training for licensure; and (ii) the process for certifying those hours through the North Carolina Board of Pharmacy requires prompt attention. Mr. Campbell stated that staff is still receiving requests from pharmacy students to allow completion of these forms after the training programs have begun and completed. Pharmacy students Alyssa Keating and Vincent Sweeney appeared before the Board to request approval of their internship hours and discussed why they were delayed in having their forms completed. Mr. Campbell proposed that the Board approve revamping the forms to one form that would be filled out after the completion of internship hours.

After discussion, on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the Board approved the certification of internship hours for Ms. Keating. On a motion from Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, the Board moved to approve the certification of internship hours for Mr. Sweeney. It was the consensus of the Board to change the internship hour certification forms to a single, simplified form.

Consideration of Reciprocity Applicant – RPh. Irving Louis Trust

RPh. Irving Louis Trust appeared before the Board for review of his reciprocity application. Mr. Campbell stated that Mr. Trust answered “no” to the question on his NC Board of Pharmacy data questionnaire that asked if he had ever been disciplined by another Board of Pharmacy when, in fact, he was disciplined by the Pennsylvania Board of Pharmacy in 1999. Mr. Trust also answered “no” on a similar question on his NABP reciprocity application. Mr. Trust, duly sworn, testified that he believed the discipline was against him as the pharmacist manager and not against his license.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Minton, seconded by Dr. Dennis with no dissenting votes. The Board resumed open session on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes. Mrs. Chater stated that on a motion for Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board would deny Mr. Trust’s request to reciprocate his license. Because of extenuating circumstances, Mrs. Chater stated that the Board would allow Mr. Trust to reapply for licensure within 90 days of the order.

A copy of the Order Denying Reciprocity can be found elsewhere in the Minutes and are incorporated by reference herein.

Consideration of Reciprocity Applicant – RPh. Toni Neal

RPh. Toni Neal appeared before the Board for review of her reciprocity application. Mr. Campbell stated that Ms. Neal disclosed on her application that she had been disciplined by

the South Carolina Board of Pharmacy. Ms. Neal has completed the terms of her South Carolina consent order and her South Carolina license is active and in good standing. Ms. Neal, duly sworn, testified on her own behalf and explained the circumstances of the discipline. Mr. Campbell stated that staff had no objection to the license application.

On a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to allow Ms. Neal's to continue with the reciprocity application process.

CE Audit Review Conference in February

Board staff conducted a Continuing Education (CE) Audit for the 2009 calendar year. Mr. Campbell proposed that pharmacists for whom the audit showed significant CE deficiencies, be brought before the February 2011 prehearing conference. Mr. McLaughlin agreed to hearing the CE audit cases in February 2011.

Meeting and Prehearing Conference Schedule

A proposed schedule for the upcoming 2011 – 2012 prehearing conferences was presented to the Board. It was the consensus of the Board to approve the prehearing schedule.

Requirements for Candidates Seeking Licensure by Exam/Reciprocity Who Have Been Out of Practice for 5 or More Years

Board policy states that anyone seeking reciprocity/reinstatement to North Carolina who has not practiced pharmacy in five (5) years or more, must complete 1500 hours of internship and take and pass the NAPLEX and MPJE exams. Mr. Campbell brought to the attention of the Board that staff has received licensure applications where the applicant has completed school and training some years in the past (in one case 40 years) and, to avoid the 1500 hours internship requirement, are seeking licensure by exam rather than reciprocity. Mr. Campbell stated that there seems to be some inconsistency with the policies and asked the Board members if they wish to take the matter under review. It was the consensus of the Board that Mr. Minton and Dr. Dennis would discuss the matter and make a recommendation to the Board.

Permit Status When Pharmacy Does Not Begin Operations By Date Specified on Permit Application

It was brought to the attention of the Board that some pharmacies and DME's, permitted by the Board, are not beginning operations by the date specified on their application. In some cases, the businesses have been permitted for a year before beginning operations. After discussion, it was

the consensus of the Board to give a permitted facility six (6) months from the start date specified on the application to begin operations or else notify the Board to the reason for the delay.

Delegate for NABP's 107th Annual Meeting, May 21-24, 2011

NABP will host the 107th Annual Meeting in San Antonio, Texas, May 21 – 24, 2011. It was the consensus of the Board that Dr. Betty Dennis would be the official Board delegate with Mr. Campbell serving as the alternate.

Open Mike

David Moody, Mutual Drugs, updated the Board on insurance companies requiring patients to use mail-order pharmacies for their prescriptions rather than local pharmacies.

Investigative Statistics

Karen Matthew, Director of Investigation, presented the investigative statistics for December 2010. Ms. Matthew also stated that Board Inspector Melissa Cummings would be leaving her position with the Board for a position with the DEA. The Board wished Ms. Cummings the best with her new position.

Financials

Gail Brantley, Financial and Administrative Service Director, presented the November 2010 and the December 2010 financial statistics to the Board.

Consent Agenda

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

Prehearing Conferences

Staff Issues Letters of No Action

RPh. Willam A. Mixon, license #07723; The Compounding Pharmacy, permit #07185; and Measured Dose Pharmacy, permit #06456 were subjects of a prehearing conference held November 15, 2010, heard by Gene Minton, regarding allegations of wholesaling activity by retail pharmacies that did not have a required DEA registration as a Distributor or a State Wholesale/Distributor License. Recommendation: **Staff Issues Letters of No Action** to permits and RPh. Mixon.

Staff Issues Letters of No Action and Warning

RPh. Donald B. Richardson, license #18790; RPh. James W. Haney, license #08299; and CVS Pharmacy, permit #06615 were subjects of a prehearing conference held November 15, 2010, heard by Gene Minton, regarding allegations of failure to take adequate steps to ensure that controlled substances were safe and secure and failure to maintain adequate inventory to prevent diversion of controlled substances by technician. Recommendation: **Staff Issues Letters of No Action** to RPh. Haney and **Staff Issues Letters of Warning** to RPh. Richardson and permit.

Staff Issues Letters of Caution

RPh. Heather Austin-Norris, license #12960 and RPh. John P. Austin, license #06880 were subjects of a prehearing conference held November 15, 2010, heard by Gene Minton, regarding allegations that RPh. Austin-Norris allowed her father RPh. John Austin “to cover her shift” at Kerr Drug Pharmacy on December 31, 2009 without the permission of her employer. All prescriptions filled by RPh. Austin were labeled with RPh. Austin-Norris’s name and initials. RPh. Austin-Norris was later fired from her position with Kerr Drug Pharmacy. Recommendation: **Staff Issues Letters of Caution** to RPh. Austin-Norris and RPh. Austin.

Staff Issues Letters of Warning

RPh. Richard Owensby, license #07835 and Table Rock Pharmacy, permit #05211 were subjects of a prehearing conference held November 15, 2010, heard by Gene Minton, regarding allegations that RPh. Owensby dispensed sooner than permitted by the patient’s prescription Methadone, Oxycodone, Hydrocodone/APAP and Fentanyl patches resulting in the refilling of a controlled substance in excess of the normal therapeutic dosage. Recommendation: **Staff Issues Letters of Warning** to RPh. Owensby and permit.

Reciprocity Candidates

Candidates Licensed by Reciprocity 1/20/2011					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Tremain	Odell	Cooper		SC	1/20/2011
Douglas	Earl	Duncan		SC	1/20/2011
Stacey	Ann	Elliott		IL	1/20/2011
Jean	Marie	Freudenthal		IA	1/20/2011
Lisa	Marie	Germann		NJ	1/20/2011
Donald	Lee	Gillespie	Jr	OH	1/20/2011
Mark	Allen	Hardgrove		VA	1/20/2011
Rhenda	Alicean	Harris		VA	1/20/2011
Tara	Elaine	Hill		GA	1/20/2011
Thanh	Thanh	Ho		VA	1/20/2011
Daniela		Ionescu		FL	1/20/2011
Sarah	Rose	Kulik		PA	1/20/2011

Heather	Christine	Miller		OH	1/20/2011
Cheryl	Altman	O`Rear		SC	1/20/2011
Mary	Ellen	Pisano		PA	1/20/2011
Alan	Jay	Shubin		MA	1/20/2011
Paula	Peterson	Skaar		VA	1/20/2011
Richard	Anthony	Skaar		VA	1/20/2011
William	Louis	Tatum	Jr	VA	1/20/2011
Michael	Paul	Zucarelli		AZ	1/20/2011

Increase in Pharmacist to Technician Ratio

- 1.) Ingles Pharmacy Weaverville Permit # 08411, Hannah Wallin Hardin RPh App. 11/9/2010
- 2.) Stokesdale Family Pharmacy Stokesdale Permit # 10525, J. Dale Keith, Jr. RPh App. 11/9/2010
- 3.) CVS Pharmacy Beaufort Permit # 06551, Craig Minter RPh App. 11/17/2010
- 4.) Wal-Mart Pharmacy Wilmington Permit # 08027, Matthew C Cartrette RPh App. 11/17/2010
- 5.) Norwood Pharmacy Norwood Permit # 08297, Tammy L Ikner RPh App. 11/17/2010
- 6.) Rite-Aid Pharmacy Wilson Permit # 09790, James M. Sykes RPh App. 12/3/2010
- 7.) Wal-Mart Pharmacy Reidsville Permit # 27320, Darnell Williams III RPh App. 12/3/2010
- 8.) Rite-Aid Pharmacy Denver Permit # 09630, Gina Benson RPh App. 12/3/2010
- 9.) Rite-Aid Pharmacy China Grove Permit # 09617, Mary Ann Morgan RPh App. 12/3/2010
- 10.) Wal-Mart Pharmacy Ahoskie Permit # 07936, David B Harrell RPh App. 12/3/2010
- 11.) CVS Pharmacy Burnsville Permit # 06562, Matthew D. Raines RPh App. 12/20/2011
- 12.) Rite-Aid Pharmacy Charlotte Permit # 09586, Courtenay D. Copp RPh App. 12/20/2010
- 13.) LSA Pharmacy, Inc. Salisbury permit # 06111, David L. Beam RPh App. 12/20/2010
- 14.) Wal-Mart Pharmacy Burlington Permit # 07943 Melissa Williams RPh App. 12/20/2010

The Board adjourned for lunch at 11:45am and resumed open session at 1:30pm.

Drug Use Screening for Pharmacist, NCPRN Perspective

Mary Christine Parks, Executive Director NC Pharmacy Recovery Network (PRN), presented a PowerPoint presentation regarding random drug screening for the Board's consideration. Mr. Campbell stated that the Board may not have statutory authority to mandate drug testing by pharmacy employers. It was the consensus of the Board that Mr. Campbell research the possibility of requiring drug testing as a condition of licensure.

Concerns Regarding NTI Medication in Long Term Care Setting

RPh. Laura Greene and RPh. Sonya Lawson, McNeill's Long Term Care, appeared before the Board concerning Long Term Care (LTC) facilities complying with Narrow Therapeutic Index (NTI) statutes. NTI statutes require that any change to manufacturer NTI drugs must be done only with the permission of the patient and prescribing physicians. Board members discussed the practical challenges involved for LTC facilities and means of dealing with those challenges.

Inquiry Regarding Off-Label Prescribing and Labeling Requirements

Mr. Campbell presented a letter from Mr. Bryan Williamson requesting that the Board require prescription drugs that are being dispensed for off-label use be required to state on the prescription label for what condition the drug is being prescribed. After discussion, the Board directed Mr. Campbell to communicate that the Board did not have statutory authority to make such a requirement.

Closed Session

On a motion from Dr. Dennis, seconded by Mr. McLaughlin 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. McLaughlin with no dissenting votes, technician Alisha Nicole Brantley, registration #28951 and technician Caren Rochelle Winstead, registration #17679 were summarily suspended.

A copy of the Summary Suspensions 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 Dr. Chesson with no dissenting votes, the meeting adjourned at 2:20 pm.

Rebecca W. Chater, President

Betty Dennis., Vice President

Gene Minton

J. Parker Chesson, Jr.

Lazelle Marks

Robert J. McLaughlin, Jr.