

President Dr. Betty Dennis called the meeting to order at 9:00 am with Board Members Robert J. McLaughlin Jr., Dr. Parker Chesson, Rebecca Chater, E. Lazelle Marks and Gene Minton present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigation Karen Matthew, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Bill Mixon, NCBOP Board Member-Elect; Carol Day, NCBOP Board Member-Elect; Brenda Shafer, Quarles & Brady; Christine Davis, Cardinal Health; David Catalano, Walgreens; Prachi Patel, Student; Greg Davis, Student; Lisa Collums, Kerr Drug; April Sloan, Target; Ellen Vick, NCBOP Intern; Lori Setzer, CVS; Rph. Jane Forbes; Van Lieu, Student; Stephanie Zyra, Student; Eileen DeBaunche, Kerr Drug/ Campbell Univ.; Fred Eckel, NCAP; RPh. Burt Dean; Peggy Dean; Tom Readling, Mutual Drug; Cindy Clark, NCPRN; Mary Christine Parks, NCPRN; Zack Parker, Student; RPh. Charles Kennedy; and Tony Mitchum, Cardinal Health.

#### Ethics Statement & Welcome

President Dennis 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 Dennis welcomed all visitors to the meeting.

#### Minutes of the November 2011 and January 9, 2012 Board Meetings

The members received the November 2011 and January 9, 2012 meeting minutes prior to this meeting for review. It was moved by Mr. Minton and seconded by Mr. McLaughlin to accept the Minutes as submitted. The motion passed with no dissenting votes.

#### Disciplinary Hearing – Thomas Joseph Coppola, License #18108

The Board conducted a disciplinary hearing for Pharmacist Thomas Joseph Coppola, license #18108. Board counsel noticed Mr. Coppola for the hearing on November 2, 2011 by certified mail but Mr. Coppola did not response to the notice or repeated attempts to contact him. He was not present at the hearing. Bryan Starrett, Board counsel, proceeded with the case and stated that Mr. Coppola was disciplined by the Arizona Board of Pharmacy in 2011 for a dispensing error in which he received a consent order of discipline with continuing education requirements and a \$500 fine. Jay Campbell, Executive Director, duly sworn, testified that Board staff received notice from the National Association of Boards of Pharmacy (NABP) clearinghouse of Mr. Coppola's consent order from the Arizona Board. Mr. Campbell stated that staff attempted many times to contact Mr. Coppola by certified mail, phone calls, and email concerning the discipline but received no acknowledgement from him.

After presentation of evidence and testimony, on a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes, the Board indefinitely suspended Mr. Coppola's pharmacist license with conditions.

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

Consideration of Reciprocity Application – Jane B. Forbes

RPh. Jane B. Forbes appeared before the Board in consideration of her reciprocity application. Mrs. Forbes submitted an application to reciprocate her license from Tennessee. Mrs. Forbes answered “no” to the questions on the Reciprocity Data Question and the NABP Reciprocity Application that asked if she had ever been charged or disciplined by another board of pharmacy when in fact she had been disciplined by the Tennessee Board of Pharmacy in 2001.

After presentation of evidence and testimony, on a motion from Mrs. Chater, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes. Dr. Dennis stated that on a motion from Dr. Chesson, seconded by Mr. McLaughlin on a split vote, the Board denied Mrs. Forbes reciprocity application at this time but she may submit a new application no sooner than six (6) months from the order date

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

Reinstatement Request – Frank Burton Dean, License #05693

Frank Burton Dean, license #05693, appeared before the Board in consideration of his request for reinstatement. Mr. Marks recused himself from the matter. Mr. Dean voluntarily surrendered his license in September 2009 for diverting controlled medications for personal use.

After presentation of evidence and testimony, on motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board reinstated Mr. Dean’s pharmacist license with conditions.

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

The Board adjourned for a break at 10:20am and resumed open session at 10:35am.

Consideration of Licensure Application – William Charles Kennedy

William Charles Kennedy appeared before the Board in consideration of his pharmacist licensure application. Mr. Kennedy holds a South Carolina pharmacist license which is currently under a consent order of discipline after diverting medication while working as an intern in South Carolina. Mr. Kennedy, duly sworn, testified on his substance abuse problems and his recovery progress. Mr. Campbell presented a proposed consent order, agreed to by Mr. Kennedy, which would allow Mr. Kennedy to become license in North Carolina but would place that license under a stayed indefinite suspension with conditions.

After presentation of evidence and testimony, it was moved by Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes, to approve the proposed consent order as presented.

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

#### Concerns Regarding “Auto Refills” and “Computer Call”

Mr. Campbell presented a letter from Dr. Stephen Ruehle concerning pharmacists calling, some by the request of the patient, to refill prescriptions marked as “No Refill”. The Board took the matter under advisement.

#### Proposed Staff Administrative Changes to Continuing Education Reporting and Approval

Request for continuing education approval for non-ACPE courses has continued to increase to the extent that it has become a burden on staff. Board staff proposed an administrative revamping of the CE process whereby the Board would still approve some categories of non-ACPE continuing education (preceptors, attending a Board meeting, residency programs, etc.) but all others could be approved by organizations such as NCAP with staff and experience to evaluate the content of such courses. It was the consensus of the Board to endorse the proposed staff changes to CE approval.

#### Investigative Statistics

Director of Investigations Karen Matthew presented the investigative statistics for January 2012.

#### Proposed Pre-Hearing Conference and Meeting Schedule, June 2012 – May 2013

Mr. Campbell presented a proposed Board meeting and pre-hearing conference schedule for June 2012 through May 2013. On a motion from Mr. Minton, seconded by Mr. Marks with no dissenting votes, the Board approved the schedule with one minor change.

#### Report to OAH and OSMB Concerning Review of Board Rules

Clint Pinyan, Board counsel, updated the Board on rules review required by all state boards by the Office of Administrative Hearing (OAH) and Office of State Management and Budget (OSMB). It was the consensus of the Board that staff and counsel send a report to OAH and OSMB by February 15<sup>th</sup> stating that the Board rules have been reviewed and that none were found to be unnecessary or unduly burdensome.

#### Updated Statement of Economic Interest Due to NC Ethics Commission by April 15, 2012

Mr. Campbell reminded Board members that their Statement of Economic Interest was due to the states Ethics Commission by April 15, 2012.

#### Designation of Delegate to NABP Annual Meeting

NABP will host 108<sup>th</sup> Annual Meeting, May 19-22, 2012 in Philadelphia, PA. It was the consensus of the Board that Gene Minton would be the Board’s official delegate with Mr. Campbell serving as the alternate.

### Open Mike Session

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on current news from the school including three new faculty appointments, a new strategic plan approved January 9<sup>th</sup>, and the inaugural student research symposium which will be held March 30, 2012.

Mr. Campbell introduced pharmacy student Ellen Vick to Board members, who is doing a rotation at the Board office.

The Board adjourned for lunch at 11:25am and resumed open session at 1:00pm

### .2507 Administration of Vaccines by Pharmacist – Amendment

A public hearing was held Monday, January 9, 2012 for the amendment to 21 NCAC 46 .2507 Administration of Vaccines by Pharmacist to allow pharmacist with disabilities to administer vaccines. Mr. Campbell stated that there was one comment received by Board staff and no speakers presented themselves at the public hearing. After discussion, on a motion from Mr. McLaughlin, seconded by Dr. Chesson on a split vote, the Board moved to adopt the rule and send it to the Rules Review Commission.

### 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**

#### **Staff Issued Letter of Warning**

RPh. Motake Michael Lippe, license #16335, was subject of a pre-hearing conference held November 14, 2011, heard by Mr. McLaughlin, regarding allegations of a dispensing error. Recommendation: **Staff Issues Letter of Warning to Rph. Lippe.**

#### **Staff Issued Letter of Warning and Consent Order**

RPh. John Gary Newton, license #04145, and The Prescription Center Pharmacy, permit #01702, were subject of a pre-hearing conference held October 17, 2011, heard by Mr. Minton, regarding allegations of a dispensing error, Mr. Newton creating ten (10) unauthorized prescriptions for control substances for his dog, and filled thirteen prescriptions purportedly written by a doctor whose medical license was inactive. Recommendation: **Staff Issues Letter of Warning to permit and Consent Order with Active Suspension to RPh. Newton.**

#### **Staff Issued Letter of Caution with Error Reduction Course and Consent Orders**

RPh. Svetlana Babiy, license #17466; CVS Pharmacy, permit #10431; RPh. Sepideh Manafi, license #14666; and CVS Pharmacy, permit #06727 were subjects of a pre-

hearing conference held October 17, 2011 regarding allegations of dispensing error where the incident report was not submitted to the Board in a timely manner and diversion of controlled substances where the Drug Disaster and Loss Report was not submitted to the Board in a timely manner. Recommendation: **7day Suspension Stayed 2 years** to permit #06727 and permit #1043; **Consent Order of Reprimand** to RPh. Manafi and **Staff Issued Letter of Caution with Error Reduction Course** to RPh. Babiy.

### Consent Order

RPh. John Edwin Hoofnagle, license #05499, was subject of a pre-hearing conference held November 14, 2011, heard by Mr. McLaughlin, regarding allegations of creating unauthorized prescription for himself and family members and dispensing the drugs without a valid prescription. Recommendation: **Consent Order with Stayed Suspension** to RPh. Hoofnagle.

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

### Reciprocity Candidates

Candidates Licensed by Reciprocity 1/19/2012					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Ruba	Duraid	Abughazaleh		MN	1/19/2012
Bory	Yolanda	Alonso-Sanchez		FL	1/19/2012
Kathryn	Tremaine	Andrusko-Furphy		GA	1/19/2012
Patricia	Anne	Backeris		PA	1/19/2012
Paul	Bradford	Bailey		SC	1/19/2012
Ann	Marie	Burns		OH	1/19/2012
Meredith	Lindsay	Camp		FL	1/19/2012
Kristy	Lynn	Cardona		WV	1/19/2012
Melonie	Alicia	Crews		VA	1/19/2012
Nisha	Kanjibhai	Donda		AZ	1/19/2012
Ronald	Edwin	Dermitt		PA	1/19/2012
Clayton	Beauman	Dick		GA	1/19/2012
James	William	Farrell		FL	1/19/2012
Sarah	Jillian	Harris		PA	1/19/2012
Celeste	Tominel	Gardner		PA	1/19/2012
Symphonie	Charles	Grant		VA	1/19/2012
Ronald	Cole	Hartman		IA	1/19/2012
Isabelle	C.	Heath		FL	1/19/2012
Joseph	Paul	Hoffman		FL	1/19/2012
Aaron	Charles	Hupp		MI	1/19/2012
Amena		Khan		IL	1/19/2012

<b>Candidates Licensed by Reciprocity 1/19/2012</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Christina	Sandfort	Kimball		SC	1/19/2012
John	Stephen	Lago	Jr.	SC	1/19/2012
Lori	Anne	Milton		VA	1/19/2012
Quoc An	Tran	Nguyen		MD	1/19/2012
Christine	Elizabeth	Paspek		OH	1/19/2012
Joseph	Robert	Pedaline		OH	1/19/2012
Roseann	Marie	Richards		WI	1/19/2012
Laura	Elizabeth	Stein		IN	1/19/2012
Paul	E	Stein		IN	1/19/2012
Ibrahim		Sylla		TX	1/19/2012
Kurt	Alexander	Willis		FL	1/19/2012
Stacie	Williams	Wilson		FL	1/19/2012

### **CPP Candidates**

RPh. Marcy T. Delmonte, License #21288

RPh. Beth S. Delk, License #18986

RPh. Kristin L. Alvstad, License #18430

RPh. Cristy L. Pounders, License #19183

RPh. Adam D. Landers, License #20106

RPh. William H. Doares, License #12431

### **Increase in Pharmacist to Technician Ratio**

- 1) CVS Pharmacy Wilmington, Permit # 10791 Robert C Jones RPh, App. 11/17/2011
- 2) CVS Pharmacy Richfield, Permit # 10881 Ashley Elliott Fleming RPh, App. 11/17/2011
- 3) Walgreens Pharmacy Monroe, Permit # 08849, Paul John Wallace RPh App. 11/17/2011
- 4) Physicians Pharmacy Alliance Cary, Permit # 10895, Jamie Brooke Rawls RPh, App. 11/17/2011
- 5) Walgreens Pharmacy N Wilkesboro, Permit # 09046, Aletha Eller RPh, App. 11/21/2011
- 6) Walgreens Pharmacy Charlotte, Permit # 28217, Lori Culicerto RPh, App. 12/5/2011
- 7) Walgreens Pharmacy Mint Hill, Permit # 07290, Robert Guskiewicz II RPh, 12/5/2011
- 8) Wal-Mart Pharmacy Ahoskie, Permit # 07936, David Harrell RPh, App. 12/5/2011
- 9) CVS Pharmacy Charlotte, Permit # 10426, Spencer Rauch RPh, App. 12/19/2011
- 10) CVS Pharmacy Charlotte, Permit # 10861, Mark L Bailey RPh, App. 12/19/2011
- 11) CVS Pharmacy Charlotte, Permit # 10419, Jose Luis Cruz Prado RPh, App. 12/19/2011

### **Financials**

Gail Brantley, Financial and Administrative Services Director, presented the December 2011 financial statistics to the Board

Presentation of Audit Report for Fiscal Year 2010 – 2011

Sandy Newell, Furr & Newell, presented the annual financial audit for the Pharmacy Board. After that presentation, it was the consensus of the Board to accept the report.

**Closed Session**

On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Dr. Dennis stated that Pharmacist Michael Todd Joyce, license #17506 was summarily suspended.

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

There being no further business, on a motion from Dr. Chesson, seconded by Mr. Marks with no dissenting votes, the meeting adjourned at 2:00pm.

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Betty Dennis, President

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Gene Minton., Vice President

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Rebecca Chater

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J. Parker Chesson, Jr.

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E. Lazelle Marks

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Robert J. McLaughlin, Jr.