

President Bill Mixon called the meeting to order at 9:10 am with Board Members Gene Minton, L. Stan Haywood, Carol Yates Day, Robert A. Graves, and Robert J. McLaughlin present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Josh Kohler, Director of Operations Kristin Moore, and Director of Licensing Deborah Stump. Present as visitors were: Valanda Nelson, NCPRN; Jennifer Niles; NCPRN; Christine Davis, Cardinal Health; Andy Bowman, Campell Univ./NCBOP; Brent Slaughter, NC Mutual Drug; Cindy Clark, NCPHP; Joe Jordan, NCPHP; Phynn Williams; Tom Dockrell; Cayla Orders, The Compounding Center; Gloria Johnson, CVS; Brian Bachne, CVS; Jay Barefoot, CVS; Alyson Meyer, UNC ESOP; Sandy Newall, BRC; Jenniled Richardson, BRC; Michael Lamberth; Amanda Moore, NCDPH; Kathryn Siddle, UNC ESOP; Wendy Liu, Triangle Pharmacy; Eric Lee, Campbell; Heather Powell, Campbell; and Matalya Grogonfeva, Campbell.

### Ethics Statement & Welcome

President Mixon read the Ethics Statement regarding any conflicts of interest and/or appearance of conflicts of interest of any Board member. No conflicts were noted by Board members.

### Minutes of November 2015 Board Meeting

The members received the November 17, 2015 meeting minutes prior to this meeting for review. It was moved by Mr. Minton, seconded by Mr. McLaughlin to accept the minutes as submitted. The motion passed with no dissenting votes.

### Amendments to September 2015 Board Meeting Minutes Concerning Restricted/Designated Funds

Mr. Campbell requested an amendment to the September 2015 Board meeting minutes to reflex the Board's approval of reserving \$1,000,000 of its unrestricted net position to cover potential IT infrastructure upgrade costs and \$1,075,000 of its unrestricted net position to cover insurance deductibles. This action, though captured in the audio recording of the September 2015 meeting, was inadvertently omitted from the written September 2015 meeting minutes.

On a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board approved this amendment to the September 2015 meeting minutes.

### Presentation of FY 2014-2015 Financial Audit, Bernard Robinson & Co. LLP

Sandy Newell, Bernard Robinson & Co. LLP, presented the finding of the Board's financial audit that was conducted in October 2015.

On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the audit as presented.

### Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the 2015 December financial report to the Board.

On a motion from Mr. Graves, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the financial report as presented.

Potential Formation of Working Group to Coordinate G.S. 90-85.25 Waivers In Time of Emergency With North Carolina Public Health Preparedness and Response

N.C.G.S. § 90-85.25 authorizes the Board to “waive the requirements of [the Pharmacy Practice Act] to permit the provision of drugs, devices, and professional services to the public” when “the Governor of the State of North Carolina has declared a disaster or when the Governor has declared a state of emergency, or in the event of an occurrence for which a county or municipality has developed an ordinance to deal with states of emergency . . . or to protect the public health, safety or welfare of its citizens.” The idea of the “standing order” is to avoid any delay in implementing emergency action because of an impossibility or difficulty of convening a quorum of the Board. In 2011, the Board approved a “standing order” that waived certain requirements of the Practice Act to allow medical countermeasures dispensing and distribution by North Carolina Public Health Preparedness and Response, local health departments, and the Eastern Band of Cherokee Indians in time of a declared emergency.

Amanda Moore, North Carolina Public Health and Response, came before the Board to request consideration of forming a small working group to explore creation and best use of emergency waiver orders in a variety of circumstances.

After discussion, it was the consensus of the Board the Mr. Haywood and Mr. Graves would represent the Board on a small working group.

The Board adjourned for a break at 9:41am and resumed open session at 9:55am.

Petition to Modify Order Reinstating License with Conditions – Michael Lamberth, License #10967

RPh. Michael Lamberth, license #10967, appeared before the Board to request modification of his 2006 Reinstatement Order to lift the restrictions on working as a pharmacist manager, serving as a preceptor, and not working more than forty (40) hours per week. Mr. Lamberth surrendered his license on July 1, 2005 as a result of diverting and consuming controlled substances. Mr. Lamberth, duly sworn, testified on his substance abuse recovery progress. He successfully completed his treatment and monitoring contract with of North Carolina Pharmacist Recover Network (NCPRN) in 2011. In 2013, the Board approved modification of his reinstatement order to lift the restriction on prior approval of employment by the Board’s Executive Director.

After discussion, on a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board approved the requested modifications.

A copy of the Modification of Order Reinstating License can be found elsewhere in the minutes and is incorporated by reference herein.

Petition to Modify Order Reinstating License with Conditions – Lynn Williams, License #09245

RPh. Patricia Lynn Williams, license #09245, appeared before the Board to request modification of her 2011 Order Reinstating License to lift the restrictions on not serving as a pharmacist manager and prior approval of employment as a pharmacist by the Board's Executive Director. Ms. Williams, duly sworn, testified on her substance abuse recovery progress. Valanda Nelson, North Carolina Pharmacist Recovery Network (NCPRN), duly sworn, testified on Ms. Williams recovery progress and stated that NCPRN supports the requested modifications.

After discussion, on a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes, the Board approved the requested modification of Ms. Williams reinstatement order.

A copy of the Modification of Order Reinstating License can be found elsewhere in the minutes and is incorporated by reference herein.

#### Petition to Modify Order Reinstating License with Conditions – Amanda Soles, License #16536

RPh. Amanda Soles, license #16536, appeared before the Board to request modification of her 2012 Order Reinstating License to lift the restrictions on not serving as a pharmacist manager or a preceptor. Dr. Soles surrendered her license on November 23, 2010 as a result of diverting and consuming controlled substances. Dr. Soles, duly sworn, testified on her substance abuse recovery progress and her reasons for requesting the modifications. Jennifer Niles, NCPRN, duly sworn, testified on Dr. Soles recovery progress and stated that NCPRN supports the requested modifications.

After discussion, on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the requested modifications.

A copy of the Modification of Order Reinstating License can be found elsewhere in the minutes and is incorporated by reference herein.

#### Consideration of Application to Reciprocate License to Practice Pharmacy – Thomas Roswell Dockrell

RPh. Thomas Roswell Dockrell appeared before on his petition for review of his application to reciprocate a New York license to practice pharmacy. On his NC Board of Pharmacy reciprocity questionnaire and his NABP Official Application for Transfer of a Pharmacist License he answered "no" to the questions that asked if he had ever been disciplined by any board of pharmacy when in fact he had been disciplined by the New York Board of Pharmacy in 1992 and 2008.

After testimony and documentary evidence, on a motion from Mr. Minton, seconded by Mr. Graves with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Mr. Haywood, seconded by Mr. Minton with no dissenting votes. Mr. Mixon stated that on a motion from Mr. McLaughlin, seconded by Mr. Graves with no dissenting votes, the Board denied Mr. Dockrell's petition for approval of his reciprocity application.

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

Petition for Reinstatement of License – Tiana Witcher, License #11664,

RPh. Tiana Witcher, license #11664, accompanied by her attorney Robert Crawford, appeared before the Board to request reinstatement of her pharmacist license. On April, 20, 2010, Ms. Witcher's pharmacist license was suspended indefinitely by the Board after numerous instances of non-compliance and termination from her NCPRN treatment and monitoring contract. She subsequently moved to Texas where she entered into an agreement with the Texas Professional Recovery Network Program (TXPRN). Ms. Witcher, duly sworn, testified on her recovery progress under the TXPRN monitoring agreement. Valanda Nelson, NCPRN, duly sworn, stated that Ms. Witcher entered into another monitoring contract with NCPRN in 2013 and has been compliant with her treatment. TXPRN reports that Ms. Witcher has been compliant with her treatment and monitoring program. Cindy Clark, North Carolina Physicians Health Program (NCPHP), duly sworn, testified that NCPHP, which will begin to monitor pharmacy personnel who are under a monitoring order from the Board in February 2016, to enter into an agreement with Ms. Witcher for the remaining term of her 2013 contract with NCPRN. Clint Pinyan, Board counsel, presented a proposed reinstatement order for the Board's consideration negotiated between the parties.

After presentation of evidence and testimony, on a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board moved into close session to deliberate the matter. Open session resumed on motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes. Mr. Mixon stated that on a motion from Mr. Minton, seconded by Mr. Haywood with no dissenting votes, the Board approved the proposed reinstatement order.

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

Discussion of Potential Legislation to Allow the Board to Contract with Private Entities to Conduct Initial Application Criminal Background Checks

At the November 2015 Board meeting, staff requested that the Board consider an effort to get an amendment to the Pharmacy Practice Act to allow the Board to contract with private third-party vendors for criminal background check services. Staff believes that a change in the language could result in significantly lower cost for criminal background information to the applicant and the Board.

After discussion, it was the consensus of the Board that staff draft proposed language to present for Board's consideration at the February 2016 Board meeting.

Discussion of Potential NCBOP Representation on NCPHP Board of Directors

On a November 13, 2015 Board meeting held by conference call, the Board approved staff entering into a Memorandum of Agreement with the NC Physicians Health Program. On February 16, 2016 the transition of support and monitoring from NCPRN to NCPHP will be complete. Joe Jordan, NCPHP, appeared before the Board to request two representatives designated by the Board to sit on

the NCPHP board of directors. NCPHP suggested the two be current and/or former Board members.

After discussion, it was the consensus of the Board that Board member elect Andy Bowman and Board Member Joey McLaughlin will serve as representatives.

#### Pharmacists Licensed by Examination – January 1, 2015 – December 31, 2015

Mr. Campbell presented a list of all pharmacists licensed by exam in North Carolina from January 1, 2015 through December 31, 2015 for inclusion in the January minutes.

#### Investigative/Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the January 2016 investigative report.

#### Updated on Office of State Auditor Visit

In February 25, 2013, State Auditors started review of Board's operational procedures. In October 24, 2013, State Auditor releases their findings which found deficiencies in inspections of facilities because of lack of clear inspection requirements in state law and Board policy.

Mr. Campbell updated the Board on the follow-up visit of the State Auditor. He stated the meetings are going smoothly and the staff is providing the auditors with requested information and documents.

#### Updated Statements of Economic Interest Due to North Carolina Ethics Commission by April 15, 2016

Mr. Campbell reminded Board members that their statements of economic interest are due to the NC Ethics commission by April 15, 2016.

#### NABP Annual Meeting Travel Grant and Official Delegate Certificate

Mr. Campbell requested that the Board choose a representative to serve as the Board's voting delegate at the 2016 Annual Meeting in May. Mr. Campbell stated that he could represent the Board as an alternate delegate. The Board members will take the matter under advisement and chose a delegate at a later date.

#### Reports to the Board

No one spoke during the Reports to the Board agenda item.

#### Consent Agenda

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

### **Prehearing Conference**

#### **Staff Issues Letters of Warning**

RPh. Charles Whitehead, license #05093, and Technician Sufian Asim, registration #36964, were subjects of a prehearing conference held November 16, 2015, heard by Mrs. Day, regarding allegations that patient Helen Neece (DOB: 6/1/1934) was dispensed Methotrexate 2.5mg instead of the prescribed medication Metolazone 2.5mg on April 2, 2015, from Walgreens #12419, Ramseur, NC, which led her white blood cell count to drop and she expired on April 29, 2015. Recommendation: **Staff Issues Letters of Warning** to RPh. Whitehead and Technician Sufian Asim.

#### **Consent Orders**

RPh. Irene Griffin, license #08740, was subject of a prehearing conference November 16, 2015, heard by Mrs. Day, regarding allegations of creating unauthorized call-in prescriptions for herself and a family member. Recommendation: **14 day suspension (7 days active/ 7days stayed for two years)** during stayed suspension may not serve as preceptor or PM. Accepted by RPh. Griffin

Bryan Drugs, Inc., permit #03938, was subject of a prehearing conference January 5, 2016, heard by Mr. Graves, regarding allegation of engaging in wholesale shipments into states of Mississippi, New Jersey, Texas, and Virginia without a permit using MatchRx. Board inspectors found numerous violations during an inspection: Recommendation: **Consent Order of Reprimand**

#### **Increase in Pharmacists to Technician Ratio**

1. Burke Pharmacy Permit #05037, 301 W Meeting Street Morganton NC, Pharmacist Manager – Howard Duckworth
2. Carlie C's Pharmacy Permit #10599, 801 South 13<sup>th</sup> Street Ervin NC, Pharmacist Manager – Crystal Dowells
3. CVS/pharmacy Permit #10499, 7025 Winston Hill Drive Cary NC, Pharmacist Manager – Michael Nakhla
4. Eastgate Pharmacy Permit #05324, 93 Eastgate Drive Sylva NC 28779, Pharmacist Manager – Stuart K. Cowan
5. Cannon Pharmacy Permit #12645, 1706 South Cannon Blvd Kannapolis NC, Pharmacist Manager – Arpit Bhatt
6. MedTech Pharmacy, LLC Permit #12147, 426 Gallimore Dairy Road Ste 100 Greensboro NC, Pharmacist Manager – Ronald Lathan Hargis, Jr.

7. Moss Drug Permit #07051, 701 W. Franklin Blvd Gastonia NC, Pharmacist Manager – Janet A. Edwards
8. Wal-Mart Neighborhood Market Pharmacy Permit #12731, 8322 Pineville

### **CPP Candidates**

1. Holly Gaddis Alvarado, PharmD #18878 – Cardiology 2076 NC Highway 42 West, Clayton NC
2. Jill Suzanne Bates, PharmD #18279 – UNC Division of Hematology-Oncology 170 Manning Drive, Chapel Hill NC
3. Ryan James Beechinor, PharmD #24289 – Geriatric Oncology Outpatient Infusion 101 Manning Drive, Chapel Hill NC
4. Benjamin Steven Borders, PharmD #16790 – Hematology/Oncology 722 Malcolm Blvd, Rutherford College NC
5. Molly Topp Hinely, PharmD #21216 – Internal Medicine and Geriatrics/Wake Forest Baptist Health Medical Center Blvd, Winston Salem NC
6. Jennifer Jeane Kim, PharmD #23177 – Internal Medicine 1200 North Elm St, Greensboro NC
7. John Taylor Schimmelfing, PharmD #23276 – UNC Chapel Hill Primary Care, James A Taylor Bldg Chapel Hill NC
8. Julie Lynne Scott, PharmD #16408 – Greenway Medical Associates Family Medicine, 950 State Farm Rd Boone NC
9. Donna Lynn Topping, PharmD #20226 – Medical Oncology, Breast, DUMC 3204, Durham NC
10. Rashi Chandra Waghel, PharmD #22352 – Family Medicine 1480 Wesley Chapel Hill Rd, Indian Trail NC

### **Reciprocity Candidates**

<b>Candidates License by Reciprocity 11/17/2015 – 1/19/2016</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Christine	Estrosas	Brown		FL	11/17/2015
Jennifer	Lyn	Williams		FL	11/23/2015
Joel	Philip	Siegfried		OH	11/23/2015
Prerakkumar	Ashokkumar	Parikh		OH	11/23/2015
Lorie	Ann	Klarich		OH	11/23/2015
Shanese	Michelle	Williams		LA	11/23/2015
Heather	Leigh Wells	Webb		SC	12/3/2015
Ibrahim	Hafez	Macaron		DC	12/3/2015
Jenna	Nicole	Agnew		OH	12/3/2015
Georgina	Lynn	Hughes		TN	12/3/2015
Lisa	Rebecca	Belk		SC	12/3/2015
Ann	Marie	Fugit		KY	12/3/2015

<b>Candidates License by Reciprocity 11/17/2015 – 1/19/2016</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Linda	Lan	Nguyen		TX	12/3/2015
Erin	Nuckols	Abbitt		MD	12/3/2015
Kory		Muto		AZ	12/3/2015
Constance	Marie	Pulte		FL	12/9/2015
Jillian	Kelly	Stephens		OH	12/9/2015
Michael	L.	Dull	II	WI	12/9/2015
Daniel	K.	Le		PA	12/9/2015
Richard		Galanti		NJ	12/9/2015
Jamie	Ann	Peters		CO	12/9/2015
Salvatore	Michael	DeCaria		OH	12/16/2015
Jo	Ann	Hall-Gomes		LA	12/16/2015
Renee'	Ann	Broome		SC	12/16/2015
Arlene	G.	McKenzie		PA	12/22/2015
Irene		Owusu-Boadi		AZ	12/22/2015
Tiffany	Kay	McOwen		OH	12/22/2015
Kayla		Nicolau		TX	12/22/2015
Chan		Hong		PA	12/22/2015
Haritha		Natla		MI	12/30/2015
Eddie		Morales		CT	12/30/2015
Jennifer	Hayes	Rhode		FL	12/30/2015
Adam	R.	Andrew			12/30/2015
Mirta	Nelia	Soto Rosario		FL	12/30/2015
Rachana	Suresh	Dhruva		GA	12/30/2015
Ladavia	Drummond	Just		SC	12/30/2015
Jennifer	Paige	Curran		AK	1/4/2016
Renee	D.	Ricks		LA	1/6/2016
Adam	Dominick	Lisi		NJ	1/6/2016
Stephen	John	Krzastek		FL	1/6/2016
Sheryl	Setzer	Melvin		VA	1/6/2016
Victoria	Anne	Mayer		FL	1/6/2016
Kelly	Lynn	Kaufman		FL	1/13/2016
Elizabeth	Ann	Cafalone		MD	1/13/2016
Amber	Lynn	McKee		VA	1/13/2016
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**Closed Session**



On a motion from Mr. Minton, seconded by Mr. Day with no dissenting votes, the Board moved into closed session to discuss possible a summary suspension.

Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Minton with no dissenting votes. Mr. Mixon stated that the permit for Central Medical & Mobility, LLC, permit #2287, was summarily suspended

On a motion from Mrs. Day, seconded by Mr. Minton with no dissenting votes, the Board adjourned the meeting at 12:32pm.

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William A. Mixon, President

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Carol Yates Day, Vice-President

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Robert J. McLaughlin, Jr.

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Gene Minton

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L. Stan Haywood

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Robert A. Graves