

President Gene Minton called the meeting to order at 9:00 am with Board Members Bill Mixon, L. Stan Haywood, Carol Yates Day, Robert Graves, and Andy Bowman present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Associate Director of Investigations Krystal Brashears Stefanyk, Financial and Administrative Services Director Gail Brantley, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Brent Slaughter, NC Mutual Drug; Joey McLaughlin, Realo Drug; Christine Davis, Cardinal Health; Keith Vance, Board Member Elect; Tony Mitchum, Wal-Mart; Penny Shelton, NCAP; John Balos, Realo/UNC; Laura Staats, Realo/UNC; Steve Dedrick, UNC; Austin Companion, UNC; Laura Cates, Kroger; Jeenu Philip, Walgreens; Scott Larsen, Walgreens; RPh. Douglas Davis; Richard Wall, Wingate Univ.; Harvey Sterken; Greg Sterken; Caroline Welles, UNC/ESOP; Chris Beaver, UNC/ESOP; Laura Rhodes, UNC/ESOP; Macary Marciniak, UNC; Alastair Huy, Kroger; Margaret Marshal, UNC/ESOP; Norman Pham, UNC/ESOP; Stacie Mason, NCBOP; and Krystal Smith, NCBOP.

Ethics Statement & Welcome

President Minton 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.

Public Hearing – Proposed Amendments to 21 NCAC 46.2201 Governing Continuing Education Requirements for Pharmacist Licensure

The Board held a public hearing on the proposed amendments to rule 21 NCAC .2201 that would discontinue allowing five (5) hours of continuing education to carry over each year; change the number of annually required contact CE hours from eight (8) to five (5); and add an exemption for pharmacists who qualify under 21 NCAC 46.1613 or who practice entirely in another state and meet that state's continuing education requirements. The proposed rule change would also require pharmacists to receive their continuing education requirements from ACPE or NCAP accredited courses or by precepting at least 160 hours for one of the four pharmacy schools in the state.

Board staff stated that to date they had received seventy-two (72) comments regarding the proposed amendment. Board staff presented a memorandum that summarized the comments received on the proposed amendments, as well as copies of each individual comment received.

Penny Shelton, North Carolina Association of Pharmacists (NCAP) President spoke during the hearing on concerns NCAP has with reducing the number of continuing education contact hours required under the proposed amendments.

There were no other comments made during the hearing.

Presentation of Original 1909 Pharmacist License Held By Mickey P. Dawson of Rocky Mount by his grandson, Harvey Sterken, and the Sterken Family

Mr. Harvey Sterken and Mr. Greg Sterken presented the 1909 original pharmacist license and a portrait of their grandfather Mickey P. Dawson to the Board.

Mr. Dawson was a native of Tarboro and began practice as a pharmacist in 1910 in Rocky Mount at the May and Gorham Drug Store. Mr. Dawson graduated from the Page Pharmaceutical School and was licensed as a pharmacist at age 18. He and his brother, Benjamin Dawson, opened Standard Drug Company in Rocky Mount, which was a fixture there for many years.

The Board members and staff thanked Messrs. Sterken for donating their grandfather's license and portrait to the Board for permanent display.

Consideration of Minutes of the November 2016 Meeting Minutes

The members received the November 15, 2016 meeting minutes prior to this meeting for review. It was moved by Mr. Mixon, seconded by Mr. Bowman, to accept the minutes as submitted. The motion passed with no dissenting votes.

Presentation of Financial Audit for FY 2015-16, Bernard Robinson & Company

Sandy Newell, Bernard Robinson & Co. LLP, presented the financial audit report for the Board's fiscal year 2015-2016.

On a motion from Mr. Bowman, seconded by Mrs. Day with no dissenting votes, the Board approved the audit as presented. Ms. Newell noted that her staff would submit the audit report as required by Chapter 93B of the North Carolina General Statutes.

Consideration of Proposed Amendments to 21 NCAC 46.2201

After discussion and consideration of comments made and received on the proposed rule amendment to 21 NCAC 46.2201 Governing Continuing Education Requirements for Pharmacist Licensure, on a motion from Mr. Mixon, seconded by Mrs. Day with no dissenting votes, the Board approved the amendments as written and directed staff to send them to the Rules Review Commission.

The Board adjourned for a break at 10:04am and resumed open session at 10:21am.

Consideration of Reciprocity Candidate - Douglas Mitch Davis

Mr. Douglas Mitch Davis appeared before the Board in consideration of his June 2016 application to reciprocate his Florida pharmacist license to North Carolina. Mr. Davis disclosed on his North Carolina Reciprocity application and his NABP Official Application to Transfer a Pharmacist License that he had previous discipline from the Florida Board for substance abuse. In 1987 he had been disciplined by the Florida Board of Pharmacy for substance abuse issues. In 1996, he admitted to the Florida PRN program that he had relapsed and diverted control substance medication from his place of practice. In 1997, he was disciplined by the Florida Board of Pharmacy with a license reprimand and indefinite suspension. His probationary period was lifted in December 2003. He entered into a five (5) year contract with the Florida PRN and still continues 12 step meeting, sponsors others in recovery, and continues to have a sponsor himself.

After receipt of his reciprocity application, Board staff recommended that he contact the North Carolina Physicians Health Program (NCPHP) for review of his background and recommendation to the Board. Mr. Davis declined. Mr. Davis, duly sworn, spoke to the Board about his substance abuse history and recovery progress. He requested the Board allow him to continue with the reciprocity application process.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Mixon, seconded by Mr. Bowman with no dissenting votes.

When open session resumed, Mr. Minton stated that on a motion from Mr. Mixon, seconded by Mr. Bowman, on a 4 to 2 split vote, that the Board would hold Mr. Davis's application under consideration and requested that Mr. Davis contact NCPHP for evaluation and recommendation to supplement his application.

Rulemaking Report

Rulemakings In Progress:

Proposed Amendments to 21 NCAC 46 .2102, .2104, .2105, .2107, and .2108 Governing Board Member Elections

Board staff had received no public comments on the rule. A public hearing will be conducted on February 21, 2017 regarding the amendments.

Proposed Amendments to 21 NCAC 46 .1505 Governing Licensure by Examination

Board staff had received no public comments on the rule. A public hearing will be conducted on February 21, 2017 regarding the amendments.

Proposed New Rule 21 NCAC 46.1615 e-Profile Numbers for License, Permit Or Registration

Board staff had received no public comments on the rule. A public hearing will be conducted on February 21, 2017 regarding the amendments.

Initiation of Statutorily Required Periodic Rule Review Required

Statute enacted in 2015, requires each agency in North Carolina to undertake a review of each of the rules that it has passed. As it stands, the Board is required to complete its process by June 2018. Under the existing schedule, the Board is required to classify each of its rules as "unnecessary", "necessary without substantive public interest", or "necessary with substantive public interest" and post that report for comment by November 2017.

The Rules Review Commission, which oversees the process, has established a process whereby an agency may choose to conduct its rule review process early.

Staff request that the Board appoint one or two members to assist the Executive Director and Board counsel in completing the initial classification of rules to be presented for consideration to the full Board at the February 2017 meeting.

After discussion, it was the consensus of the Board that Mr. Minton and Mr. Haywood would assist Board staff in classification of the rules.

Legislative Update

Mr. Campbell updated the Board on legislative issues concerning Joint Legislative Administrative Procedure Oversight Committee. Mr. Campbell also asked the Board whether it wished to again pursue changes to the pharmacy practice act that would give the Board authority to contract with outside vendors to run criminal background checks on licensure applicants. It was the consensus of the Board to again pursue the change.

Reports to the Board

Mike James updated the Board on several legislative issues.

Filing Deadline for Statement of Economic Interest, April 15, 2017

Mr. Campbell reminded Board members that their Statement of Economic Interest (SEI) forms are due to the State Ethics Commission by April 15, 2017

Planning for Hosting NABP District III Meeting in 2018

The Board will host the NABP District III meeting in 2018. Mr. Campbell requested that a member participate in the planning committee for the upcoming meeting.

After discussion, Mr. Bowman volunteered to join the 2018 District III meeting planning committee.

Planning for 2017 Board Member Retreat

Mr. Campbell inquired whether the members would like to hold a Board Member Retreat in 2017 and if so, if they had a time and location in mind for the retreat.

After discussion, it was the consensus of the Board to hold a retreat in 2017. The Members requested staff to send them proposed dates for the retreat for their consideration. The Members will take a location for the retreat under advisement to discuss at a later date.

NABP Grant Program, APhA Institute on Alcoholism and Drug Dependencies

The National Association of Boards of Pharmacy is providing a grant to supplement the cost of Board members to attend the APhA Institute on Alcoholism and Drug Dependencies. The meeting will be held in Salt Lake City, Utah, June 1-4, 2017.

After discussion, it was the consensus of the Board that if a member wished to attend, they would contact Board staff for arrangements and to apply for the grant.

Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the December 2016 financial report to the Board.

Investigations and Inspection Report

Joshua Kohler, Director of Investigations and Inspection, presented the January 2017 investigative report.

Pharmacists Licensed by Examination – January 1, 2016 – December 31, 2016

Mr. Campbell presented a list of all pharmacist licensed by examination in 2016 to be included in the Board minutes.

Recognition of Gail Brantley, Director of Finance

Gail Brantley, Director of Finance, will be retiring at the end of January 2017 after forty (40) years of exemplary service to the Board. Ms. Brantley was honored with a reception on December 7, 2017. Mr. Campbell and Board members thanked Ms. Brantley for her years of dedication and service to the Board.

Consent Agenda

It was moved by Mr. Bowman, seconded by Mr. Mixon with no dissenting votes to approve the consent agenda. The motion carried with no dissenting votes. The following items were approved.

Prehearing Conference

Consent Order

Technician Kirsten Berggren, Registration #00001, was subject of a prehearing conference October 17, 2016, heard by Mr. Bowman, regarding allegations that Tech. Berggren knew that her employer Nature's Pharmacy was unlawfully shipping compounded drugs internationally in which she assisted the pharmacist in preparing. Ms. Berggren compounded and dispensed compounded drug cream to a friend without a valid prescription (without valid labels or records). Recommendation: Indefinite suspension with 14 day active suspension 1/23/2017 - 2/5/2017.

Ashley Daire Reese was subject of a prehearing conference held January 16, 2017, heard by Mr. Mixon, regarding her application for examination and registered pharmacist certificate to the Board. Ms. Reeses disclosed on the application that she had been convicted of two DWI's in 2011 and one DWI in 2014. In November 2014, she underwent evaluation and inpatient treatment for alcohol abuse. In January 2015, she entered into a five (5) year contract with NCPRN and then transferred that contract to NCPHP in 2016. She has complied with her recovery monitoring agreement. Recommendation: Proceed with the licensure application process and if she successfully completes the process, her license will be under conditions including completing NCPHP monitoring agreement.

RPh. Jeffrey D. Whitley, license #10168, was subject of a prehearing conference held January 16, 2017, heard by Mr. Mixon, regarding request for reinstatement of pharmacist license. Mr. Whitley voluntarily surrendered his license June 8, 2015 after diverting clonazepam for personal use. A proposed consent order was presented to and approved by Mr. Mixon at the hearing that recommended reinstatement with conditions including 1) prior approval of employment from NCPHP, 2) not be employed more than number of hours approved by NCPHP, 3) not serves as pharmacist manager until approved by NCPHP.

RPh. John E. MacDonald, license #08126, was subject of a prehearing conference held January 16, 2017, heard by Mr. Mixon, regarding a request for reinstatement of pharmacist license. Mr. MacDonald voluntarily surrendered his license 1/26/2016 after diverting control substances for personal use. A proposed consent order was presented to and approved by Mr. Mixon at the hearing that recommended reinstatement with conditions including 1) prior approval of employment from NCPHP, 2) not be employed more than number of hours approved by NCPHP, 3) not serve as pharmacist manager until approved by NCPHP.

RPh. Kresa Cummings, license #19011, was subject of a prehearing conference held January 16, 2017, heard by Mr. Mixon, regarding request for reinstatement of pharmacist license. Ms. Cummings voluntarily surrendered her license April 18, 2015 for not reporting a DWI in December 2014. Ms. Cummings also received one misdemeanor count of unlawful distribution of controlled substances after dispensing multiple fraudulent prescriptions for controlled substances. A proposed consent order was presented to and approved by Mr. Mixon at PHC that recommended reinstatement with conditions including 1) prior approval of employment from NCPHP, 2) not be employed more than number of hours approved by NCPHP, 3) not serve as pharmacist manager for 1 year from the date of order then must petition the Board to modify the restriction, 4) may not take ownership in pharmacy from 1 year of order, then must petition the Board to have restriction lifted.

Consent Orders and Letters of Warning

RPh. James LaBranche, license #27455; Technician Faith Allen, Registration #16546; Technician Crystal Jarvis, Registration #30618; and CVS, permit #10432 were subjects

of a pre-hearing conference held, November 14, 2016, heard by Mr. Haywood, regarding following cases:

Complaints were made by Alexandra Cupito on April 16, 2014, Nicole McPhail, CNA on behalf of patient Grace Thompson on January 20, 2015, and Dr. Susan Stinehelfer on behalf of patient Julia Banks on July 15, 2015. Ms. Cupito alleged that RPh. James LaBranche #12947 negligently counseled her regarding the interactions between Bactrim DS 800-160mg and Sprintec. Ms. McPhail alleged that pharmacy staff incorrectly dispensed Fentanyl 75mcg patches instead of the prescribed strength of 12mcg to patient Thompson on January 14, 2015; while Dr. Stinehelfer alleged that pharmacy staff dispensed Methotrexate 2.5mg with incorrect directions to patient Banks. The prescribed directions were to “Take 2 tablets by mouth once a week (one in the AM and one in the PM); however, the labeled directions read “Take 2 tablets by mouth, once in the AM and once in the PM as directed.”

The cases were assigned to two (2) different Board investigators, who conducted inquiries into the complaints of which all revealed evidence to substantiate the allegations.

After hearing all the evidence presented and based on the standards established by the Board, Mr. Haywood proposed CONSENT ORDER OF REPRIMAND to RPh. LaBranche. Mr. Haywood also proposed LETTERS OF WARNING to the permit, Technician Allen, and Technician Jarvis.

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

CPP Candidates

- Haley Parker, PharmD #25168, Family Medicine, Carolina Point II, 6013 Farrington Rd, Chapel Hill, NC, 27517
- Megan Elizabeth Supple, PharmD #25199, Moses Cone (Cardiology), 1126 N Church St, Greensboro, NC, 27401
- Thuyvan Thi Pham, PharmD #21854, UNC Rheumatology Clinic, 6013 Farrington Rd., Suite 301, Chapel Hill, NC, 27517

Reciprocity Candidates

Candidates License by Reciprocity 11/16/2016 – 1/17/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Regina	Maria	Tunney		PA	11/16/2016
Nilkamal	V.	Patel		MA	11/16/2016
Christine	Louise	Davis		FL	11/16/2016

Candidates License by Reciprocity 11/16/2016 – 1/17/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Binita	Suryakant	Patel		WI	11/16/2016
Mayur	N.	Amin		NJ	11/16/2016
Allison	Michael	Williams		SC	11/16/2016
Gina	Michelle	Willard		FL	11/16/2016
Kalee	Mae	Kleinhesselink		IA	11/16/2016
Salma		Javadi		IL	11/16/2016
Stephen	H.	Dewing		GA	11/16/2016
Douglas	Joseph	Bradford		MD	11/23/2016
Albert	Thomas	Fuchs	III	PA	11/23/2016
Jay	E.	Terry		SC	11/23/2016
Matthew	Taylor	Young		WV	11/23/2016
Kumari Unnati	Vajeshinh	Yadav		TX	11/23/2016
Lisa	Faye	McDaniel		VA	11/23/2016
Annslee	Caroline	Windell		SC	11/30/2016
Richard	Scott	Brown		SC	11/30/2016
Tyler	Catesby	Sherrod		FL	12/7/2016
Archana	Ravindra	Nath		IL	12/7/2016
Swarup		Patel		MI	12/7/2016
Lauren	Lynn	Pikna		FL	12/7/2016
Allison	Sara	Koch		NY	12/7/2016
Paige	Shalonda	Norman		SC	12/7/2016
Drewry	Nickerson	Carter		VA	12/14/2016
Julio	Jose	Fernandez		NJ	12/14/2016
Veronica	Carmen	Fernandez		NJ	12/14/2016
Sagar	H.	Amin		TN	12/14/2016
Pamela	Goff	Wilkinson		VA	12/14/2016
Madelyn		Giroud		FL	12/14/2016
Mark	Ryan	McMahon		SC	12/21/2016
Luisa		Giannangelo		KS	12/21/2016
Desiree	Mouton	Mance		GA	12/21/2016
Brianna	Copeland	Bobo		FL	12/21/2016
Eve	Eleanor	Anderson		IN	12/21/2016
Tamara	Yousef	Abdel Khaliq		VA	12/21/2016
Eric	Werner	Metterhausen		IL	1/4/2017
Purvish	Maheshbhai	Mehta		MI	1/4/2017
Ibezim	Echefu	Okehie		MD	1/4/2017
Meredith	Grace	Naber		IN	1/4/2017
Celia		Nguyen		IL	1/4/2017

Candidates License by Reciprocity 11/16/2016 – 1/17/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Melissa	Kay	Gonzalez		WV	1/4/2017
Nancie	M.	Richberg		PA	1/4/2017
Crystal	Kay	Ezell		TN	1/4/2017
Weston	Dewey	Thompson		OK	1/4/2017
Edward		Kazyanskaya		IN	1/4/2017
Devin	Paul	Pelcher		FL	1/4/2017
Sandipika		Bhatnagar		MA	1/4/2017
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Increase in Pharmacists to Technician Ratio

Close Session

On a motion from Mr. Bowman, seconded by Mixon with no dissenting votes, the Board moved into close session to discuss possible summary suspensions.

The recessed for close session at 11:55am and resumed close session at 12:13pm.

Open session resumed on a motion from Mr. Mixon, seconded by Mr. Bowman with no dissenting votes. Mr. Minton stated that Technician Jenny Kathryn Jacobs, Registration #43712; Technician Evan Daniel Finch, registration #39781; and Technician Carrie Elizabeth Jernigan, registration #24724 were summary suspended.

Mr. Minton also stated that on a motion from Mr. Graves, seconded by Mr. Bowman with no dissenting votes, the Board authorized staff and counsel to take legal action against the owners of NCRX, permit #13003; American Pharmacy Company, permit #11244; and Healthchoice Pharmacy, no permit, located in Texas, if deemed necessary by staff and counsel in order to protect the health and safety of the public.

The Board adjourned the meeting at 12:18pm.

Gene Minton, President

L. Stan Haywood, Vice-President

Dr. Andrew Bowman

William A. Mixon

Carol Yates Day

Robert A. Graves