

President Ashley Duggins called the meeting to order at 10 am. Due to the COVID-19 state of emergency, the meeting was convened by teleconference. Board Members Ashley Duggins, Keith Vance, Andy Bowman, Wallace Nelson, Mischelle Corbin and Bill were in attendance. Members of the public also attended the meeting via teleconference.

#### Ethics Statement & Welcome

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

#### Consideration of November 2020 Meeting Minutes and January 11, 2021 Meeting Minutes

The members received the November 17, 2020 and the January 11, 2021 meeting minutes for review prior to this meeting. It was moved by Ms. Corbin, seconded by Mr. Nelson, to approve both sets of minutes. The motion passed with no dissenting vote

#### Review of Statements of Economic Interest

Each year, all Board members file a Statement of Economic Interest, which is evaluated by the North Carolina Ethics Commission for actual or potential conflicts of interest. Each evaluation must be reviewed at a meeting of the Board. President Duggins and Board staff have received evaluation letters for Dr. Duggins, Dr. Vance and Mr. Mixon. The Commission identified no actual conflict of interest affecting their service on the Board. The Commission identified one potential conflict of interest. Because each practices the profession regulated by the Board of Pharmacy, items considered by the Board could create a potential conflict of interest. This potential conflict of interest does not disqualify any of the three from Board service. Each of the three should exercise appropriate caution in identifying Board action items that could create a conflict of interest and recusing where necessary. Each of the three is current in their ethics training and well-versed on how to do so. The Board acknowledged the receipt of the statements.

#### COVID-19 Matters

##### *COVID-19 Vaccine CE Update*

The Board Finance Committee met twice, pursuant to the authority delegated by the full Board at the November 17, 2020 meeting, to approve a contract and an amendment to that contract with Campbell University College of Pharmacy and Health Sciences to plan, produce, and provide two one-hour COVID vaccination CE courses for pharmacists and pharmacy technicians. The Board is providing the funds for up to 3,000 pharmacists and technicians to take the course – live or on-demand – without cost. The live presentations took

place on January 6 and January 13. State Health Director Betsey Tilson and DHHS Pharmacist Amanda Fuller Moore were faculty. The live programs were successful and reached hundreds of pharmacists and technicians. The on-demand recordings will be available soon.

*Statewide Standing Order for Pharmacist Administration of COVID-19 Vaccines*

On December 27, 2020, State Health Director Betsey Tilson exercised authority granted by S.L. 2020-3, to issue a state standing order for pharmacists to administer COVID-19 vaccines. This authority is in addition to authority granted by the US DHHS under the PREP Act. The state standing order is necessary for pharmacists to be paid for COVID vaccinations by NC Medicaid, and its existence may also make documentation of vaccine administration simpler (one “prescriber” instead of many).

*Licensing Board Staff Statement on Enforcement of Vaccination Prioritization Plan*

On December 29, 2020, Secretary of NC DHHS Mandy Cohen sent a letter to, among others, staff of the Pharmacy, Nursing, Dental, and Medical Boards requesting recommendations for options to enforce the state vaccination prioritization plan against “those who flagrantly violate the vaccination prioritization plan and who attempt to profit financially.” Staff for the Pharmacy, Nursing, and Dental Boards replied in a joint letter. Staff for the Medical Board replied in a separate, substantively identical letter. Note that Board staff have received no reports of pharmacists or pharmacies engaging in the kind of behavior described in the letter.

*Reactivation of Inactive Licenses*

In March 2020, the Board implemented a process whereby pharmacists whose license has been inactive for 2 years or less can quickly reinstate to assist in the COVID pandemic. Mr. Campbell noted he had received a handful of inquiries from pharmacists who wished to reactivate their license but had been retired for a substantial period of time. The Board had previously set the two-years-or-less out-of-practice reinstatement policy based on its judgment that such pharmacists have not been out of practice long enough to jeopardize their fundamental knowledge and competency. After discussion the Board determined that no changes are needed at this time.

## Licensing Report

### *2021 Renewal Season Update*

Ms. Betz provided a briefing on the 2021 license/permit/registration renewal season and included a comparison with 2020 renewal season. Renewal trends are consistent with previous years and showing no COVID-related drop-off.

### Continuing Discussion of FDA's Final Version of the Compounding Oversight Memorandum of Understanding

Board staff have published a request for comment on the desirability of the Board joining the MOU, and that commentary period is open until February 1, 2021.

Board staff have received one comment, stating in full, "My opinion is not to sign the MOU." Staff will continue to monitor for additional commentary.

The Board will further discuss the MOU at the February virtual retreat.

### Epidiolex Descheduling Under the North Carolina Controlled Substances Act

In April 2020 the federal Drug Enforcement Administration (DEA) announced its intent to deschedule Epidiolex (previously a Schedule V controlled substance). On August 21, 2020, the DEA concluded that rulemaking process. Accordingly, under federal law, Epidiolex is no longer a controlled substance.

DEA's action did not, however, immediately change Epidiolex's schedule under the North Carolina Controlled Substances Act. The organization with authority to schedule or deschedule controlled substances under North Carolina law is NC DHHS' Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services. G.S. 90-88 states that the Commission may add, delete, or reschedule substances on its own motion or petition of any interested party. G.S. 90-88(d) provides the default: "If any substance is designated, rescheduled or deleted as a controlled substance under federal law, the Commission shall similarly control or cease control of, the substance under this Article unless the Commission objects to such inclusion. The Commission, at its next regularly scheduled meeting that takes place 30 days after publication in the Federal Register of a final order scheduling a substance, shall determine either to adopt a rule to similarly control the substance under this Article or to object to such action. No rule-making notice or hearing as specified by Chapter 150B of the General Statutes is required if the Commission makes a decision to similarly control a substance. However, if the Commission makes a decision to object to adoption of the federal

action, it shall initiate rule-making procedures pursuant to Chapter 150B of the General Statutes within 180 days of its decision to object.”

The Commission considered this matter at its November 19, 2020 meeting, but did not take any action. The Commission considered the matter again at a January 7, 2021 meeting. No minutes of that meeting have appeared on the Commission’s website, nor has Mr. Campbell received a response to requests to Commission staff for an update. An attendee has advised, however, that the Commission voted to deschedule Epidiolex at that meeting that the approved rule to do so is now before the Rules Review Commission, with a hoped-for effective date of March 1, 2021.

The Board took a 10 minute break and reconvened at 11:00 am.

### Rulemaking

#### *COVID-19 Drug Preservation Rule*

The permanent COVID-19 Drug Preservation rulemaking is complete on the Board’s end. Mr. Pinyan received a minor technical correction request from the Rules Review Commission, and the rule is scheduled to be considered by RRC at its January 21, 2021 meeting.

### Financials

#### *January Financial Report*

JP Brown, Accounting Manager, presented the January 2021 financial report to the Board.

#### *Resolution to authorize Director of Finance and Human Resources to execute documents for the Board’s First Citizens Bank long term investment account*

First Citizens Bank requires a corporate resolution specifically authorizing staff to execute documents for the Board’s long-term investment accounts. The present resolution authorizes Mr. Campbell, Kristin Moore (as Director of Operations), and Gail Brantley (formerly Finance Director). An updated authorization is needed to include Rhonda Jones (current Finance Director). It was moved by Mr. Nelson, seconded by Mr. Mixon, to approve the update. The motion passed with no dissenting votes.

Investigative Report

*Docket Report*

Joshua Kohler, Director of Investigation, presented the 2020 investigations report.

Southeastern District Board Member Election Update

*Establish Date and Time to Review and Certify Election Results*

Kristin Moore presented an update on the Southeastern District Board Member Election. It was agreed to hold a meeting on March 2, 2021 at 10 am to review and certify the election results.

Virtual Retreat Planning, February 2021

In lieu of the “regular” Board business meeting on February 16, 2021, the Board will convene for a virtual retreat. The Board will move through the ordinary, monthly business items – approval of meeting minutes, financial report, investigations report, consent agenda, any closed session items – at the beginning of the meeting, and then move into a retreat. Mr. Campbell is putting together background materials for retreat discussion items.

Adjustment to March 2021 Meeting Date

Dr. Vance has a conflict on the Board’s March 16, 2021 meeting date. He asked the members to consider moving the meeting date to avoid the conflict. After a short discussion, the members agreed to move the March 2021 Board Meeting to Tuesday, March 23, 2021.

Reports to the Board

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

Consent Agenda

The following items were approved.

**Prehearing Conference**

**Consent Orders**

**Reciprocity Candidates**

License Number	First Name	Last Name	Licensed Date
30146	Danny	Huff	11/19/2020
30145	Priti	Amin	11/19/2020
30147	Laney	Spigener	11/19/2020
30149	Sarah	Visintainer	11/19/2020
30148	Shaniqua	Timmons	11/19/2020
30157	Laura	Schneider	11/25/2020
30155	Anika	Ejaz	11/25/2020
30154	Saphira	Andre	11/25/2020
29447	Brian	Rybicki	11/25/2020
30156	Marian	Richardson	11/25/2020
30164	Erin	Doxtater	12/3/2020
30169	Ehab	Mikhael	12/3/2020
30168	Remon	Manssour	12/3/2020
30165	Anthony	Fazio	12/3/2020
30167	Katherine	Leis	12/3/2020
30170	Andre	Watson	12/3/2020
30166	Rachel	Hunt	12/3/2020
30163	Matthew	DeCesare	12/3/2020
30162	Grace	Cooksey	12/3/2020

30176	Jonathan	Harden	12/10/2020
30175	Kaitlyn	Burkett	12/10/2020
30178	Frederick	Peterson	12/10/2020
30177	Bianca	Patel	12/10/2020
30186	Lifei	Ruiz	12/17/2020
30182	Stephanie	Begansky	12/17/2020
30185	Rene'	Lamp	12/17/2020
30184	Malcolm	Earle	12/17/2020
30183	Laurie	Burkett	12/17/2020
30207	Nirav	Shukla	12/31/2020
30197	Alex	Weber	12/31/2020
30206	Diana	Nowicki	12/31/2020
30203	Blake	Norman	12/31/2020
30202	Troy	Allan	12/31/2020
30204	Janie	Slominski	12/31/2020
30198	Suzan	Zaghloul	12/31/2020
30205	Tammoima	Gichana	12/31/2020
30196	Gregory	Richardson	12/31/2020
30200	Vrinda	Naik	12/31/2020
30201	Diana	Amodei	12/31/2020
30199	Kyndall	Monroe	12/31/2020
30208	Quynh Nga	Vo	12/31/2020

30210	Rachel	Lejeune	1/7/2021
30211	Carina	McCrea	1/7/2021
30209	Kelly	Bagley	1/7/2021
30212	Thomas	Huynh	1/14/2021
30213	Trisha	Nelson	1/14/2021
30214	Samantha	Redfern	1/14/2021

### **CPP Candidates**

License Number	First Name	Last Name	Licensed Date
700273	Johnny	Chang	11/25/2020
700276	Deborah	Sturpe	11/30/2020
700275	Ann	Fugit	11/30/2020
700277	Erika	Schoenborn	11/30/2020
700274	Geena	Eglin	11/30/2020
700279	Mackenzie	Magid	12/21/2020
700278	Nichole	Allen	12/21/2020
700280	Olivia	Caron	12/22/2020
700281	Megan	Pasookhush	1/13/2021
700282	Pamela	Vickery	1/19/2021

### **Increase in Pharmacist to Technicians Ratio**

License Number	Pharmacy Name	Process Type	Complete Date
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13023	Publix Pharmacy	PT Ratio Change 1:4	11/23/2020
4621	Stedman Drug Center	PT Ratio Change 1:4	12/1/2020
13865	Walgreens	PT Ratio Change 1:3	12/1/2020
12694	Harris Teeter	PT Ratio Change 1:4	12/3/2020
13849	Geno Healthcare	PT Ratio Change 1:3	12/8/2020
14265	Walgreens	PT Ratio Change 1:3	12/21/2020
7958	Wal-Mart	PT Ratio Change 1:4	1/1/2021
7983	Wal-Mart	PT Ratio Change 1:4	1/5/2021
13173	Village Prescription Center	PT Ratio Change 1:4	1/5/2021
11937	Harris Teeter	PT Ratio Change 1:3	1/5/2021
12748	Wal-Mart	PT Ratio Change 1:4	1/5/2021
13358	Publix Pharmacy	PT Ratio Change 1:3	1/5/2021
12492	Walgreens	PT Ratio Change 1:4	1/7/2021
11535	Wal-Mart	PT Ratio Change 1:3	1/11/2021
10717	CVS	PT Ratio Change 1:4	1/14/2021
7955	Wal-Mart	PT Ratio Change 1:4	1/15/2021

On a motion from Dr. Vance, seconded by Mr. Mixon with no dissenting votes, the Board moved to approve the consent agenda.

**Closed Session**

On a motion from Dr. Vance, seconded by Ms. Corbin with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions.

When open session resumed on a motion from Dr. Vance, seconded by Mr. Mixon with no dissenting votes. President Duggins stated that the Board summary suspended, Technician Registration No. 07185 issued to Trena Brown.

At 11:41am Dr. Vance moved to adjourn, seconded by Dr. Bowman with no dissenting votes.

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Dr. Ashley Duggins, President

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Wallace Nelson

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William A. Mixon

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Mischelle Corbin

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Dr. Andy Bowman

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Dr. Keith Vance