

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, 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; David Catalano, Walgreens; Danny Seavers, Kerr Drug; Susan Fulbright, Mission Hospital; RPh. Lynn Williams; Judy Williams; Tiffany Chan; Angela Stokes, Northside Family Pharmacy; Robbie Stokes, Northside Family Pharmacy; Jennifer Hough, Mutual Drug/UNC Pharmacy; Jason Rubin, Walgreens; Al Carter, Walgreens; Karen D Hammond, CVS; Scott Yamin, Campbell Univ./COP; Andrew Patel, Bi-Lo Pharmacy; and Daisy Payne, intern/student WUSOP.

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. Mrs. Chater stated that she would recuse herself in the matter of RPh. Patricia Lynn Williams.

President Chater welcomed all visitors to the meeting.

Minutes of the January 2011 Board Meetings

The members received the January 18, 2011 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Hearing – RPh. Patricia Lynn Williams, license #09245

Patricia Lynn Williams, license #09245, appeared before the Board to request reinstatement of her license to practice pharmacy. Mrs. Chater stated that she would recuse herself in the matter and Dr. Dennis would preside over the case. Ms. Williams voluntarily surrendered her license August 5, 2009 for diverting controlled substances for personnel use. She plead guilty to a misdemeanor charge of violating the North Carolina Substances Act. Ms. Williams entered into treatment with NC Pharmacy Recovery Network (PRN). It was the second time that Ms. Williams had entered into treatment with NCPRN. In 2002, she had entered into a contract with NCPRN for substance abuse. Ms. Williams, duly sworn, testified on her addiction and recovery progress. Cindy Clark, NCPRN, duly sworn, testified on Ms. Williams' recovery and stated that NCPRN advocates for her reinstatement with conditions. Judy Williams, Patricia Lynn Williams' mother, duly sworn, testified on behalf of her daughter.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes. When open session resumed, Dr. Dennis stated that on a motion from Dr. Chesson, seconded by Mr. McLaughlin on a split vote, the Board would reinstate Ms. Williams' pharmacist license with conditions.

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

Satellite/Drop Off Location Request – Angela Stokes

RPh. Angela Stokes, Northside Family Pharmacy, appeared before the Board in consideration of a proposed drop off location. Mrs. Stokes stated that prescriptions would be dropped off by patients at the location and transferred to the pharmacy by employees. The prescription would then be filled and either picked up by patients or delivered by employees of the pharmacy to the patients. There would be no dispensing of medications from the drop off location. Mr. Campbell stated that he had review the proposal and could find no legal barrier. It was the consensus of the Board that there was no objection to the proposed drop off location.

Consideration of Amendment to 21 NCAC 46.2901 Regarding Antidotes

Board members discussed a proposed rule change to 21 NCAC 46.2901, Return of Outdated Drugs, governing the return of outdated drugs and adding an exemption to the rule for Emergency Preparedness Medications. Mr. Campbell presented a draft of the proposed rule change to the Board. It was the consensus of the Board to approve the draft as submitted and to authorize staff to publish the proposed rule change.

Board Election Update

Director of Operations Kristin Moore updated the Board Members on the elections for the Northern and Western District Board seats currently held by Dr. Dennis and Mrs. Chater. The elections will be held beginning in April 2011 and running through May 15, 2011. There have been several petitions filed for both Board District seats so there will be contested races for both seats.

Concerns Regarding Incentive Promotions Offered by Pharmacies

Mr. Campbell presented a letter from RPh. Paul Hetrick regarding concerns with pharmacy incentives program that encouraged patients to transfer prescriptions. No other state Board of Pharmacy currently prohibits these incentive programs. After discussion, it was the consensus of the Board to take the matter under advisement.

Dates/Locations for Pharmacy Leaders' Forum

Board members were presented available dates for the 2011 Pharmacy Leaders' Forum. It was the consensus of the Board to hold the forum on Friday, September 30, 2011 at the Proximity Hotel, Greensboro, NC.

Investigative Statistics

Karen Matthew, Director of Investigation, presented the investigative statistics for January 2011.

Financials

Gail Brantley, Financial and Administrative Service Director, presented the January 2011 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 a Letter of Caution

RPh. Felicia Jacobs, license #13503, was subject of a prehearing conference held January 17, 2011, heard by Dr. Chesson, regarding allegations that on November 11, 2008, RPh. Jacob committed a dispensing error that was refilled continually until December 7, 2009. Recommendation: **Staff Issues a Letter of Caution** to RPh. Jacobs.

Staff Issues a Letter of Warning

RPh. Hedy House, license #07358, was subject of a prehearing conference held January 17, 2011, heard by Dr. Chesson, regarding allegations of a dispensing error. Recommendation: **Staff Issues a Letter of Warning** to RPh. House.

Staff Issues Letters of Warning

RPh. Elizabeth C. Sescilla, license #15641, and Pleasant Garden Drug Store, permit #10031, were subjects of a prehearing conference held January 17, 2011, heard by Dr. Chesson, regarding allegations of not keeping an adequate system of inventory, record-keeping, and security to prevent diversion of controlled substances. Recommendation: **Staff Issues Letters of Warning** to RPh. Sescilla and permit.

Staff Issues Letters of Warning

RPh. Harold B. King, license #06905, and King's Pharmacy and Compounding Lab, permit #05304, were subjects of a prehearing conference held January 17, 2011, heard by Dr. Chesson, regarding allegations of administering influenza vaccines to patients under the age permitted by North Carolina law, having 6 bottles of medication in the dispensing stock that were out of date, and having one bottle of medication that was misbranded and had no lot number or expiration date. Recommendation: **Staff Issues Letters of Warning** to RPh. King and permit.

Consent Orders

RPh. Melissa M. Rumple, license #16877, and Piedmont Plaza Pharmacy, permit #05465, were subjects of a prehearing conference held January 17, 2011, heard by Dr. Chesson,

regarding allegations of keeping inadequate security and system of inventory to prevent diversion of controlled substances by a technician. Recommendation: **Consent Order of Reprimand** to RPh. Rumble and permit.

Technician Brenda Watson-Burwell, registration #17437, was subject of a prehearing conference held January 17, 2011, heard by Dr. Chesson, regarding reinstatement of her technician registration. Ms. Watson-Burwell voluntarily surrendered her registration December 1, 2009 for diverting Triamcinolone Cream. Recommendation: **Indefinite Suspension of Registration** (to be served as a active sixty (60) day suspension deemed served during voluntary surrender, remainder of indefinite suspension stayed indefinitely with conditions).

RPh. William H. Edmondson, license #08032, was subject of a prehearing conference held February 14, 2011, heard by Mr. McLaughlin, regarding allegations of non-compliance with a 2006 Consent Order. Recommendation: **One Year Active Suspension with conditions.**

Increase in Pharmacist to Technician Ratio

- 1.) Medicap Pharmacy Concord, Permit # 08126 Thomas R Thompson RPh App. 1/27/2011
- 2.) Rite Aid Pharmacy Kannapolis, Permit # 09695 Judy Hargis RPh App. 1/27/2011
- 3.) CVS Pharmacy Charlotte, Permit # 10422 Lisa Ehele RPh App. 1/27/2011
- 4.) CVS Pharmacy Hendersonville, Permit # 06673 Cynthia Swanner RPh App. 1/27/2011
- 5.) CVS Pharmacy Belmont, Permit # 10568 Jennifer I Hoyle RPh App. 1/27/2011
- 6.) Walmart Pharmacy Jacksonville, Permit # 09946 Amber Sawyer RPh App. 1/27/2011
- 7.) CVS Pharmacy Matthews, Permit # 10854 Rola Haddad RPh App. 1/27/2011
- 8.) CVS Pharmacy Fletcher, Permit # 10762 Constance S Driskell RPh App. 1/27/2011
- 9.) Sam's Club Pharmacy Wilmington, Permit # 07850 Daniel J Caputo RPh App. 1/27/2011
- 10.) Walgreens Pharmacy Apex, Permit # 09301 Heidi M Worthington RPh App. 1/27/2011
- 11.) CVS Pharmacy Sanford, Permit # 06771 Jerry Williamson RPh App. 1/27/2011
- 12.) CVS Pharmacy Charlotte, Permit # 10441 Mark T Johnson RPh App. 1/27/2011
- 13.) CVS Pharmacy Newton, Permit # 10839 James K McConnell RPh App. 1/27/2011
- 14.) CVS Pharmacy Asheville, Permit # 10756 Barbara M Stone RPh App. 2/7/2011
- 15.) CVS Pharmacy Charlotte, Permit # 10703 Boska Cuturilo RPh App. 2/7/2011
- 16.) Rite Aid Pharmacy Rocky Mount, Permit # 09750 Rojean V Dela Cruz RPh App. 2/7/2011
- 17.) Stewart Pharmaceuticals Fayetteville, Permit # 05373 Chalmers C Stewart RPh App. 2/7/2011

Open Mike

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on the new pharmacy complex for the satellite campus in Elizabeth City, NC and the Asheville satellite campus. She also updated the Board on enrollment at the school

Andy Bowman, Campbell University College of Pharmacy, updated the Board on the current enrollment in the Pharmacy College.

Daisy Payne, Wingate University School of Pharmacy, updated the Board on the new college building progression.

All the representatives from the pharmacy schools spoke to the Board members on the changes in job placement for graduates since the beginning of the recession.

The Board adjourned for lunch at 11:50am and resumed open session at 1:15pm.

Reinstatement Hearing – RPh. Donald Beam, license #07651

RPh. Donald Beam, license #07651, appeared before the Board in consideration of his request to reinstatement his license to practice pharmacy. Board Counsel John Duberstein proceeded with the case and stated that Mr. Beam had entered into a consent order in April 2004 which indefinitely suspended his pharmacist license. Mr. Beam had plead guilty to a felony of defrauding the FDA by buying drug samples from a doctor and selling them in his pharmacy. Mr. Beam, duly sworn, testified on his own behalf and explained the circumstances of his conviction.

On a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater stated that on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board would deny Mr. Beam's request for reinstatement.

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

Review of Permit Application – Remote Pharmacy Care, Inc.

Kelly Sexton, Remote Pharmacy Care, Inc., appeared before the Board concerning a proposed remoter order entry service pharmacy permit. Under Rule .1417, a pharmacy may out source medication order processing to another pharmacy provided they have the same owner or entered into a contract or written agreement to provide these services. Mr. Sexton proposed service would provide remote order entry from a residence.

After discussion, it was the consensus of the Board to allow the permit to go forward under 21 N.C.A.C. 46.2510, Waiver of Enforcement, which allows rule waiver under specific circumstances. It was also the consensus of the Board to review the remote order processing language of rule 21 N.C.A.C. 46.1417, Remote Order Processing Services, for possible changes.

Request for Waiver – Walgreens Pharmacy Plus

Al Carter, Dave Ruben, and Dave Catalano, Walgreens Pharmacy, appeared before the Board for approval of an electronic routing process that could transfer prescription electronically for specialty medications from one pharmacy to another specialty pharmacy that has the medication in stock. It would only be used for any legion medications and not for controlled drugs. After discussion, it was the consensus of the Board that there was no legal barrier to the proposal.

Closed Session

On a motion from Dr. Dennis, seconded by Mr. McLaughlin 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. Dennis with no dissenting votes. There was no action taken during closed session.

There being no further business, on a motion from Mr. McLaughlin, seconded by Dr. Dennis with no dissenting votes, the meeting adjourned at 3:20 pm.

Rebecca W. Chater, President

Betty Dennis., Vice President

Gene Minton

J. Parker Chesson, Jr.

Lazelle Marks

Robert J. McLaughlin, Jr.