

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, 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; Mary Christine Parks, NCPRN; Cindy Clark, NCPRN; Tom Readling, NC Mutual; Lori Setzer, CVS Pharmacy; Danny Seavers, Kerr Drug; David Moody, Mutual Drug; Steve Dedrick, UNC/SOP; Chris Gauthier, NCAP; David R. Work, NCBOP Executive Director Emeritus; Jim Hall, VIP Computers; John Kessler, Second Story Health, LLC; Chad Auter, UNC/SOP; Jay Vora, UNC/SOP; Lauren Skidmore, WUSOP/ Kerr Drug student; Jared Skelton, South University School of Pharmacy; Ashley James, UNC/Second Story Health, LLC; Tashua Grant; Leigh Holcomb, WUSOP/ NCBOP Intern; D.J. O'Brien, Brooks Pierce; Amy Ketchie, CVS Pharmacy; 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 January 17, 2012 Board Meetings

The members received the January 17, 2012 meeting minutes prior to this meeting for review. It was moved by Dr. Chesson and seconded by Mr. McLaughlin to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Hearing – Technician Tashua Grant, Registration #10322

Technician Tashua Grant, Registration #10322, appeared before the Board to request reinstatement of her technician registration. Attorney Rebecca Cage, Brooks Pierce, presented the case and stated that Ms. Grant did not renew her technician registration for 2011. When Ms. Grant contacted Board staff about reinstating her registration, she indicated that in November 2011 she was charged with four (4) felonies and three (3) misdemeanors related to the growing and manufacturing of marijuana in the home where she resided.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes. Open session resumed on a motion from Mr. Minton, seconded by Mr. Marks with no dissenting votes. Dr. Dennis stated that on a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes, the Board denied Ms. Grant's request for reinstatement and revoked her technician registration.

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

Disciplinary Hearing – Technician Ed Lowery, Registration #22411

Technician Edward L. Lowery, Registration #22411, requested a hearing before the Board to reinstate his technician registration. Despite receiving notice, Mr. Lowery was not present for the hearing. Attorney D.J. O'Brien, Brooks Pierce, presented the case and stated that Mr. Lowery voluntarily surrendered his technician registration August 20, 2008 for diverting medications from the CVS pharmacy where he was employed, selling the medications to customers, and keeping the proceeds for himself.

After presentation of evidence and testimony, on a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes, the Board denied Mr. Lowery's request for reinstatement and revoked his registration.

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

North Carolina Consortium for Medication Safety (NCCMedS): A Quality Assurance Network in Critical Access and Rural Hospitals in NC

Steve Dedrick, UNC Eshelman School of Pharmacy, and John Kessler, Secondstory Health, LLC, discussed with the Board a project completed by the North Carolina Consortium for Medication Safety (NCCMedS). NCCMedS is a non-regulatory program to help rural hospitals with medication safety and quality improvement. The program is funded by SHIP grants. SHIP grants are federal grants made accessible to rural hospitals that maintain fewer than 50 beds. The Board members thanked Mr. Dedrick and Mr. Kessler for their presentation and agreed to make this information available on the Board's website.

The Board adjourned for a break at 10:10am and resumed open session at 10:25am.

Questions Regarding Prescription Label Requirements – Jim Hall, VIP Computer Systems, Inc.

Jim Hall, VIP Computer Systems, Inc., appeared before the Board to discuss a possible change to the requirement that prescription labels have "dispensed by" or "filled by" with the pharmacist name or initials. Mr. Hall stated that when there are multiple pharmacists working, the name or initial may not be of the actual pharmacist who verified the prescription. Mr. Hall recommended changing the requirement to take the "dispensed by" or "filled by" off the label but keep the information on who verified the prescription in the pharmacy's computer system. Mr. Campbell stated that the requirement was imposed by the North Carolina Food, Drug, and Cosmetic Act. It was a consensus of the Board that Mr. Campbell investigates options to deal with the issues.

Update on CE Processing Changes

Board staff submitted a statement to the Board concerning the changes to approval for continuing education discussed at the January 2012 Board meeting for their approval to place on the Board's website FAQ's. It was the consensus of the Board to approve the statement with one minor change. The new policies become effective March 1, 2012 and will be widely published.

Attorney General's Office Prescription Drug Initiative

Board staff received a request from the Attorney General's office for sponsorship for a prescription drug initiative program for high school students. Students would produce a thirty (30) second video about the dangers of prescription drug abuse. It was the consensus of the Board to provide sponsorship funds.

Pharmacist Information Access – RPh. Greg Dowless

RPh. Greg Dowless sent an email to Board staff concerning easy access to pharmacist names and license numbers via the Board website. RPh. Dowless is concerned that this information may be used in identity theft and other fraudulent activity. Mr. Campbell stated that all information on the website is public information under North Carolina law. It was the consensus of the Board not to make any changes to the information available on the Board's website.

Possible Rulemaking Topic: Option, Upon a Transfer of Ownership, to Issue New Permit Using the Prior Permit Number

Mr. Campbell presented a possible rule change to Board members that would allow new permit holders to use prior permit numbers in the case of an ownership change. After discussion, it was the consensus of the Board to take the matter under advisement.

Possible Rulemaking Topic: Increasing Allowable Carry-Over CE Hours

At the October 2011 Board Meeting, the Board members directed Mr. Campbell to work on a possible rule change to extend pharmacist continuing education (CE) carry over hours from 5 hours each year to 15 hours. Mr. Campbell presented a possible amendment to 21 NCAC 46 .2201. After discussion, it was the consensus of the Board to table the matter.

CPP Advisory Committee

Dr. Dennis's term on the Board ends in May 2012. She is the only Clinical Pharmacist Practitioner (CPP) on the Board and has been reviewing the CPP applications for the last ten (10) years. Mr. Campbell suggested that the Board approve an advisory committee made up of CPP's who would review CPP applications and make recommendations to the Board. It was the consensus of the Board to direct staff to present a specific proposal for the CPP advisory committee.

Dates for 2012 Pharmacy Leaders' Forum

Board members were asked where and when they would like to hold the 2012 Pharmacy Leaders' Forum. It was the consensus of the Board to keep the forum at the Proximity Hotel, Greensboro, NC and hold it at the end of September 2012.

2012 NABP Annual Meeting – Reminder

Mr. Campbell reminded Board members that the 2012 NABP Annual Meeting would be held May 19 – 22, 2012 in Philadelphia, PA.

2013 MALTAGON Meeting

NC Board of Pharmacy will host the 2013 MALTAGON meeting September 29, 2013 – October 1, 2013 at the Crowne Plaza Resort in Asheville, NC.

Open Mike

The new Executive Director of the NC Pharmacist Association (NCAP) Chris Gauthier introduced himself to Board members and stated he looked forward to working with the Board.

Mary Christine Parks, Executive Director NCPRN, updated the Board on the new NCPRN website, the upcoming financial audit, and upcoming speaking engagements.

(PARE) Pharmacist Assessment of Remediation Evaluation

NABP is launching Pharmacist Assessment for Remediation Evaluation (PARE) program to provide multidimensional assessments that Boards of Pharmacy may use when a pharmacist is returning to practice to test that pharmacist's skills in medication safety, ethics, and clinical pharmacy practice. NABP is looking for volunteers from Boards of Pharmacy to take a pilot test to provide feedback. Board members-elect William Mixon and Carol Day Yates agreed to participate in the pilot test.

Investigative Statistics

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

Financials

Gail Brantley, Financial and Administrative Services Director, presented the January 2012 financial statistics to the Board.

Potential Conversion to Credit Card-Only Operations

At the January 2012 Board Meeting, Sandy Newell, Furr & Newell, presented the annual financial audit for the Pharmacy Board. There was a recommendation by the auditor that the Board change to a credit card-only operation. Staff presented a formal request to the Board to convert to a credit card-only operation. It was the consensus of the Board to move forward with the recommendation.

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 and Letters of Caution

RPh. Alfred Ray Rogers, license #07274; RPh. Travis Scott Hall, license #14682; and ProHealth Pharmacy, Inc., permit #1144 were subjects of a prehearing conference held January 16, 2012, heard by Rebecca Chater, regarding allegations of while working as pharmacist manager not being physically present for the number of hours required by the permit, permitting nurse practitioners to compound drugs, and failing to perform full and adequate reviews of all drugs dispensed. Recommendation: **Staff Issued Letter of Warning** to RPh. Rogers and **Staff Issued Letters of Caution** to RPh. Hall and permit.

Staff Issued Letters of Warning and Consent Order

RPh. Harita Ramesh Patel, license #16443; RPh. Martha Pullium Johnson, license #08430; and WakeMed Cary Hospital, permit #05371 were subjects of a prehearing conference held January 16, 2012, heard by Rebecca Chater, regarding allegations of a dispensing error. Patient ingested ten (10) times the prescribed amount of Morphine and subsequently died. Recommendation: **Consent Order of Reprimand** to RPh. Patel and **Staff Issued Letters of Warning** to RPh. Johnson and permit.

Staff Issued Letter of Warning and Consent Order

RPh. Gerald Lewis Evans, license #09481; and Advanced Home Care, Inc., permit #05113 were subjects of a prehearing conference held January 16, 2012, heard by Rebecca Chater, regarding allegations of a dispensing error where the patient received an incorrect dosage of Dobutamine for infusion. The patient was given the errant medication from October 28, 2010 to November 8, 2010, the patient was admitted to the hospital where the error was discovered and the patient subsequently died. Recommendation: **Consent Order of Reprimand** to RPh. Evans and **Staff Issued Letter of Warning** to permit.

Consent Orders

RPh. William T. Rogers, license #11028, waived right to a hearing. RPh. Rogers signed an agreement to surrender his license to practice pharmacy and agreed to never seek reinstatement. He signed similar agreement with the Alabama Board of Pharmacy.

Royal Palm Compounding Pharmacy, permit #10543 was subject of a prehearing conference held January 16, 2012, heard by Rebecca Chater, regarding allegations of shipping compounded medications into North Carolina before obtaining a NC permit. Recommendation: **Indefinite Suspension stayed ten (10) years with active thirty (30) day suspension** to permit.

RPh. Charles Douglas Austin, license #18427 was subject to a prehearing conference held January 16, 2012, heard by Rebecca Chater, regarding allegations of creating false call-in prescription for Amoxicillin and Ibuprofen for a technician working under his supervision. Recommendation: **Consent Order of Reprimand** to RPh. Austin.

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

CPP Candidates

Chipman Robert Geoffrey Stroud, License #19044
Christian Michael Shaw, License #17882
Tracie R. Rothrock-Christian, License #16081
Karen Susan Oles, License #07726

Increase in Pharmacist to Technician Ratio

- 1.) Medicap Pharmacy Claremont, Permit # 03889, John Robert Busbee RPh App. 1/11/2012
- 2.) Asheville Compounding Pharmacy Asheville, Permit # 05382, John Boff RPh App. 1/11/2012
- 3.) Walmart Pharmacy New Bern, Permit # 28562, Kelly Sasse RPh App 1/11/2012
- 4.) Walgreens Pharmacy Hendersonville, Permit # 10462, Charles Jackson Dwyer RPh App. 1/11/2012
- 5.) CVS Pharmacy Charlotte, Permit # 10861, Mark L Bailey RPh App. 1/20/2012
- 6.) Ingles Pharmacy Swannanoa, Permit # 07746, John Pacosa RPh App. 1/20/2012
- 7.) CVS Pharmacy Monroe, Permit # 10725, Adriane Waldron RPh App. 1/20/2012
- 8.) Walmart Pharmacy Aberdeen, Permit # 07935, Sidney Steven Odum RPh App. 2/1/2012
- 9.) Walmart Pharmacy Kinston, Permit # 07978, William B Hardy IV RPh App. 2/1/2012
- 10.) Target Pharmacy Gastonia, Permit # 07212, Arpit Pankaj Bhatt RPh App. 2/1/2012
- 11.) Target Pharmacy Greensboro, Permit # 09395, Christopher J Apple RPh App. 2/1/2012
- 12.) Target Pharmacy Winston-Salem, Permit # 07008, Ashley Wilder Parsons RPh App. 2/1/2012
- 13.) Target Pharmacy Charlotte, Permit # 07004, Ali Mehrizi RPh App. 2/1/2012
- 14.) Target Pharmacy Greensboro, Permit # 07451, James C Anemone RPh App 2/1/2012
- 15.) Mashburn Medical Center Pharmacy Marshall, Permit # 03008, Heather A Sams RPh App. 2/7/2012
- 16.) CVS Pharmacy Wadesboro, Permit # 10953, Jennifer Montgomery RPh App. 2/7/2012

Closed Session

On a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. Rebecca Chater recused herself from the proceedings. Open session resumed on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes. Dr. Dennis stated that Technician Cedric Essah, Registration #20112 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 Mr. Minton, seconded by Mr. Marks with no dissenting votes, the meeting adjourned at 12:15pm.

Betty Dennis, President

Gene Minton., Vice President

Rebecca Chater

J. Parker Chesson, Jr.

E. Lazelle Marks

Robert J. McLaughlin, Jr.