

President Gene Minton called the meeting to order at 9:00 am with Board Members Bill Mixon, 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, Director of Finance and Human Resources Rhonda Jones, Accounting Manager Krystal Smith, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Brent Slaughter, NC Mutual Drug; Keith Vance, Board Member Elect; Tony Mitchum, Wal-Mart; Joey Sturgeon, Silvergate Pharmaceuticals; Coy Privette, Roadrunner Pharmacy; Laura Cates, Kroger Pharmacy; Tamer Huzein, Rite Aid/ UF WPPD Program; Tori Mayer, Publix; Tim Clark, Health Innovations; Michael Allen, Batten Lee; Kaitlin Kury, Walgreens; Laura Staats, Realo/UNC; John Boulos; Kirsten Robinson, UNC/Walgreens; Norman Pham, UNC/ESOP; Stacie Mason, NCBOP; and Catherine E. Collier, 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 on Proposed Amendments to 21 NCAC 46. 2102, .2104, .2105, .2107, .2108 – Eligibility to Vote, Committee on Nominations, Nomination by Petition, Ballots: Casting and Counting, Determination of Election Results

The Board held a public hearing regarding amendments to 21 NCAC 46. 2102, .2104, .2105, .2107, .2108 – Eligibility to Vote, Committee on Nominations, Nomination by Petition, Ballots: Casting and Counting, Determination of Election Results. The amendments would move the election period from the spring to the renewal period and shorten the “apprenticeship period” for new Board members.

Board staff received one written comment regarding a grammatical change to correct the amendment language.

Mike Allen, Batten Lee, spoke during the public hearing in favor of the rule.

There were no other comments regarding the proposed amendments.

Public Hearing on Proposed Amendments to 21 NCAC 46.1505 – Examination

The Board held a public hearing regarding amendments to 21 NCAC 46.1505 – Examination. The proposed amendments would limit the number of attempts that a candidate make take the MPJE and NAPLEX exams to five (5). The amendment would also determine that a passing score would be determined by the testing organization.

Board staff received one comment regarding that amendment that five (5) attempts are too many and could eventually risk the public health and safety.

No one spoke during the public hearing on the amendments.

Public Hearing on Proposed Adoption of 21 NCAC 46.1615 – e-Profile Number Required for License, Permit, or Registration

The Board held a public hearing regarding proposed rule 21 NCAC 46.1615 – e-Profile Number Required for License, Permit, or Registration. The rule would require pharmacists, technicians, and permits to obtain e-Profile numbers from NABP and supply it to Board staff for their records.

Board staff received one written comment that was not in favor of the rule.

No one spoke during the public hearing.

Consideration of Minutes of the January 2017 Meeting Minutes

The members received the January 17, 2017 meeting minutes prior to this meeting for review. Mrs. Day noted a correction on the dates of the public hearings stated in the minutes. It was moved by Mr. Mixon, seconded by Mr. Graves, to approve the minutes with the noted corrections. The motion passed with no dissenting votes.

Consideration of Proposed Amendments to 21 NCAC 46. 2102, .2104, .2105, .2107, .2108 – Eligibility to Vote, Committee on Nominations, Nomination by Petition, Ballots: Casting and Counting, Determination of Election Results

After discussion and consideration of comments made and received on the proposed rule amendment to 21 NCAC 46. 2102, .2104, .2105, .2107, .2108 – Eligibility to Vote, Committee on Nominations, Nomination by Petition, Ballots: Casting and Counting, Determination of Election Results, on a motion from Mr. Mixon, seconded by Mr. Bowman with no dissenting votes, the Board approved the amendments with the grammatical change noted in the hearing and directed staff to send them to the Rules Review Commission.

Consideration of Proposed Amendments to 21 NCAC 46.1505 – Examination

After discussion and consideration of comments made and received on the proposed rule amendment to 21 NCAC 46.1505 – Examination, on a motion from Mr. Bowman, 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.

Consideration of Proposed Adoption of 21 NCAC 46.1615 – e-Profile Number Required for License, Permit, or Registration

After discussion and consideration of comments made and received on the proposed rule amendment to 21 NCAC 46.1615 – e-Profile Number Required for License, Permit, or Registration, on a motion from Mr. Mixon, seconded by Mr. Bowman with no dissenting votes,

the Board approved the proposed rule as written and directed staff to send it to the Rules Review Commission.

The Board adjourned for a break at 9:32am and resumed open session at 9:46am.

Request for Modification of Consent Order, Health Innovations, Permit No. 07705

RPh. Tim Clark, license #12114, appeared with Counsel Michael Allen, Batten Lee, before the Board to request modification of Health Innovations' October 2016 consent order. Health Innovations received an order of permanent suspension stayed indefinitely with conditions for violations regarding pharmacy security and inventory control. The permit entered into Memorandum of Agreement (MOA) with DEA that prohibited the pharmacy from dispensing Schedule II control substances for 3 years. A condition of the Board's October 2016 consent order stated that the permit shall comply with the conditions of the MOA and all of the Terms and Conditions in the MOA shall survive the termination of the MOA and shall continue indefinitely. No sooner than May 18, 2019 (unless the MOA is earlier terminated by the DEA), Health Innovations Pharmacy, Inc. may petition the Board for modification of the consent order.

Mr. Clark, duly sworn, stated that the DEA had amended the MOA to allow Health Innovations to dispense schedule II control substances with certain conditions. Mr. Clark also stated that the permit has made improvements in the auditing process for control substances to find any discrepancies and a recent inspection by the Board showed improvements made in securing and tracking control substances.

After presentation of evidence and testimony, on a motion from Mr. Bowman, seconded by Mr. Mixon with no dissenting votes, the Board moved into close session to deliberate the matter. When open session resumed, Mr. Minton stated that on a motion from Mr. Mixon, seconded by Mr. Bowman with no dissenting votes, the Board moved to deny the request in part. The consent order is modified to state that the pharmacy may resume dispensing schedule II medication beginning January 1, 2018 if auditing of control substances is maintained and further inspection by the Board does not find any violations.

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

Statement of Economic Interest Evaluation: Keith Vance

Board members are required to file Statements of Economic Interest (SEI) forms with the North Carolina Ethics Commission in April of each year. The commission reviews the SEI form to determine whether there is a conflict of interest or a potential conflict of interest for public service as a regulatory Board member. Board staff received a letter regarding Board Member – Elect Keith Vance's SEI form, which stated there is a potential conflict of interest in serving as a Board member by practicing in the profession that he regulates. Board members and staff discussed requirements for avoiding any actual conflict of interest that could arise as a result of Board service.

Categorization of Board of Pharmacy Rules for Statutorily Required Decennial Rule Review

North Carolina law requires each agency to undertake a periodic review of each of the rules that it has passed. At the January 2017 Board meeting, members selected Mr. Minton and Mr. Haywood to assist Board staff in initial classification of all Board rules as "unnecessary", "necessary without substantive public interest", or "necessary with substantive public interest".

Board counsel Clint Pinyan presented a list of rules with classification reviewed by Mr. Haywood, Mr. Minton, and staff for publication. After discussion, on a motion from Mr. Graves, seconded by Mr. Haywood with no dissenting votes, the Board accepted the initial classification and directed publication for comment.

Request from the North Carolina Secretary of State

The Office of North Carolina Secretary of State contacted Board staff regarding a campaign to educate consumers about the risk of purchasing prescription drugs from Internet-based sites. The campaign focused on a drug discount card program, "Save on My Meds".

After discussion, it was the consensus of the Board that endorsing a program that recommended participating pharmacies in a discount program would be outside the Board's statutory mission.

Mr. Campbell noted that the Secretary of State's office was revising the campaign focus and materials and that he would bring any revised campaign back to the members for further consideration.

Financial Report

Krystal Smith, Accounting Manager, presented the January 2017 financial report to the Board.

Since the retirement of Gail Brantley, Financial and Administrative Services Director, Mr. Campbell requested that the Board give the new Finance and Human Resource Director Rhonda Jones check signing authority for the Board.

After discussion, on a motion from Mr. Haywood, seconded by Mr. Graves with no dissenting votes, the Board approved check signing authority for Ms. Jones.

Investigations and Inspections Report

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

Designate voting delegate for NABP Annual Meeting/Apply for NABP Travel Grant

NABP will host their annual meeting May 20 -23, 2017, in Orlando, Florida. It was the consensus of the Board that Mr. Minton would be the voting delegate for the meeting with Mr.

Campbell serving as the alternate delegate. Mr. Campbell will also apply for the NABP Travel Grant for Mr. Minton.

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. Mr. Mixon stated that he would attend the meeting. Staff will apply for the travel grant for Mr. Mixon to attend the meeting.

Legislative Report

S.8 – Ease Occupational Licensing Burdens on Military Families

A proposed amendment to a state statute passed two years ago concerning the movement of military personnel and spouses into occupations in North Carolina that require a license. The amendment would: (1) eliminate an initial licensing fee for a “military-trained applicant” or “military spouse” who meets qualifications for licensure (or, in the case of a pharmacy technician, registration); (2) Mandate that a licensing board issue a temporary license (or registration) for the later of one year or the until a license (or registration) is granted.

S.16 – Amend Administrative Procedure Laws

A bill that would change the decennial rule review.

Reports to the Board

No reports were presented.

Consent Agenda

Mr. Bowman recused himself to the Walgreens technician ratio matter. It was moved by Mr. Haywood, 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

RPh. Robin A. Weiner, license #09670, was subject of a prehearing conference held November 14, 2016, heard by Mr. Haywood, regarding allegations that RPh. Wiener erroneously and unlawfully dispensed fentanyl 75mcg patches instead of prescribed fentanyl 12 mcg patches to 92 year old patient.. Recommendation: Consent Order of Reprimand.

RPh. Edward A. Leake, license #18783, was subject of a prehearing conference held February 20, 2017, heard by Ms. Day, regarding diversion of controlled substance for personal use. Mr. Leake had previously agreed to cease the practice of pharmacy until authorized by the Board. Recommendation: May resume practice of pharmacy with conditions including compliance with NCPHP contract.

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

CPP Candidates

1. Kara Elisabeth Boyssel, PharmD #20440, Wake Forest Baptist Health, Winston Salem NC
2. Allene Cook, PharmD #26273, Wake Forest Baptist Health, Winston Salem NC
3. Lisa Frazier, PharmD #23790, Mission SECU Cancer Center, Asheville NC
4. Tatjana Grgic, PharmD #19099, UNC Medical Center, Chapel Hill NC
5. Bradley Yelvington, PharmD #26206, Wake Forest Baptist Health, Winston Salem NC

Reciprocity Candidates

Candidates License by Reciprocity 1/18/2017 – 2/21/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Allison	Lee	Werner		FL	1/18/2017
Hugh	Hyojin	Rim		IL	1/18/2017
Margaret	Lee	Rand		MI	1/18/2017
Shannon	Elizabeth	Kelly		TN	1/18/2017
Brian	Patrick	McKinzie		SC	1/25/2017
Brittany	Ann	Adams		PA	1/25/2017
Kayleigh	Michelle	Kovacic		MA	1/25/2017
Casey	Sybelle	Weaver		WV	1/25/2017
Sean	Andrew	Smeltzer		AL	1/25/2017
Kevin	Alan	Zak		KS	1/25/2017
Warren	Page	McCann		VA	1/25/2017
Mark	A.	Adams		PA	1/25/2017
Linda	L.	Ross		CO	2/1/2017
Sarah	Jeannette	Masi		SC	2/1/2017
Lemuel	Bryan	Phipps		IL	2/1/2017
Yannan		Dong		NY	2/8/2017
Robert	Michael	Pienkos		OH	2/8/2017
Brenda	Gale	Turley		TX	2/8/2017
Ajay		Patel		MI	2/8/2017
Faria		Eksir		MA	2/8/2017

Candidates License by Reciprocity 1/18/2017 – 2/21/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Karl	J.	Klosowski		IL	2/8/2017
Hari Priya		Ramineni		MI	2/8/2017
Raymond	Sowah	Ashia		KY	2/8/2017
Andrea	J.	Samuels-Smith		FL	2/15/2017
Claire	Renee	Lesko		IN	2/15/2017
Sara		Ighani		GA	2/15/2017
Jamie	Glenn	Waller		VA	2/15/2017
Wesley	Alton	McConnell		GA	2/15/2017
Larry	Norman	Meek		SC	2/15/2017
Deanna	Marie	Homer		MO	2/15/2017
30					

Increase in Pharmacists to Technician Ratio

1. CVS Pharmacy #10175, Allison M. Williams/Pharmacist Manager, Nashville NC
2. CVS Pharmacy #12832, Emily Lassiter/Pharmacist Manager, New Bern NC
3. Family Pharmacy of Louisburg #10602, Jarrett W. Southall/Pharmacist Manager, Louisburg NC
4. Hot Springs Health Program-Mars Hill Medical Center #05227, Susan W. Coates/Pharmacist Manager, Mars Hill NC
5. Mast Family Drug #01735, Gayle M. Cheek/Pharmacist Manager, Henderson NC
6. Medical Park Pharmacy #11812, William L. Moore/Pharmacist Manager, Lexington NC
7. Rite Aid Pharmacy #09561, Rosemarie A. Lawrence/Pharmacist Manager, Asheboro NC
8. Rite Aid Pharmacy #09604, Mylien Truong/Pharmacist Manager, Charlotte NC
9. The Village Apothecary Inc #10400, Walter Spivey/Pharmacist Manager, Whispering Pines NC
10. Walgreens #12203, Harine Sampaio/Pharmacist Manager, Charlotte NC
11. Walgreens #12216, Marcell P. Glowiak/Pharmacist Manager, Garner NC
12. Walgreens #12451, Sean M. Anderson/Pharmacist Manager, Knightdale NC
13. Walgreens #12235, Chuc Phan/Pharmacist Manager, Morehead City NC
14. Walgreens #12457, Laura Jansen/Pharmacist Manager, Oxford NC
15. Walgreens #12367, Natasha Reed/Pharmacist Manager, Raleigh NC
16. Walgreens #12289, Rebecca Force/Pharmacist Manager, Shallotte NC
17. Walgreens #12427, Julia Rhoades/Pharmacist Manager, Troutman NC
18. Walgreens #12249, Jeremy Matney/Pharmacist Manager, Wilmington NC
19. Walmart NHM Pharmacy #11990, Angeline Demoret/Pharmacist Manager, Newport NC

Closed Session

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

Open session resumed on a motion from Mr. Bowman, seconded by Mr. Mixon with no dissenting votes. Mr. Minton stated that Technician Alicia Rickman, registration #47570, was summarily suspended.

The Board adjourned the meeting at 12:12pm on a motion from Mrs. Day, seconded by Mr. Mixon with no dissenting votes.

Gene Minton, President

L. Stan Haywood, Vice-President

Dr. Andrew Bowman

William A. Mixon

Carol Yates Day

Robert A. Graves