

President Dr. Andy Bowman called the meeting to order at 10:00 am with Board Members Robert Graves, Keith Vance, Ashley Duggins, Bill Mixon and Gene Minton present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Director of Inspections Krystal Stefanyk, Director of Finance and Human Resources Rhonda Jones, Accounting Manager JP Brown, IT Manager Antoine Pryor, Director of Licensing Missy Betz, and Director of Operations Kristin Moore. Present as visitors were: Gray Stewart, Mutual Drug; Erica “Harmstar” Harms, Publix; William Soffera, Harris Teeter Pharmacy; Carrie Neal, Carolinas Health System – Blue Ridge; Chad Cobus, Walgreens; Lisa Sartenff, Mutual Drug; John Kirtley, Arkansas Board of Pharmacy; Joey McLaughlin, Realo Drug; Jeffery Seals, UNC/ESOP; and John Kessler, Secondstory Health.

### Ethics Statement & Welcome

President Bowman 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.

### Concerns of Pharmacy Safety – Dr. Andy Bowman

Dr. Bowman spoke to the Board and visitors about the recent tragic shooting of a pharmacist and technician by a disgruntled patient at a pharmacy in North Carolina. This incident brought attention to the safety and security concerns of many pharmacists. Dr. Bowman encouraged Board members and staff to find new ways to guide pharmacists on security measures for their pharmacies.

### Consideration of Minutes of the January 2019 Meeting

The members received the January 15, 2019 meeting minutes prior to this meeting for review. It was moved by Mr. Graves, seconded by Mr. Mixon, to approve the minutes as submitted. The motion passed with no dissenting votes.

### Reciprocity Applicant Carrie Porterfield Neal – Seeking Partial Exception to Board Out-of-Practice Pre-Licensure Requirements

RPh. Carrie Neal applied to reciprocate her South Carolina license to practice pharmacy to North Carolina. Dr. Neal is actively licensed in both South Carolina and Virginia and has met continuing education requirements for both states each year; however, Dr. Neal has not practiced pharmacy since June 30, 2014.

The Board’s default policy for reciprocity candidates who have been out of practice states: A pharmacist out of practice for more than 2, but less than 5, years must obtain 500 hours of practical experience and take and pass the MPJE. A pharmacist out of practice for more than five years must obtain 1500 hours of practical experience as well as take and pass the NAPLEX and the MPJE.

Dr. Neal has obtained 240 hours of internship. She requests that the Board waive the remaining 260 hours of internship owing to her experience and qualifications. Dr. Neal spoke to the Board regarding her request of waiving the remaining hours.

On a motion from Mr. Mixon, seconded by Dr. Vance, with no dissenting votes, the Board moved into closed session to discuss the matter.

Open session resumed on a motion from Dr. Vance, seconded by Mr. Minton with no dissenting votes. Dr. Bowman stated that on a motion from Mr. Mixon, seconded by Dr. Bowman, with no dissenting votes, the Board approved Dr. Neal's request to waive the remaining hours of internship and may proceed with the licensure process. The members emphasized that their decision was based on Dr. Neal's particular background and current practice environment.

#### FDA and North Carolina Department of Agriculture Statements and Actions on CBD-Containing Products

Mr. Campbell spoke to the Board members regarding the December 2018 Farm Bill and statements and action taken by the FDA and the North Carolina Department of Agriculture regarding CBD-containing products.

The Farm Bill defined "industrial hemp" and removed industrial hemp from the definition of "marijuana" under the federal Controlled Substances Act. As a result, industrial hemp and products derived from it are not controlled substances. However, on December 20, 2018, FDA Commissioner Scott Gottlieb issued a statement reminding the regulated community that "it is unlawful under the FD&C Act to introduce food containing added CBD or THC into interstate commerce, or to market CBD or TH products as, or in, dietary supplements, regardless of whether the substances are hemp-derived. This is because both CBD and THC are active ingredients in FDA-approved drugs and were the subject of substantial clinical investigations before they were marketed as foods or dietary supplements."

In recent weeks, the North Carolina Department of Agriculture (which directly regulates industrial hemp production in North Carolina) – in response to public complaints – has begun sending out letters to businesses selling CBD-containing foods or "supplements" reminding them that the North Carolina FD&C Act is coextensive with the federal FD&C Act, and that violations of the federal act "would equally be a violation of state laws and regulations." The letter specifically states that, because CBD is the active ingredient in an FDA-approved drug, it may not be sold as a food or dietary supplement.

The members directed Mr. Campbell to publish the FDA and NCDA statements on the Board's website to educate pharmacists.

The Board adjourn for a break at 10:56am and resumed open session at 11:13am.

#### Update on 2019 License/Permit/Registration Renewals

Missy Betz, Director of Licensing, updated the Board the 2019 renewal season. Licensees, registrants, and permits may renew for 2019 up to March 1, 2019.

#### Appointment of Committee to Review Technician Certification Examination Report

At the Board's April 2018 meeting, the National Healthcareer Association requested the Board to recognize its ExCPT pharmacy technician certification examination as "equivalent" to the Pharmacy Technician Certification Board examination under G.S. 90-85.3(q3). The Board authorized staff to retain a neutral expert to gather materials from ExCPT and PTCB, and review each of the examinations. With approval from the Board, staff retained Jackie Zeeman, Pharm.D., of the UNC Eshelman School of Pharmacy. Dr. Zeeman gathered substantial documentation from both entities and has been actively engaged in producing a report for the Board.

Mr. Campbell suggested that since the report is nearing completion, that the Members appoint a committee of two or three Board members to receive and review the report, consider whether any additional investigation or comparison needs to be made, receive (if the committee deems it useful) presentations from NHA and PTCB, and recommend to the full Board whether the ExCPT examination should be deemed "equivalent" to the PTCB examination under G.S. 90-85.3(q3).

After discussion, Dr. Bowman appointed himself, Dr. Duggins, and Mr. Minton to the committee.

#### Legislative Update

Mr. Campbell updated the Board on legislative matters.

At the January 15, 2019 Board meeting, the Board approved for amendments to 21 NCAC 46.2403 and 21 NCAC 46.2502 and instructed staff to send them to the Rules Review Commission.

The amendment to 21 NCAC 46.2403 would allow registered nurses to dispense OTC smoking cessation products at health departments.

The amendments to 21 NCAC 46.2502 would allow a pharmacist to serve simultaneously as pharmacist-manager at an existing pharmacy and a newly-permitted pharmacy until the newly permitted pharmacy begins providing patient services or six months, whichever occurs sooner.

Mr. Campbell stated that the amendments have been reviewed by the RRC and will go into effect March 1, 2019.

#### Financials

JP Brown, Accounting Manager, presented the January 2019 financial report to the Board.

Investigative Statistics

Krystal Stefanyk, Director of Investigations, presented the February 2019 investigative report.

Elections for Northeastern and Central District Board Seats

Elections for the Northeastern and Central District Board seats, held by Mr. Minton and Dr. Duggins, will take place November 1, 2019 through March 1, 2020 pursuant to Rule .2107.

Information on the upcoming elections is now on the Board's website. As in previous years, Mr. Campbell and Director of Operations Kristin Moore will hold an information/Q&A session one evening in late summer/early fall in each district.

Annual SEI Filing Reminder

Mr. Campbell reminded Board members that their Statement of Economic Interest (SEI) forms are due to the State Ethics Commission by April 15, 2019.

2019 NABP Annual Meeting Travel Grant and Official Delegate Certificate

The 2019 NABP Annual Meeting will be held May 16-18, 2019 in Minneapolis, MN. After discussion it was the consensus of the Board that Mr. Minton would serve as voting delegate for the Board with Dr. Duggins serving as the alternate delegate. Mr. Campbell stated he would submit the NABP Travel Grant application on behalf of Mr. Minton as delegate.

Reports to the Board

Gray Stewart, Mutual Drug, updated the Board on Mutual Drug's partnership with Blue Cross/Blue Shield of North Carolina to supply eighty-five (85) drug take-back boxes in seventy-five (75) counties.

Consent Agenda

Dr. Bowman recused himself from the matter regarding RPh. William C. Horne, license #12171. On a motion from Dr. Bowman, seconded by Mr. Mixon, the Board approve the consent agenda as presented. The motion passed with no dissenting votes.

The following items were approved.

**Prehearing Conference**

**Staff Issues Letter of Warning**

Stanley Lab, Permit #05671, and RPh. Bernard Smith, License #12071, were subject of a prehearing conference held February 18, 2019, heard by Mr. Minton, regarding allegations that on on January 13, 2016, February 22, 2016, and April 25, 2016, regarding

losses of controlled substances and multiple allegations against the pharmacy's practices and policies for returned to stock medications, creating false prescription labels, creating false dispensing records and creating false controlled substance records and inventory records at Stanley Lab, Inc.

Pharmacist Manager Bernard Smith received two specific allegations. The first was relabeling drugs that had been transferred to and dispensed by other pharmacies with Stanley Lab's label. Second, was keeping poor controlled substance records that were insufficient to detect and to determine diversion.

After hearing all the evidence presented and based on the standards established by the Board, Mr. Minton proposed that staff issues LETTER OF WARNING RPh. Bernard Smith.

### **Staff Issued Letters of Warning and No Action**

RPh. Kristin Cathcart, License #23584, and RPh. Ben Smith, License #20124, were subjects of a prehearing conference held February 18, 2019, heard by Mr. Minton, regarding allegations that pharmacy staff dispensed VIMPAT Solution that was out of date. As a result, the patient's seizures were not kept under control.

The investigation determined that three (3) patients, including the patient from the original complaint, received VIMPAT Solution that was out of date during the period from October 1, 2016, through March 7, 2017. Furthermore, pharmacy staff were unaware of the seven (7) week expiration of VIMPAT Solution once the stock bottle is opened. The procedure for filling and dispensing the VIMPAT was to pour from the opened stock bottle into another bottle, affix a label with a one (1) year expiration date and dispense to the patient.

After hearing all relevant testimony and examining the evidence gathered by the Board Investigator, Board Member Minton recommended RPh. Cathcart receive a LETTER OF WARNING, and RPh. Smith receive a LETTER OF NO ACTION

### **Consent Orders**

RPh. William C. Horne, License #12171, was subject of a prehearing conference held January 14, 2019, heard by Mr. Graves, concerning request for reinstatement after voluntarily surrendering for substance abuse. After presentation of evidence and testimony, Mr. Graves recommended that his license be reinstated, then revoked with that revocation stayed indefinitely with conditions including 1) Not serving as PM 2) not working or volunteering in a pharmacy owned by his parents 3) Enter into a new PHP monitoring agreement 4) Not acquire ownership of any pharmacy. See attached consent order for all conditions. The proposed consent order was accepted by RPh. Horne on January 23, 2019

A copy of the consent order can be found elsewhere in the minutes and is incorporated by reference herein.

### **Reciprocity Candidates**

<b>Name</b>	<b>License Type</b>	<b>License #</b>	<b>Application Type</b>	<b>Application Complete</b>
Anthony Hildebrand Menezes	Pharmacist	28522	Reciprocity	2/20/2019
April Michelle Stafford	Pharmacist	28516	Reciprocity	2/13/2019
Bradley Paul Knight	Pharmacist	28496	Reciprocity	1/30/2019
Christina Schindler Lewin	Pharmacist	28486	Reciprocity	1/16/2019
Christy Ann Joseph	Pharmacist	28521	Reciprocity	2/20/2019
Daniel Alan Saltzman	Pharmacist	28501	Reciprocity	2/6/2019
Danielle Marie DiCicco	Pharmacist	28503	Reciprocity	2/6/2019
David Arthur Parenti	Pharmacist	28514	Reciprocity	2/13/2019
Derek T Stranton	Pharmacist	28493	Reciprocity	1/23/2019
Doaa M El Gamel	Pharmacist	28510	Reciprocity	2/13/2019
Don T Maupin	Pharmacist	28512	Reciprocity	2/13/2019
Dustin Bryant Porter	Pharmacist	28515	Reciprocity	2/13/2019
Elizabeth Yearwood	Pharmacist	28497	Reciprocity	1/30/2019
Franklin White	Pharmacist	28524	Reciprocity	2/20/2019
Franklin Yeboah	Pharmacist	28499	Reciprocity	1/30/2019
Jessica Buck Underwood	Pharmacist	28523	Reciprocity	2/20/2019
Jessica Jean Comstock	Pharmacist	28489	Reciprocity	1/16/2019
Katherine Strong	Pharmacist	28215	Reciprocity	2/13/2019
Kristyn Elizabeth Yemm	Pharmacist	28487	Reciprocity	1/16/2019
Laura Muller	Pharmacist	28498	Reciprocity	1/30/2019
Marius Maree	Pharmacist	28511	Reciprocity	2/13/2019
Melissa Kallas	Pharmacist	28490	Reciprocity	1/16/2019
Michael Clurman	Pharmacist	28495	Reciprocity	1/30/2019
Nicolas Russell DiEmma	Pharmacist	28519	Reciprocity	2/20/2019
Phyllis Gray DeFalco	Pharmacist	28488	Reciprocity	1/16/2019
Rachelle Rainforth Collins	Pharmacist	28509	Reciprocity	2/13/2019
Ralph Michael Bonofiglio	Pharmacist	28502	Reciprocity	2/6/2019
Rickey Ali Evans	Pharmacist	28520	Reciprocity	2/20/2019
Ricky Albert McMakin	Pharmacist	28513	Reciprocity	2/13/2019

Sarah Branning	Pharmacist	28492	Reciprocity	1/23/2019
William Reilly Bebell	Pharmacist	28508	Reciprocity	2/13/2019
Ying Lin	Pharmacist	28485	Reciprocity	1/16/2019
Total	32			

### **CPP Candidates**

- Heather Stroud Bowers, Approval #700182, Approval Date 02/08/2019
- MaryRussell Wagstaff Laurent, Approval #700183, Approval Date 02/08/2019

### **Increase in Pharmacists to Technician Ratio**

- Carolina Pharmacy #12639, Charlotte NC, Ashley Devianne Maharana, PM (1:4)
- Food Lion, LLC #09904, Grandy NC, Donald Keith Murdock, PM (1:4)
- Harrisburg's Hometown Pharmacy #09104, Harrisburg NC, Sherrie McDonald Everhart, PM (1:3)
- Novant Health Pharmacy #11300, Winston Salem NC, Melanie Gardner Fitzgerald, PM (1:3)
- McDowell Family Pharmacy #13222, Marion NC, Elizabeth Lytle Norton, PM (1:3)
- Medical Park Pharmacy Inc #04342, Morehead City NC, Robert Miller Williams Jr., PM (1:4)
- Medical Park Pharmacy Newport #12156, Newport NC, Kelli Nicole Selfe, PM (1:4)
- Medical Park Pharmacy Greenville #09288, Greenville NC, Stephen Anthony Wicher, PM (1:4)
- Medical Park Pharmacy East #09182, Beaufort NC, Nicki Guy Newman, PM (1:4)
- Medipack Pharmacy, LLC #08432, Winston Salem NC, Richard Jones Whitesell, PM (1:4)
- ProCompounding Pharmacy #13796, Arden NC, Nicholas Charles Nowak, PM (1:3)
- The Pavilion Pharmacy #09241, Fayetteville NC, Kristy Hall Smith, PM (1:3)
- Walgreens #12456, Mooresville NC, Rachel Mills, PM (1:4)
- Walgreens #12230, Holly Springs NC, Gina Renee Butcher, PM (1:4)
- Walgreens #13574, Charlotte NC, Peter Guy Barbera, PM (1:4)
- Walgreens #12359, Snow Hill NC, Jeremy Edward Elbert Johnson, PM (1:4)
- Wal-Mart #12068, Dallas NC, Tolulope Alokolaro, PM (1:4)
- Wal-Mart #12767, Newton NC, Courtney Anne Martin, PM (1:4)

### **Closed Session**

There were no closed session items.

The Board adjourned the meeting at 11:42am on a motion from Mr. Mixon, seconded by Dr. Duggins with no dissenting votes.

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Dr. Andrew Bowman, President

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Robert Graves, Vice-President

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Gene Minton

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William A. Mixon

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Dr. Keith Vance

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Ashley Duggins