

President Keith Vance called the meeting to order at 10:00 am with Board Members Robert Graves, Andy Bowman, Ashley Duggins, Gene Minton and Bill Mixon 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 Operations Kristin Moore, Director of Licensing Missy Betz, Investigations and Inspections Coordinator Cindy Parham, Investigators/Inspectors Kimberly Sims, Sacejewia White, and Warren Sibbett. Present as visitors were: Cameron Fetner, High Point University; Adam Moss, UNC/ESOP; Joe Pavel, American Vets Mobility & Equipment; John Rocchio, CVS Health, Jeenu Philip, Walgreens; Tim Weber, UNC/ESOP; Cody Hampton, Publix; Erica Harris, Publix; Todd Jackson, ECU; Mattie Tart, Campbell University; Cindy Gomes, Campbell University; Jacqueline Rapelye, Campbell University; Adam Chesler, Cardinal Health; Hussein Askar, UNC/ESOP; Chad Cobus, Walgreens; and Christine Davis, Cardinal Health.

Ethics Statement & Welcome

President Vance 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.

Public Hearing

Public Hearing: Proposed Adoption of 21 NCAC 46.1207, Device and Medical Equipment Committee; Proposed Amendments of 21 NCAC 46.2102 & .2104, Eligibility to Vote and Committee on Nominations; Proposed Repeal of 21 NCAC 46.2109, Device and Medical Equipment Committee Representatives

The Board published these proposed adoptions, amendments, and repeals to the rules governing the DME Subcommittee on November 19, 2019, after thorough discussion of the potential benefits to be gained (in terms of public health protection and efficient use of Board resources) from converting the DME Subcommittee from an elected body to a Board-appointed body.

The proposed adoptions, amendments, and repeals were published for the requisite period of time under the North Carolina Administrative Procedures Act. Board staff received no written comments on the proposed adoptions, amendments, and repeals.

President Vance opened the public hearing for comments. After providing appropriate opportunity for anyone in attendance to provide comments and receiving none, President Vance declared the hearing closed.

Consideration of Minutes of the January Board Meeting

The members received the January 21, 2020 meeting minutes prior to this meeting for review. It was moved by Mr. Mixon, seconded by Mr. Graves, to approve the minutes as submitted. The motion passed with no dissenting votes.

Potential Amendments to Section .2000 of the Board Rules

President Vance recognized Board counsel Clint Pinyan to discuss a number of proposed amendments to Board rules codified at 21 NCAC chapter 46, Section .2000. These rules govern the procedures employed by the Board and Board staff to conduct administrative hearings.

Mr. Pinyan noted that the Board's hearing rules have not been substantively amended in quite some time. The proposed amendments seek to accomplish the following: (1) Ensure that Board hearing rules are not inconsistent in any respect with the North Carolina Administrative Procedures Act; (2) Ensure that Board hearing rules accurately reflect Board practices; (3) Avoid provisions in the rules that merely repeat substantive legal standards contained in the Administrative Procedures Act; (4) Clarify and simplify certain procedural steps to reduce potential confusion for all parties; (5) Improve efficiency in the hearing process.

Mr. Pinyan discussed the various proposed amendments. Mr. Mixon asked for clarification of proposed amendments to 21 NCAC 46.2011. Mr. Minton complimented Mr. Pinyan's work, saying it was well done and concise. Mr. Campbell thanked Mr. Pinyan for excellent work.

Mr. Minton motioned to publish the proposed amendments for notice and comment. Mr. Graves seconded. The motion passed unanimously.

Proposed Statement Concerning PA and NP Prescriptions

The North Carolina Medical Board has a set of rules that apply to prescribing by Nurse Practitioners and by Physician Assistants.

Among other things, those provisions speak to the presence of information concerning an NP or PA's supervising physician on the face of a prescription:

Physician Assistant Prescribing Authority, 21 NCAC 32S.0212(5)(c), "Each prescription issued by the physician assistant contains, in addition to other information required by law, the following: . . . the authorizing supervising physician's, either primary or back-up, name

and telephone number.”

Nurse Practitioner Prescribing Authority, 21 NCAC 32M.0109(5)(A), “All prescriptions issued by the nurse practitioner shall contain the supervising physician’s name”

Board staff have received a number of inquiries from pharmacists confused as to what effect, if any, the absence of an NPs or PAs supervising physician name and/or phone number has on the validity of a prescription.

Board staff discussed this issue with North Carolina Medical Board staff and North Carolina Board of Nursing staff. As a result of those discussions, Board staff recommend that the Board of Pharmacy issue a statement encompassing the following: These Medical Board rules-based obligations are imposed on a PA or NP for purposes of Medical Board supervision of those practitioners. The absence of a supervising physician’s name (and telephone number in the case of a PA) does not render a prescription invalid, “illegal”, or otherwise ineligible for dispensing under the North Carolina Food Drug and Cosmetic Act or the North Carolina Pharmacy Practice Act. These statutes set forth requirements for a valid prescription under North Carolina law – and neither requires supervising physician information for PAs and NPs. Accordingly, if the Medical Board wishes to take action against a PA or NP who fails to include this information on a prescription, that is the Medical Board’s prerogative. But, again, its presence or absence does not affect the legal validity of a prescription written by a PA or NP.

It was the consensus of the Board that staff develop and publish a statement reflecting these points.

Financials

JP Brown, Accounting Manager, presented the January 2020 financial report to the Board. The NC Professionals Health Program will be at the May Board meeting to update the Board on the L. Stanley Haywood Recovery Fund.

Investigative Statistics

Krystal Stefanyk, Director of Inspections, presented the January 2020 investigative report.

Permit License//Registration Renewal Update

Missy Betz, Director of Licensing, updated the Board the 2019 on renewal season, saying at this point 95% of pharmacists and 79% of technicians have renewed, as well as 96% of

pharmacies. These numbers track historic data. Licensing staff have noted no significant deviations in renewal rates.

Board Election Update

Board elections for the Northeastern and Central District seats remain underway and conclude March 1, 2020. Director of Operations Kristin Moore reminded Board members of a March 2, 2 pm, Board meeting by telephone to review the results of the election and certify them.

Director Moore and Mr. Campbell discussed run-off election scenarios, should a run-off election be necessary.

The Board recessed for a fifteen-minute break.

Consideration of Rulemaking

Proposed Adoption of 21 NCAC 46.1207, Device and Medical Equipment Committee; Proposed Amendments of 21 NCAC 46.2102 & .2104, Eligibility to Vote and Committee on Nominations; Proposed Repeal of 21 NCAC 46.2109, Device and Medical Equipment Committee Representatives.

The members further discussed the proposed adoptions, amendments, and repeals of these rules. Mr. Mixon moved to adopt the adoptions, amendments, and repeals as published. Mr. Graves seconded. The motion passed unanimously.

2020 Board Member Retreat Planning

The 2020 Board Member Retreat will be held at the Carolina Inn in Chapel Hill. On Monday, July 20, the members will convene for required ethics training, , required statutory training, and board staff presentations. On Tuesday, July 21, the Board will convene its regular business meeting, to be followed by discussion and action on retreat topics.

Statements of Economic Interest Due April 15, 2020

Staff reminded Board members that annual statements of economic interest are due to the Ethics Commission by April 15, 2020.

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	FirstName	Last Name	License Type	Licensed Date
29363	Audra	Hecker	Pharmacist	1/23/2020
29365	Brad	Petersen	Pharmacist	1/23/2020
29362	Kristen	Egert	Pharmacist	1/23/2020
29364	Amie	Mizell	Pharmacist	1/23/2020
29369	Nicklas	Armellino	Pharmacist	1/30/2020
29373	Jacob	Potts	Pharmacist	1/30/2020
29374	Kristen	Roche	Pharmacist	1/30/2020
29371	Denise	Klinker	Pharmacist	1/30/2020
29375	Jacquelyn	Rossi	Pharmacist	1/30/2020
29376	Tauseef	Salim	Pharmacist	1/30/2020
29372	Keisha	Moye	Pharmacist	1/30/2020
29370	Helen	Cheong Xiao	Pharmacist	1/30/2020
29383	Kathryn	Petersen	Pharmacist	2/6/2020
29228	Erik	Berg	Pharmacist	2/6/2020

29380	Jojo	Entsuh	Pharmacist	2/6/2020
29381	Ashim	Ghosh	Pharmacist	2/6/2020
29384	Gail	Smith	Pharmacist	2/6/2020
29382	Raymond	Nash	Pharmacist	2/6/2020
29390	Carl	Ndangoh	Pharmacist	2/13/2020
29389	Margaret	McNamara	Pharmacist	2/13/2020
29391	Lauren	Thomas	Pharmacist	2/13/2020
29392	Erin	Williams	Pharmacist	2/13/2020
29388	Sarah	Anderson	Pharmacist	2/13/2020

CPP Candidates

License Number	FirstName	Last Name	Licensed Date
700237	Daniel	Wolverton	1/31/2020
700236	Marina	Snellings	1/31/2020
700235	Sarah	Russell	1/31/2020
700234	Leah	Edenfield	1/31/2020
700238	Catherine	Travis	2/4/2020
700239	Amber	Yopp	2/14/2020

Increase in Pharmacists to Technician Ratio

Permit Number	Permit Type	ProcessType	Status	Complete Date
12694	Harris Teeter	PT Ratio Change 1:3	Complete	2/13/2020
12135	Wal-Mart	PT Ratio Change 1:4	Complete	2/4/2020
07913	Wal-Mart	PT Ratio Change 1:4	Complete	1/30/2020
12231	Walgreens	PT Ratio Change 1:4	Complete	1/30/2020
12524	Wal-Mart	PT Ratio Change 1:4	Complete	2/12/2020
14050	Mast Long Term Care	PT Ratio Change 1:3	Complete	1/27/2020
13558	Walgreens	PT Ratio Change 1:3	Complete	2/3/2020
10454	CVS	PT Ratio Change 1:4	Complete	2/4/2020
04631	HealthSmart	PT Ratio Change 1:4	Complete	2/5/2020
10151	Village Pharmacy	PT Ratio Change 1:3	Complete	2/12/2020
09392	Sam's Club	PT Ratio Change 1:4	Complete	1/27/2020
09021	WEB Pharmacy	PT Ratio Change 1:3	Complete	2/5/2020
12100	Wal-Mart	PT Ratio Change 1:4	Complete	2/17/2020

Closed Session

On a motion from Mr. Graves, seconded by Dr. Vance 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. Graves with no dissenting votes. Dr. Vance stated that the Board summary suspended technician registrations held by Tracy Holcombe (#44029), Tia Sloan (#45744), Brandan Brown (#45349), and Leslie Maynard (#60251).

On a motion from Mr. Graves, seconded by Mr. Mixon with no dissenting votes, the Board adjourned the meeting at 11:50 am.

Dr. Keith Vance, President

Gene Minton

William A. Mixon

Robert Graves

Dr. Andy Bowman

Dr. Ashley Duggins