

President Robert J. McLaughlin called the meeting to order at 9:00 am with Board Members Carol Yates Day, Dr. Parker Chesson, Lazelle Marks, 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 Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial Services Director Gail Brantley. Present as visitors were: Valanda Nelson, NCPRN; Heidi Barefoot, Target; Tom Readling, Mutual Drug; David Moody, Mutual Drug; Jenna Huggins, Mutual Drug; David Catalano, Walgreens; Brenda Shafer, Quarles & Brady; Brent Slaughter, Mutual Drug; Tom Murry, RNA Pharmacy; Jason Southworth, Carolina Behavioral Care; Rick Chapman, RNA Pharmacy; Mark Baum, Imprimis; Joe Bitterman, Imprimis/Pharmacy Creations; Lauren Berton, CVS Health; Stephen J. Fu, Walgreens Infusion Services; Steven Puritz, Walgreens Infusion Services; Amanda Griffith, Campbell; and Stacie Mason, NCBOP.

Ethics Statement & Welcome

President McLaughlin 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.

Minutes of February 2015 Board Meeting

The members received the February 17, 2015 meeting minutes prior to this meeting for review. It was moved by Dr. Chesson, seconded by Mr. Minton, to accept the minutes as submitted. The motion passed with no dissenting votes.

Discussion of Remote Provision of Pharmacy Services in Clinics – Jason Southworth and Tom Murry

Jason Southworth, Carolina Behavioral Care, and Tom Murry, RNA Pharmacy, appeared before the Board to discuss telepharmacy matters and developing a telepharmacy practice at their respective clinics.

After discussion, it was the consensus of the Board to table the matter and invite Mr. Southworth and Mr. Murry to develop a specific telepharmacy proposal for the Board to review.

Legislative Update

Mr. Campbell updated the Board on several legislative issues:

S.197 –amends the North Carolina Pharmacy Practice Act to allow for substitution of interchangeable biosimilars and directs the dispensing pharmacist to communicate to the prescriber that a substitution has been made.

After discussion, it was the consensus of the Board to direct Mr. Campbell to reach out to the sponsors of the bill for more clarification.

Draft Bill Concerning Epinephrine Auto Injectors – The proposed bill would authorize “entity” prescriptions for epinephrine auto injectors.

S.154 –restates that pharmacists may dispense an opioid antagonist prescribed under the terms of the Good Samaritan Act and explicitly grants immunity from civil or criminal liability to pharmacists who dispense an opioid antagonist in compliance with the Good Samaritan Act.

After discussion, it was the consensus of the Board to direct Mr. Campbell to reach out to the sponsors of the bill for more information.

S.118 – proposed to create naturopathic medicine practice act and licensing board. It would also form an advisory council that would advise on naturopathic medicine which would include one pharmacist appointed by the North Carolina Association of Pharmacists.

H.165 – would strengthen monitoring of controlled substances by requiring various agencies to adopt the Medical Board’s policy for the use of opiates for the treatment of pain. The Pharmacy Board is not included in these agencies. It would also require occupational licensing boards to require continuing education on the abuse of controlled substances for condition of renewal. The Pharmacy Board is not included in these licensing boards. The bill requires the Department of Health and Human Services to establish a connection with the PMP InterConnect - which is currently in progress - and creates a Prescription Drug Abuse Advisory Committee at DHHS in which Associate Executive Director Ellen Vick is already participating.

S.234 – This bill would require manufacturers place a generic drug’s Orange Book equivalency rating on the label.

The meeting adjourned for a short break at 10:49am and resumed open session at 11:05am.

Discussion of Potential Amendments to 21 NCAC 46.1801 to Harmonize With North Carolina Medical Board Statement on Telemedicine

Mr. Campbell, Mrs. Vick, and Mr. McLaughlin met with the Medical Board to discuss issues regarding telemedicine. Mr. Campbell presented a draft of a proposed amendment to 21 NCAC 46.1801- Right to Refuse a Prescription – intended to harmonize the rule with the Medical Board’s position on telemedicine.

After discussion, it was the consensus of the Board to table the matter for further discussion before a decision is made on the proposed rule change.

Report on Federal Trade Commission v. North Carolina Dental Board Supreme Court Decision

Board counsel Clint Pinyan updated the Board on the recent Supreme Court decision regarding the Federal Trade Commission (FTC) suit against the North Carolina Dental Board. The Supreme Court, in a six (6) to three (3) decision, affirmed the FTC decision that the Dental Board had violated the FTC Act by sending cease and desist orders to businesses that perform teeth whitening services. The Supreme Court decision stated that in order for Board to be immune from antitrust laws there needs to be “active state supervision” of a licensing Board whose members practice in the profession that they are regulating.

Reports to the Board

Mike James, NC Mutual, updated the Board on various legislative issues.

Fred Eckel, Executive Director Emeritus, updated the Board on various issues at the North Carolina Association of Pharmacists (NCAP).

Team F.O.C.U.S Proposal for the Board's Investigations/Inspections Department

Director of Investigations/Inspections Joshua Kohler, presented a proposed plan for reorganization of the Board's Investigations/Inspections department. Currently Board staff has divided the state into nine (9) districts with one investigator/inspector assigned to each district. Each investigator/inspector is responsible for the investigations and inspections in their district. Because of the changes in inspection policy made last year and to increase job efficiency, staff recommends dividing the state into five (5) districts with each district having a two (2) person team consisting of one investigator and one inspector. This plan would require the hiring of two (2) additional investigation/inspection staff members.

After the presentation and discussion by Board members, on a motion from Dr. Chesson, seconded by Mr. Marks with no dissenting votes, the Board approved the reorganization plan and hiring two (2) additional investigation/inspection staff.

Discussion of the Food and Drug Administration's Draft Memorandum of Understanding with States for the Regulation of "Inordinate" Interstate Distribution of Compounded Human Drugs

The Food and Drug Administration (FDA) has published a proposed Memorandum of Understanding (MOU) regarding the interstate distribution of compounded drugs for comment. Staff has questions regarding the FDA calculations regarding interstate shipping of compounded medications and the obligations of field staff if the Board entered into the MOU. Mr. Campbell and Mrs. Vick will attend a FDA panel discussion on the MOU and will have further information at the April 2015 Board meeting.

Dr. Chesson left the meeting at 2:00pm.

Board of Pharmacy Southeastern District Election Update – Candidates/Deadlines/Procedure

The Board will hold the election for the Southeastern District Board seat, presently held by Mr. McLaughlin, April 15, 2015 – May 15, 2015. Mr. McLaughlin is currently completing his second five-year term with the Board and is not eligible to run. The nomination deadline was March 15, 2015 and the following pharmacists have submitted the required petitions to be placed on the ballot:

Ashley Abode
Lisa Ashworth
Andy Bowman
Jennifer Buxton

Henry Herring
Mark Lyons

Report on License/Permit/Registration Renewals for 2015

Director of Licensing Debbie Stump presented a report on the 2015 renewals for permits, registrants, and licensees.

Election for Rehabilitation Technology Supplier for DME Sub-Committee – June 1-30, 2015

The election for rehabilitation technology supplier for the DME Sub-committee will run June 1-30, 2015. Mr. Dressen, who currently holds the seat, will run for re-election. No other nominations have been received by staff. The nomination period is open until April 1, 2015.

Financial Report

Gail Brantley, Financial Services Director, presented the February 2015 financial report to the Board.

Investigative/Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the March 2015 investigative report

Statements of Economic Interest Must be Filed with the North Carolina Ethics Commission by April 15, 2015

Mr. Campbell reminded Board Members that their Statement of Economic Interest must be filed with the Ethics Commission by April 15th.

NABP Annual Meeting – May 16-19, 2015, New Orleans, LA – Registration Open

National Association of Boards of Pharmacy will hold their annual meeting May 16-19, 2015 in New Orleans. Mr. Campbell stated that registration for the meeting is now open. If any Board member needs assistance with registration, please contact Board staff.

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. Mixon, seconded by Mrs. Day to approve the consent agenda as presented. The motion carried with no dissenting votes. The following items were approved.

Prehearing Conference

Staff Issues Letters of Warning, No Action and Consent Order

RPh. Elizabeth Johnson, license #06264; RPh. Crystal Mayfield, license #18246; technician Jessica Kornegay, registration #35789, and CVS Pharmacy, permit #10797 were subjects of a prehearing conference held January 19, 2015, heard by Mr. McLaughlin, regarding allegations that on February 10, 2014, while serving as staff pharmacist at CVS Pharmacy, RPh. Johnson dispensed a patient Oxycodone IR 20mg instead of Oxycodone ER 20mg. The investigation found a lack of supervision by pharmacist manager Mayfield including not counseling or notifying technicians when an error occurred, not counseling or notifying RPh. Elizabeth Johnson when an error occurred, no reporting the error regarding patient Christopher Floyd, and various pharmacy records not being maintained. Recommendation: a **Consent Order of Reprimand** to RPh. Johnson; **Staff issued Letter of Warning** to RPh. Mayfield; and **Staff issued Letters of No Action** to Technician Kornegay and the permit.

Consent Orders

RPh. David H. Whatton, license #22141; RPh. Solo S. Minton, license #05027; RPh. Benjamin Michalove, license #22551; and RPh. Louis Michalove, license #10515 were subjects of a prehearing conference was held January 19, 2015, heard by Mr. McLaughlin, regarding allegation that at which times Mr. Whatton, Mr. Minton, Mr. B. Michalove, and Mr. L. Michalove were pharmacist managers at Aeroflow pharmacy, permit #11050, the pharmacy shipped medication to states where the pharmacy did not hold an out-of-state permit. They failed to keep adequate records of dispensing and failed to exercise adequate supervision of technicians. Recommendation: **Consent Order or Reprimand** to RPh. Whatton, RPh. Minton, RPh. B. Michalove, and RPh. L. Michalove

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

Increase in Pharmacists to Technician Ratio

1. CVS Pharmacy #10442, Hope Mills NC, Lisa Salyer PM(Pending), Approved 03/09/2015
2. CVS Pharmacy #10963, Knightdale NC, Michael Tangeman PM, Approved 03/09/2015
3. Novant Health Pharmacy Rowan Medical Center #10024, Salisbury NC, Timothy Williams PM, Approved 03/09/2015
4. Walmart Pharmacy #11423, Red Springs NC, Michael Schmidt PM, Approved 03/09/2015

CPP Candidates

RPh. Nikita Daniell Stephens, License #22464

Reciprocity Candidates

Candidates Licensed by Reciprocity 3/18/2015					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Bethany	Shey	O'Neal		FL	3/18/2015
Tessa	Marie	Allen		NY	3/18/2015

Candidates Licensed by Reciprocity 3/18/2015					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
David	Matthew	Amtower		WV	3/18/2015
Jasmine	Eve	Armada		FL	3/18/2015
Andrew	Mark	Auvil		SC	3/18/2015
Zainab		Bakhtyari		MA	3/18/2015
Terril	David	Beall		AR	3/18/2015
Stella		Bichekas		MA	3/18/2015
Puja		Bhalodi		CT	3/18/2015
Amos	Donald	Brown		TN	3/18/2015
Joslyn	R.	Brown		NE	3/18/2015
Chris	A.	Brummett		AR	3/18/2015
Jennifer	Lynn	Buchwalter		OH	3/18/2015
Rhoshona	Andrea	Carroll		TX	3/18/2015
Andrew	Von	Cassell		SC	3/18/2015
Howard	Thomas	Crenshaw		MS	3/18/2015
Ronald	James	Crowe		GA	3/18/2015
Regina	M.	Cuddeback		AZ	3/18/2015
Debra	Jean	Cunningham		TX	3/18/2015
Gary		Cyran		NY	3/18/2015
Michael	Daniel	DiLullo		OH	3/18/2015
Pegah		Golmirzaie		AR	3/18/2015
Angela	Marie	Hagenburg		RI	3/18/2015
Haidy	Raafat	Hanna		FL	3/18/2015
Leslie	Marie	Harnish		PA	3/18/2015
Paula	Rudel	Hooper		TX	3/18/2015
Erica	Lynn	Jenkins		OH	3/18/2015
Meghann	Kathleen	Jokela-Thompson		MD	3/18/2015
Race	Alan	Land	Jr.	FL	3/18/2015
Lesli	Anne	Lavery		MI	3/18/2015
Victoria	Anne	Kenworthy		IN	3/18/2015
Elisa		Macklin		PA	3/18/2015
Cathy	Lynn	Magee		AR	3/18/2015
Barbara	K.	Mart		NE	3/18/2015
Mary	Alice	Miller		CT	3/18/2015
Vijeev		Menon		KS	3/18/2015
Shehab		Morcos		NJ	3/18/2015
Dan	Vu	Nguyen		NV	3/18/2015
Angela	Renee	Pace		VA	3/18/2015
Minesh		Patel		FL	3/18/2015

Candidates Licensed by Reciprocity 3/18/2015					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Rachel	Suzanne	Pittman		TX	3/18/2015
Jessica	Ann	Gunduz		FL	3/18/2015
Venkata	Ratna Prasad	Pothula		NH	3/18/2015
Abhijit	Vitthal	Purohit		MI	3/18/2015
Jennifer	Strader	Rawley		FL	3/18/2015
Jessica	Renee	Richardson		TX	3/18/2015
Michael	William	Schultheis		VA	3/18/2015
Carlette	Stephens	Seng		AR	3/18/2015
Caitlin	Palker	Shannon		SC	3/18/2015
Sheri	Ann	Stegman		OH	3/18/2015
Melanie	Hough	Stevens		TX	3/18/2015
Evan	Douglas	Snow		SC	3/18/2015
Christina	McQuaide	Thompson		WV	3/18/2015
Cecilia	Oluchi	Ugwu		TX	3/18/2015
Joshua	Bela	Veres		SC	3/18/2015
Heather	Hurley	Wade		MO	3/18/2015
Melanie	Rabo	Wall		AZ	3/18/2015
Stephanie	Nicole	Washington		PA	3/18/2015
Megan	Gross	White		SC	3/18/2015
Stephanie	Boyd	White		SC	3/18/2015
Dallas	Kay	Wilson		OH	3/18/2015
John	Sterling	Wininger		MI	3/18/2015
Lorie	June	Woodall		IN	3/18/2015

Closed Session

On a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. Open session resumed on a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes. Mr. McLaughlin stated that technician Elizabeth Rose Bombaro, registration #38656, 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. Marks, seconded by Mr. Minton with no dissenting votes, the meeting adjourned at 2:26pm.

Robert J. McLaughlin, Jr, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Gene Minton

Carol Yates Day

William A. Mixon