

President Bill Mixon called the meeting to order at 9:00 am with Board Members Gene Minton, L. Stan Haywood, Carol Yates Day, Robert A. Graves, and Robert J. McLaughlin present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Josh Kohler, Director of Operations Kristin Moore, Associate Director of Investigations Krystal Brashears, and Director of Licensing Deborah Stump. Present as visitors were: Andy Bowman, Campell Univ./NCBOP; Brent Slaughter, NC Mutual Drug; Joe Jordan, NCPHP; Logan Graddy, NCPHP; David Catalano, Walgreens; David Moody, Mutual Drug; Bryan Huffstetter, UNC/ESOP; Emily Ghassemi, Campbell Univ.; Juhin Patel, UNC/ESOP; Greg McKettrick; RPh. Donald Thomas; Jordan Tryhubenko, Campbell Univ.; Lauren Lurt, Campbell Univ.; Amanda May, UNC/ESOP; Reid Gunn, Campbell Univ.; Toni Currin, Campbell Univ.; Trusha Dhahani, Campbell Univ.; Rachel LaBianca, UNC/ESOP; Jonathan Wall, Campbell Univ.; John Toles, UNC; and Stacie Mason, NCBOP.

Ethics Statement & Welcome

President Mixon 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 2016 Board Meeting

The members received the February 16, 2016 conference call meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin, seconded by Mrs. Day, to accept the minutes as submitted. The motion passed with no dissenting votes.

Request for Modification of Reinstatement Order – RPh. Ryan Mills, License #19259

RPh. Ryan Mills, License #19259, appeared before the Board to request modification of a 2001 reinstatement order by lifting the restriction on his serving as a pharmacist manager. Mr. Mills, duly sworn, stated that he successfully completed his treatment and monitoring agreement North Carolina Pharmacy Recover Network (NCPRN) and North Carolina Physicians Health Program (NCPHP) and his reasons for requesting the modification. Logan Graddy, NCPHP, duly sworn, testified that NCPHP supports lifting the restriction on serving as a pharmacist manager.

On a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board approved lifting the restriction on serving as a pharmacist manager.

A copy of the Modification of Order Reinstating License can be found elsewhere in the minutes and is incorporated by reference herein.

Petition for Reinstatement of License – RPh. Greg McKettrick, License #14565

RPh. Greg McKettrick, license #14565, appeared before the Board to request reinstatement of his pharmacist license. Mr. McKettrick voluntarily surrendered his license April 2, 2014 after diverting controlled substances for personal use. Mr. McKettrick, duly sworn, testified on his substance abuse treatment and his reasons for seeking reinstatement of his license. Mr. Gaddy, NCPHP, duly sworn, testified that NCPHP supports reinstatement of Mr. McKettrick's pharmacist license with conditions.

On a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board moved into close session to deliberate the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Minton with no dissenting votes. Mr. Mixon stated that on a three (3) to two (2) split vote, the Board would grant reinstatement of Mr. McKettrick's pharmacist license with conditions.

A copy of the Order Reinstating License with Conditions can be found elsewhere in the Minutes and is incorporated by reference herein.

Evaluation of Insurance Coverages for the Board and Board Members

Michael Story and Amelia Bernstein at Sentinel Risk Advisors presented a complete review of the various insurance coverages held by the Board. Mr. Story recommended that the Board switch all of its existing coverages, which would realize at least a 5% cost savings to the Board. Sentinel Risk Advisors also recommended that the Board obtain Cyber Liability coverage, Management Liability (D&O) coverage at five million dollars, and Professional Liability (E&O) coverage that would protect the Board and its members from potential negligence cases beyond what the State Tort Claims Act would supply.

After discussion, on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board moved to approve the recommendations made by Sentinel Risk Advisors. The Board directed staff to manage the process.

Petition for Action on Application for Licensure by Examination – Donald Thomas

RPh. Donald Wayne Thomas appeared before the Board after petitioning for action on his application for licensure by examination. Mr. Thomas was licensed by the Texas Board of Pharmacy in November 2010. He submitted a North Carolina application for licensure by examination in September 2015. Board staff contacted Mr. Thomas to inquire why he, being a licensed pharmacist, did not reciprocate his Texas license. Mr. Thomas stated that he would submit a North Carolina reciprocity application. Instead, in December 2015, Mr. Thomas submitted another North Carolina application for licensure by examination. Subsequently, Board staff discovered that Mr. Thomas had been disciplined by the Texas Board of Pharmacy in 2010 and had a pending order from of discipline against his Texas license.

On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board moved to deny his application for licensure by examination and he may not re-apply until his Texas pharmacist license is no longer under probationary status or other disciplinary action.

A copy of the Order Denying Licensure Application can be found elsewhere in the minutes and is incorporated by reference herein.

Update on Creation of On-Line CSRS Training Module for North Carolina Pharmacists

At the June 2015 meeting, the Board authorized staff to enter into an agreement with the UNC Eshelman School of Pharmacy to develop and make available to pharmacists a CE module to educate pharmacists on the best use of the NC Controlled Substance Reporting System (CSRS).The

CE module (<https://learn.pharmacy.unc.edu/csrs/>) was finalized and went live the first week in March.

Reports to the Board

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on the new emersion curriculum at the school.

The Board adjourned for lunch at 12:20pm and resumed open session at 1:28pm.

Request for Input on Draft Legislation Allowing the State Health Director to Issue a Statewide Standing Order for Naloxone

In 2013, the General Assembly passed a statute allowing prescribing of naloxone, including by standing order. It can still be difficult for some pharmacies to obtain a standing order. The North Carolina Department of Health and Human Services (DHHS) with help from the State Health Director would like an amendment to the “Good Samaritan” Act to allow the State Health Director to issue a statewide standing order for naloxone that any pharmacy could use to dispense naloxone. Mr. Campbell presented the proposed draft language to the Board for their comments.

After discussion, it was the consensus of the Board to support the proposed draft language.

Further Discussion of Potential Draft Legislation Allowing the Board of Pharmacy to Contract with Third-Party Vendors to Conduct Criminal Background Checks

At the January 2016 Board meeting, it was the consensus of the Board that staff draft proposed language amendment to the Pharmacy Practice Act to allow the Board to contract with private third-party vendors for criminal background check services. Mr. Campbell presented a proposed draft for Board member consideration.

After discussion, on a motion from Mr. Graves, seconded by Mr. McLaughlin with no dissenting votes, the Board directed staff to finalize the draft and explore means of getting the legislation introduced.

Status of Election for Northern and Western District Board Member Seats

The Northern and Western District Board member seats are scheduled for election this spring. Candidates who wished to stand for election must have submitted a petition with ten (10) active in-state pharmacist signatures by March 10, 2016.

There are five candidates for the Western District Seat:

Bill Mixon, License #7723 (Catawba County – Up for re-election)
Tim Gentilcore, License #19256 (Buncombe County)
FC “Chip” Etier, License #18061 (Haywood County)
Cathy Huie, License # 13958 (Wilkes County)
David Landers, License # 11268 (Madison County)

There are three (3) candidates for the Northern District Seat:

Cecil Davis, License #11737 (Forsyth County)
Haywood Rhodes, License #20380 (Orange County)
Keith Vance, License # 1641 (Forsyth County)

Update on Follow-Up by the Office of State Auditor

Mr. Campbell updated the Board on the follow-up visit of the State Auditor. He stated the meetings are going smoothly and the staff is providing the auditors with requested information and documents.

Update on Joint Legislative Administrative Procedure Oversight Committee Review of Occupational Licensing Boards

Mr. Campbell updated the Board on the Joint Legislative Administrative Procedure Oversight Committee Review on Occupational Licensing Boards. Mr. Campbell stated that the committee is still reviewing the Boards and has not made any recommendations to date.

Update on Working Group to Coordinate G.S. 90-85.25 Waivers in Time of Emergency

N.C.G.S. § 90-85.25 authorizes the Board to “waive the requirements of [the Pharmacy Practice Act] to permit the provision of drugs, devices, and professional services to the public” when “the Governor of the State of North Carolina has declared a disaster or when the Governor has declared a state of emergency, or in the event of an occurrence for which a county or municipality has developed an ordinance to deal with states of emergency . . . or to protect the public health, safety or welfare of its citizens.” The idea of the “standing order” is to avoid any delay in implementing emergency action because of an impossibility or difficulty of convening a quorum of the Board. At the January 2016, Amanda Moore, North Carolina Public Health and Response, came before the Board to request consideration of forming a small working group to explore creation and best use of emergency waiver orders in a variety of circumstances. It was the consensus of the Board to form a working group with Mr. Haywood and Mr. Graves participating.

Mr. Campbell stated that the group is currently working with Mrs. Moore on emergency waivers.

FDA’s Pharmacy Compounding Advisory Committee Update – Mr. Mixon

Mr. Mixon presented a PowerPoint presentation to update the Board on the FDA’s Pharmacy Compounding Advisory Committee.

Proposed Amendments to 21 NCAC 46.3101

On March 14, 2015, the Board held a public hearing on proposed amendments to 21 NCAC 46.3101 - Clinical Pharmacist Practitioner to amend the rule to transfer the responsibility for the CPP application administration process to the Board of Pharmacy. The rule amendment would also allow CPP’s who are supervised by multiple physicians to designate a single physician as the

“principal” physicians for purposes of review and consultation on written orders by the CPP and to adjust the required weekly face-to-face consultation between CPP and their supervising physician to a schedule that matched the requirement for nurse practitioners. Mr. Campbell stated that two (2) people attend the public hearing but had no comments. Staff received three (3) written comments that were in favor of the amendments.

After discussion, on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the amendments as written and directed staff to send them to the Rules Review Commission.

ACPE Invitation for On-site Evaluation State Board Observer

High Point University School of Pharmacy has requested the Accreditation Council for Pharmacy Education (ACPE) to revisit the school May 3-5, 2016. They have asked if a member of the Board would like to attend also. Mr. Haywood stated that he attended the first visit and is available to attend again. Mr. Mixon stated that he would stand in if Mr. Haywood is unavailable.

Attendance at Second Annual Occupational Licensing Board “Best Practice” Seminar

The North Carolina State Bar will host the Second Annual Occupational Licensing Board Best Practice Seminar on April 12, 2016. Mr. Campbell stated that he would attend the meeting and asked if any of the Board members would like to attend. After discussion, Mr. Mixon stated that he would attend the meeting with Mr. Campbell.

Update on 2016 Renewals – Debbie Stump

Debbie Stump, Director of Licensing, presented an a report on the 2016 renewal statistics.

Financial Report

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

Investigative/Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the March 2016 investigative report.

Mr. Kohler presented a PowerPoint presentation on the investigation case process to Board members.

Consent Agenda

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

Prehearing Conference

Consent Order

Avita Drug, LLC, was subject of a prehearing conference held March 14, 2016, heard by Mr. McLaughlin, regarding allegations the while applying for an out-of-state pharmacy permit, Avita Drug disclosed that one of its owners, Jerry Purcell, was charged with unlawful possession of a controlled substance and entered into a deferred adjudication agreement. Recommendation: **Final Consent Order** to approve the permit application with conditions.

Increase in Pharmacists to Technician Ratio

1. Bowman Drug Company Inc #07081, Conover NC, Joshua J. Waters/Pharmacist Manager
2. CVS Health #10430, Charlotte NC, Kristine Selzer/Pharmacist Manager
3. CVS Health #10718, Hickory NC, Alicia E. Edsall/Pharmacist Manager
4. CVS Pharmacy #12827, Knightdale NC, Kyra L. Walgos/Pharmacist Manager
5. CVS Pharmacy #10953, Wadesboro NC, James R. Kermes Jr./Pharmacist Manager
6. Eastover Drug #10486, Eastover NC, Jonathan Walker/Pharmacist Manager
7. Harris Teeter Pharmacy #11901, Chapel Hill NC, Chad Auten/Pharmacist Manager
8. Liberty Family Pharmacy #11548, Liberty NC, Michael Koch/Pharmacist Manager
9. Omnicare of Charlotte #12792, Charlotte NC, Amber Brendle/Pharmacist Manager
10. Therapeutic Solutions Home Infusion #12651, Greenville NC, Amanda Wooten/Pharmacist Manager
11. Walgreens #12345, Burgaw NC, David Downing/Pharmacist Manager
12. Walgreens #12346, Carthage NC, Marshall Sweat/Pharmacist Manager
13. Walgreens #12429, Wake Forest NC, Eric Seidel/Pharmacist Manager
14. Walmart Neighborhood Market #12528, Greenville NC, Allison Turkovich/Pharmacist Manager
15. Walmart #12688, Hickory NC, Beverly G. Taylor/Pharmacist Manager
16. Walmart Neighborhood Market Pharmacy #11818, New Bern NC, Claudia O'Malley/Pharmacist Manager

CPP Candidates

1. Kathryn Elizabeth Hauenstein, PharmD #25440, Family Medicine, Arden NC
2. William Nathaniel Rodger, PharmD #21161, Long Term Acute Care Hospital, Asheville NC
3. Theresa Marie Stehmer, PharmD #23652, Ambulatory Oncology Clinic, Durham NC
4. Cathy Allen Teat, PharmD #14948, Primary Care, Salisbury NC
5. Jamie Warren, PharmD #21800, Novant Health Infectious Disease Specialists of Salisbury, Salisbury NC
6. Michael Glenn Williams, PharmD #11064, Interdisciplinary Pain Management Clinic, Womack Army Medical Center, Ft Bragg NC

Reciprocity Candidates

Candidates License by Reciprocity 2/17/2016 – 3/15/2016					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
John	Thomas	Guthrie	II	TN	2/17/2016
Christopher	L.	Ventolo		NJ	2/17/2016
Hong-Nhu	Thi	Le		TX	2/17/2016
Janet		Arrazcaeta		FL	2/17/2016
Katherine	Marie	Lurk		MO	2/17/2016
Karl	S.	Valentine		WV	2/24/2016
Gary	Holder	Matthews	Jr.	WV	2/24/2016
Lauren	Emma	Harvey		VA	2/24/2016
Jennifer	Rene	Stickney		IL	2/24/2016
Sherri	Lynne	Usko		PA	2/24/2016
Pafoua	Julie	Lee		CA	2/24/2016
Ashley	Nicole	Zivony		OR	2/24/2016
Nikul	R.	Panchal		IL	3/2/2016
Phong	T.	Pham		NY	3/2/2016
Shakema	Danay	Poulson		VA	3/2/2016
David	Kamakakihealani	Burchett		WA	3/2/2016
Giao	Van	Nguyen		NH	3/2/2016
Stacey	S.	Lisi		OH	3/2/2016
Katrina	S.	Dirkes		TN	3/2/2016
Shi		Ha		MD	3/2/2016
Julie	Adams	Owen		KY	3/2/2016
Ananya	Hiten	Amin		MO	3/2/2016
Andrea	Noel	Hasselbacher		CT	3/9/2016
Everett-Jackson	Thorne	Young		SC	3/9/2016
24					

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

Closed Session

On a motion from Mr. Graves, seconded by Mr. Haywood with no dissenting votes, the Board moved into closed session to discuss a litigation matter.

Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Graves with no dissenting votes. Mr. Mixon stated that on a motion from Mr. McLaughlin, seconded by Mr.

Graves with no dissenting votes, the Board will begin legal proceedings against Wyandotte Drug, located in Michigan, seeking an injunction against shipping medications into North Carolina without an out-of-state pharmacy permit.

On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board adjourned the meeting at 3:02pm.

William A. Mixon, President

Carol Yates Day, Vice-President

Robert J. McLaughlin, Jr.

Gene Minton

L. Stan Haywood

Robert A. Graves