

President Dr. Betty Dennis called the meeting to order at 9:15 am with Board Members Robert J. McLaughlin Jr., Dr. Parker Chesson, Rebecca Chater, and Gene Minton present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Karen Matthew, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Bill Mixon, NCBOP Board Member-Elect; Carol Day, NCBOP Board Member-Elect; Mary Christine Parks, NCPRN; Cindy Clark, NCPRN; Tom Readling, NC Mutual; David Moody, Mutual Drug; Christine Davis, Cardinal Health; David Catalano, Walgreens; April Sloan, Target; Al Carter, Walgreens; Michael Simko, Walgreens; Greg Davis, Student; Kim Best; Colin Ward, BCBSNC; Irene Park, Student; Robert Gianforaro, UNC; David Henderson, NCMB; Danny Seavers, Kerr Drug; Chris Evans, BCBSNC; Daniel Auburn, NCRMA; Tarra Palyok, Walgreens; Dawn Annas, Campbell Univ.; Karen Hammond, CVS; Kelly Nicholson, UNC; and Steve Dedrick, UNC.

Ethics Statement & Welcome

President Dennis read the Ethics Statement regarding any conflicts of interest and/or appearances of conflicts of interest of any Board member. Dr. Dennis recused herself from the matter of the proposed telemedicine joint venture among UNC Health Care, BCBSNC, and Walgreens. No other conflicts were noted by any Board member.

President Dennis welcomed all visitors to the meeting.

Minutes of the April 2012 Board Meetings

The members received the March 20, 2012 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Mr. Minton to accept the Minutes as submitted. The motion passed with no dissenting votes.

Appointment of Board Member to the CPP Advisory Committee

At the March 20, 2012, the Board approved a proposal where staff would make recommendations for members of the CPP Advisory Committee. Mr. Campbell stated that the CPP Advisory Committee has now been assembled, but still requires a Board representative. It was the consensus of the Board that Carol Day Yates serve as Board representative on the committee.

DEA Action Against Florida Pharmacies

There has been continual press coverage in recent weeks about DEA action against pharmacies in Florida that are filling illegal prescription from fraudulent pain clinics and should have reasonable knowledge that the prescriptions are invalid. DEA is going as far as revoking DEA registrations. There is a good chance that this trend by the DEA to investigate pharmacies knowingly filling fraudulent prescriptions will move nationally.

Recognition of Pharmacists Continuously License in North Carolina for 60+ Years

In the April 2012 newsletter, the Board recognized pharmacists who have been continually licensed in North Carolina for sixty years. Staff is currently working on a recognition certificate to present to these pharmacists.

Sponsorship of Attorney General Prescriptions Drug Abuse Conference May 29, 2012

Several state licensing Board, including the Board of Pharmacy, are joint sponsors of the Attorney General Prescription Drug Abuse Conference to be held May 29, 2012. Board staff will publicize the event to pharmacists.

Update on Implementation of Controlled Substance ID Statute

Staff has continued to receive questions regarding the S.L. 2011-349, Photo Identification Prior to Dispensing Certain Controlled Substances. Staff is aware of ongoing practical problems engendered by the statute and is continually updating the website FAQ on the statute.

DEA Drug Take-Back Day, April 28, 2012

The DEA is hosting a Drug Take-Back Day, which will take place on Saturday, April 28, 2012, from 10 AM to 2 PM, providing consumers in every state with a safe means for the disposal of unwanted, unused prescription medications. Authorized DEA take-back sites are coordinated with local law enforcement agencies so that prescription controlled substances may be accepted for disposal.

Pharmacy Leaders Forum Call For Topics

The Pharmacy Leaders' Forum has been scheduled for Friday, September 28, 2011 at the Proximity Hotel, Greensboro, NC. Mr. Campbell requested that Board members send topic and invitation suggestions to staff.

Photographer – June 2012 Board Meeting

A photographer will take pictures of the new Board members and the new Board at the June 19, 2012 Board meeting.

Investigative Statistics

Director of Investigations Karen Matthew presented the investigative statistics for April 2012.

Financials

Gail Brantley, Financial and Administrative Services Director, presented the March 2012 financial statistics to the Board.

The Board adjourned for a break at 9:45am and resumed open session at 10:00am.

Lazelle Marks arrived at the meeting at 9:50am.

Discussion of Proposed Telemedicine Joint Venture Among UNC Health Care, NCBCBS, and Walgreens

Al Carter and Mike Simko, Walgreens, presented a petition to the Board to amend 21 NCAC 46 .1801, Right to Refuse a Prescription, to allow for the filling and refilling of non-controlled substance prescriptions generated by telemedicine encounters. The current rule prevents a pharmacist from filling a prescription issued without a physical exam.

After discussion, it was the consensus of the Board that staff communicate with the Medical Board, Nursing Board, Dental Board, North Carolina Division of Medical Assistance, and the DEA to get their views on the proposed rule amendment.

Further Discussion of Board Policy Regarding Multiple Re-Takes of NAPLEX and MPJE

At the March 20, 2012 Board meeting, Mr. Campbell asked the Board if it wishes to consider a policy concerning candidates who request to take licensure exams multiple times. NC Board of Pharmacy rules do not limit the number of times a candidate may take a licensure exam. After discussion, it was the consensus of the Board to consider a policy change concerning multiple retakes of licensing exams at the April 2012 Board meeting. Mr. Campbell stated that after discussion with Board counsel, a rule change instead of a policy change would be more appropriate.

After discussion, it was the consensus of the Board that Mr. Campbell contact the schools of pharmacy to look into the feasibility of a remediation course for pharmacists who fail licensure exams multiple times, collect information on practices by other North Carolina licensing boards and other state boards of pharmacy, and consult with testing experts. The Board will revisit the matter at a later date.

Open Mike

The April 17, 2012 Board meeting was the last Board meeting where Dr. Betty Dennis and Mrs. Rebecca Chater would serve as Board members. Newly elected Board member Mrs. Carol Yates Day and Mr. William Mixon will take their places on the Board at the May 2012 meeting. Mr. Campbell thanked Dr. Dennis and Mrs. Chater for ten years of dedicated service to the Board and North Carolinians.

Dr. Dennis and Mrs. Chater stated that it has been a privilege to serve on the Board and thanked the Board members and staff for their support over the last ten years.

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on current news from the school including admissions and the new assistant dean for pharmacy practice partnerships Phil Rogers.

Consent Agenda

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

Prehearing Conference

Staff Issues Letter of No Action, Caution, and Warning

RPh. Kathy Lois Doub, license #08722; RPh. Jonnie Elizabeth Hildreth, license #07354; RPh. Kevin Thomas Mahoney, license #19149; RPh. Michael Nnadi, license #18481; RPh. Laurie Ann Sense, license #16660; and Presbyterian Hospital Pharmacy, permit #00932 were subjects of a prehearing conference held March 19, 2012, heard by Dr. Dennis, regarding allegations of a dispensing error where the patient received 100 times the prescribed amount of Hydromorphone. Recommendation: **Staff Issues Letters of No Action** to RPh. Doub, RPh. Hildreth, RPh. Mahoney, RPh. Nnadi; **Staff Issues a Letter of Warning** to RPh. Sense; and **Staff Issues a Letter of Caution** to permit.

Staff Issues a Letter of Warning with Error Reduction Course and Staff Issues Letters of Caution

RPh. Donna Kay Gibson, license #08412; RPh. Carla Dean Kennedy, license #07777; and Iredell Memorial Hospital, Inc. Pharmacy, permit #02410 were subjects of a prehearing conference held March 19, 2012, heard by Dr. Dennis, regarding allegations of a dispensing error where RPh. Gibson erroneously and improperly dispensed Midamor 5mg instead of Midodrine 5mg on September 17, 2010. The patient received the incorrect medication until October 6, 2010. Recommendation: **Staff Issues a Letter of Warning with Error Reduction Course** to RPh. Gibson and **Staff Issues Letters of Caution** to RPh. Kennedy and permit.

Increase in Pharmacist to Technician Ratio

- 1.) Kerr Drug Sparta Permit # 06888, Pamela Hoppers RPh, App. 3/15/2012
- 2.) A1 Pharmacy & Surgical Supply Lexington Permit # 09317, Ravin R Shah RPh, App. 3/15/2012
- 3.) CVS Pharmacy Raleigh Permit # 10064, Adria Denny RPh, App. 3/15/2012
- 4.) Kerr Drug Roseboro Permit # 06846, Lisa Smith RPh, App. 3/15/2012
- 5.) CVS Pharmacy Matthews Permit # 09272, Michael E Cauthen RPh, App. 3/15/2012
- 6.) Walmart Pharmacy Washington Permit # 08021, Sri Prasad Doddapaneni RPh, App. 3/15/2012
- 7.) Walgreens Lexington Permit # 10463, Sharon Kay Eubank-Zavaleta RPh, App. 3/15/2012
- 8.) Walmart Hendersonville Permit # 07970, Michael Kanetzke RPh, App. 3/15/2012
- 9.) CVS-Caremark Sylva Permit # 10864, Terry Heatherington RPh, App. 4/13/2012
- 10.) Walmart Pharmacy Henderson Permit # 07969, Arpan Desai RPh, App. 4/3/2012
- 11.) CVS-Caremark Locust Permit # 10859, George Anthony RPh, App. 4/3/2012
- 12.) Kerr Drug Fuquay Varina Permit # 06506, Beverly H Lingerfeldt RPh, App. 4/3/2012
- 13.) CVS Pharmacy Fletcher Permit # 10762, Constance S Driskell RPh, App. 4/3/2012
- 14.) CVS Pharmacy Brevard Permit# 10758, Clyde J Duvall RPh, App 4/3/2011
- 15.) CVS Pharmacy Weaverville Permit # 10947, Susan Coates RPh, App. 4/3/2012
- 16.) Central Carolina Pharmaceutical Services Asheboro Permit # 08473, Frank Edmondson RPh, App. 4/3/2012
- 17.) CVS Pharmacy Charlotte Permit # 09481, Nina Malhotra RPh, App. 4/3/2012
- 18.) Walmart Pharmacy High Point Permit # 10153, Kellie A Manss RPh, App. 4/3/2012

There being no further business, the meeting adjourned at 11:00am.

Gene Minton

Robert J. McLaughlin, Jr.

J. Parker Chesson, Jr.

E. Lazelle Marks

Carol Yates Day

William A. Mixon