

President Robert J. McLaughlin called the meeting to order at 9:00 am with Board Members Carol Yates Day, Dr. Parker Chesson, Gene Minton, and Bill Mixon present. Lazelle Mark was absent due to illness. Also present were 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; David Moody, Mutual Drug; Christine Davis, Cardinal Health; Joe Cabaleiro, ACHC; Maria Jamal, Walgreens; David Catalano, Walgreens; Jose' Domingas, ACHC; Kirsten Cooper, Pharmacy Student Ohio; Jeremy Johnson, Pharmacy Student; Carolyn Sorah, Pharmacist NC State Vet Hospital; Josh Rason, UNC/ESOP; Chris Triscan, Univ. of Findlay, Ohio; Scott Harrell, Campbell Univ.; Jennifer Niles, NCPRN; Al Carter, CVS Health; John Rocchio, CVS Health; Dwain Wilkerson, Davis Drug; Nick Headley, Mutual/ACP; Zach Ross, Student; Ronnie Willard, Walmart; Robert Graves, Public Member; Stan Haywood, Elected Board Member; Wendy Watson, NCBOP; 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 March 21, 2015 Board Meeting and March 24, 2015 Conference Call

The members received the March 21, 2015 meeting minutes and the March 24, 2015 conference call minutes prior to this meeting for review. It was moved by Mr. Minton, seconded by Dr. Chesson to accept the minutes as submitted. The motion passed with no dissenting votes.

#### Welcome to Robert A. Graves, Public Member of the Board Effective May 1, 2015

Mr. Campbell introduced Mr. Robert Graves as the new public member of the Board appointed by the Governor. He will begin serving as public member at the May 2015 Board meeting.

Mr. Graves will assume Dr. Parker Chesson's seat on the Board. Dr. Chesson has served as the public member for ten (10) years. Mr. Campbell and staff thanked Dr. Chesson for his dedicated service to the Board and the citizens of North Carolina.

#### Request for Reinstatement and Disciplinary Hearing, James Cowart, License #09387

RPh. James Cowart, license #09387, accompanied by his attorney Kyle Knutt, appeared before the Board for a disciplinary hearing and to request reinstatement of his pharmacist license. Mr. Cowart voluntarily surrendered his license November 27, 2013.

The Board adjourned for a break at 10:40am and resumed open session at 11:00am

The Board adjourned for lunch at 12:05pm and resumed open session 1:00pm.

After presentation of evidence and testimony, on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved into close session to deliberate the matter. Open session resumed on a motion from Mr. Mixon, seconded by Mr. Minton with no dissenting

votes. Mr. McLaughlin stated that on motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to reinstate Mr. Cowart's pharmacist license. Once reinstated, his license is suspended for one (1) year with conditions.

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

#### Petition for Review of Pharmacy Permit Application – Davis Drug

Dwain Davis Wilkerson, owner and pharmacist-in-charge of Davis Drug located in Carrollton Virginia, appeared before the Board to petition for an out-of-state permit for Davis Drug. Mr. Mixon recused himself from the matter. Dr. Wilkerson applied for an out-of-state permit in July 2014 but the permit was denied when he did not disclose discipline by the Virginia Board of Pharmacy on the Pharmacy Service Affidavit. Dr. Wilkerson blamed the error on LicenseLogix which he hired for assistance in submitting out-of-state pharmacy permit application. He resubmitted an application in October 2014, with the help of LicenseLogix, but did not disclose deficiencies in a Virginia Board inspection. Again Mr. Wilkerson attributed the mistake to LicenseLogix.

After discussion and presentation of evidence, on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to deny Davis Drug's permit application and may reapply no earlier than 90 days from the date of the order.

A copy of the Order Denying Permit Application can be found elsewhere in the Minutes and are incorporated by reference herein.

#### Board Nomination(s) to the Medical Care Advisory Committee (MCAC)

North Carolina Department of Health and Human Services Division of Medical Assistance is seeking nominations for membership on the Medical Care Advisory Committee (MCAC). After discussion, it was the consensus of the Board to recommend Mrs. Day for membership.

#### Report on the Food and Drug Administration's Intergovernmental Meeting, March 18 – 19, 2015

Mr. Campbell and Mrs. Vick attended a panel discussion on the Memorandum of Understanding (MOU) proposed by the Food and Drug Administration (FDA) regarding the interstate distribution of compounded drugs. Staff continues to have questions regarding the FDA calculations regarding interstate shipping of compounded medications and the obligations of field staff if the Board entered into the MOU.

#### Legislative Update

Mr. Campbell updated the Board on several legislative issues:

S.190 – Allows Early Refills for Topical Ophthalmic Products. Mr. Campbell sent a letter to the bill's sponsors stating that rule .1802 currently allows a pharmacist to advance refills when clinically appropriate.

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.

S.609 – Mandatory use of Controlled Substance Reporting System would impose criminal penalties for prescribers and dispensers who do not review CSRS for a patient for a period of twelve months before dispensing.

S.557 – Creates Pharmacy/DME permit exceptions for home renal products that would exempt pharmacies and DME's from the requirement to have a permit for locations that dispense products for home renal dialysis inside and outside the state.

S.361 – Directs the Legislative Research Commission to conduct a study on occupational licensing boards similar to the one conducted by PED.

S.469 – Among other requirements, it directs licensing boards to submit their annual report to a list of specific entities.

S.165/S.317 – Requires DME's permitted in North Carolina to hold at least one permit within the state or within 40 miles of the state border.

H.647 – Would allow health care providers to prescribe and pharmacists to dispense an epinephrine auto-injector to child-serving entities.

Mr. Minton left the meeting at 3:53pm.

#### Rulemaking in Progress

A public hearing will be held May 12, 2015 on amendments to 21 NCAC 46.3301, regarding registration of technicians serving in a free clinic. The Board has received one comment supporting the amendments.

Amendments to 21 NCAC 46.1801, Right to Refuse a Prescription, concerns amendments to harmonize Board rules on telemedicine with the Medical Board's position. The Board has received no comments on the proposed amendments.

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

The election for the Southeastern District Board seat, presently held by Mr. McLaughlin, is currently in progress and will run through May 15, 2015. Mr. McLaughlin is currently completing his second five-year term with the Board and is not eligible to run.

#### Report on Commissioning of Stan Haywood and Re-Commissioning of Gene Minton

Mr. Campbell stated that the Governor's office has not commissioned Mr. Stan Haywood as the Board representative of the Central District or re-commissioned Mr. Gene Minton as the Board

representative of the Northeastern District. Once the Governor has done so, Mr. Haywood and Mr. Minton may assume their seats on the Board.

Report on Pharmacy and DME Permit Renewals for 2015 – Wendy Watson

Permitting Specialist Wendy Watson presented a report on the 2015 renewals for pharmacy and DME permit.

Financial Report and Request for Modification of FY 2014-2015 Budget for Additional Field Inspector Vehicle Purchase

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

On a motion from Dr. Chesson, seconded by Mrs. Day with no dissenting votes, the Board approved a modification to the fiscal year 2014-2015 budget to purchase an additional vehicle for investigation/inspection department because of the extensive cost of repairs to an existing vehicle.

Investigative/Inspections Report

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

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

Mr. Campbell reminded Board members that the National Association of Boards of Pharmacy will hold their annual meeting May 16-19, 2015 in New Orleans.

Board Officer Election at May 12, 2015 Meeting

Mr. Campbell reminded Board member that selection for Board President, Vice-President, Finance Committee, and DME Sub-committee will need to be conducted at the May 2015 Board meeting.

Reports to the Board

No one spoke during the Reports to the Board agenda item.

Consent Agenda

Mr. McLaughlin recused himself from the consent agenda items. 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**

RPh. Noel Paul, license #12237, and Realo Drug, permit #07032, were subject of a prehearing conference held March 16, 2015 heard by Dr. Parker Chesson, regarding allegations that sometime between July 7, 2014, and July 23, 2014, pharmacy staff dispensed seventeen (17) tablets of Seroquel (Quetiapine) 300mg instead of the prescribed medication of Trileptal (Oxcarbazepine) 300mg. Patient ingested seven (7) tablets of the incorrect medication and experienced the side effects of lethargy, swollen tongue, headache, and reflux. The investigation revealed that RPh. Paul dispensed one hundred and thirty-three (133) of the one hundred and fifty (150) prescribed tablets of Oxcarbazepine 300mg, the correct medication, on July 7, 2014. Patient was owed seventeen (17) dosage units, and sometime between July 7, 2014, and July 23, 2014, she was provided that amount of Seroquel (Quetiapine) 300mg in error. She ingested seven (7) dosage units of Seroquel and incurred the aforementioned side effects, and was ultimately taken to the hospital. Recommendation: Letter of Warning to RPh. Paul and the permit.

**Consent Order**

Technician Ryan Bullock, Registration #31960, was subject of a prehearing conference held January 19, 2015, heard by Mr. McLaughlin, regarding allegations that that while serving as Aeroflow Director of Operation, Chief Operating Officer, and technician, Tech. Bullock allowed other technicians to be present in the pharmacy without a pharmacist present and provided technicians keys to the pharmacy. This occurred even after being warned that this was a violation by Board investigator. Recommendation: Consent Order of Revocation of Tech. Bullock`s registration.

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

**Increase in Pharmacists to Technician Ratio**

1. CVS Pharmacy Permit #10322, Charlotte NC/ Pharmacist Manager - Zachary Workman
2. Cannon Pharmacy at Ebenezer Rd Permit #09998, Kannapolis NC/Pharmacist Manager - Timothy Morley
3. King`s Pharmacy Permit #11595, Murphy NC/Pharmacist Manager - John Hyer
4. Walgreens Pharmacy Permit #12262, Elizabeth City NC/Pharmacist Manager - Kacey Weatherly
5. Walgreens Pharmacy Permit #12361, Warrenton NC/Pharmacist Manager - Jarrett Barnett
6. Walmart Pharmacy Permit #11537, Huntersville NC/Pharmacist Manager - Thomas Redmond
7. Walmart Pharmacy Permit #11862, Hampstead NC/Pharmacist Manager - Judith Paliotti
8. Walmart Pharmacy Permit #11818, New Bern NC/Pharmacist Manger - Claudia O`Malley
9. Walmart Pharmacy Permit #12082, Winterville NC/Pharmacist Manager - Bethany Bonner.

**CPP Candidates**

RPH Lucas Wind, License # 23285 - UNC Chapel Hill Division of Hematology/Oncology

**Closed Session**

On a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. Open session resumed on a motion from Dr. Chesson, seconded by Mrs. Day with no dissenting votes. Mr. McLaughlin stated that out-of-state pharmacy permit for Westbury Pharmacy, permit #11343, 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 4:24pm.

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Robert J. McLaughlin, Jr, President

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E. Lazelle Marks, Vice-President

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J. Parker Chesson, Jr.

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Gene Minton

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Carol Yates Day

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William A. Mixon