

President Gene Minton called the meeting to order at 9:00 am with Board Members Bill Mixon, Stan Haywood, Carol Yates Day, Robert Graves, and Andy Bowman present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Associate Director of Investigations Krystal Stefanyk, Director of Finance and Human Resources Rhonda Jones, Accounting Manager Krystal Smith, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Brent Slaughter, NC Mutual Drug; Keith Vance, Board Member Elect; Joey McLaughlin, Realo Drugs; Caroline Miller, Realo Drugs; Cindy Clark, NCPHP; Coy Privette, Roadrunner Pharmacy; Laura Cates, Kroger Pharmacy; Tori Mayer, Publix; Tony Mitchum, Wal-Mart; Michael Oblen, Astores; Han Lin, Campbell University; Ethan Mentors; Campbell Univ.; Dustin Maybin, Campbell Univ.; and Rami Wellelevel, Wal-Mart.

### Ethics Statement & Welcome

President Minton 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.

### Consideration of Minutes of the March 2017 Meeting Minutes

The members received the March 20, 2017 meeting minutes prior to this meeting for review. It was moved by Mr. Bowman, seconded by Mr. Mixon, to approve the minutes as presented. The motion passed with no dissenting votes.

### Discussion of NABP's VPP Blueprint Program – Josh Bolin NABP Associate Director

At the November 15, 2016 Board meeting, Associate Executive Director Ellen Vick and Associate Director of Investigations and Inspection Krystal Brashears Stefanyk spoke to the Board regarding the possibility of the Board entering into an agreement with National Association of Board of Pharmacy (NABP) to participate in the VPP Blueprint Program.

There are certain requirements to participate in the program including inspecting high, low, and medium risk sterile compounding facilities that ship into other states every 18 months. At the March 20, 2017 meeting, it was the consensus of the Board to have a representative from the NABP VPP Blueprint Program come to the April 2017 Board meeting to speak about the program.

Josh Bolin, Associate Executive Director of NABP, discussed the program. After the presentation, the Board members thanked Mr. Bolin for providing information about the program and will take the matter under advisement.

### Congratulations to Carol Yates Day on Her Retirement from the Board

Mr. Minton stated that this was the last meeting that Mrs. Day would attend as a Board member. Mr. Minton thanked Mrs. Day for her service to the Board and the citizens of North Carolina. Mrs. Day thanked Board Members, staff, and counsel.

The Board will hold a retirement dinner for Mrs. Day on May 15, 2017.

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

### Legislative Update

#### S.175/H.243, Strengthen Opioid Misuse Prevention (STOP) Act

This bill is a mixture of various provisions intended to improve North Carolina's response to the opioid abuse public health crisis. A new version of the bill passed the house on April 10, 2017.

Board members directed Mr. Campbell at the March 2017 meeting to contact the authors of the bill to clarify how a pharmacist would determine if a starter prescription is for "acute pain" or "post-operative pain". Mr. Campbell stated that the bill now provides that a dispenser "shall be immune from any civil or criminal liability or disciplinary action from the Board of Pharmacy for dispensing a prescription written by a prescriber in violation of [the restrictions on prescribing for "acute pain" or "post-operative acute pain."]

The bill also states that limitations on prescribing are now limited to a "targeted controlled substance," which is a subset of Schedule II controlled substances (opiates only) and Schedule III controlled substances (certain combination opiate products).

#### S.104, Require Criminal Background Check/Pharmacist Licensure

This bill is the Board's request for authority to use third-party vendors to conduct on-line criminal background check for license applicants.

#### S.464, Increase Oversight of OLBs

This bill is identical to previous H.142 discussed in March.

#### S.196, Veterinary Practice Omnibus

This bill deals mostly with farriers (clarifying that horseshoeing is not the practice of veterinary medicine). It also orders the Veterinary Division of the Department of Agriculture and Consumer Services to study veterinary pharmaceutical compounding. The Division is instructed to "consult" with the Board of Pharmacy and the Veterinary Medical Board. The Division would report any findings and recommendations to JLAPO Committee in March 2018.

#### H.701, Occupational Licensing Injunctive Relief

This bill, filed April 10, specifically provides that occupational licensing boards may appear in their own name in superior court to obtain injunctive relief to restrain a violation of the provisions of a practice act the occupational licensing board administers. It would also eliminate the ability to employ summary suspensions by occupational licensing boards.

#### S.407, Employee Misclassification Reform

This bill would require “every State occupational licensing board” to include on all applications for license, permit, or certification that the applicant certify that he/she/it has read and understands a public statement about the appropriate classification of employees for tax purposes and disclosure of any investigations for employee misclassification. Failure to certify or disclose would require denial of the application.

#### S.524, Department of Revenue Registration Act

This bill would require, among others, all occupational licensing boards to “file a registration statement with the Secretary [of the Department of Revenue].”

#### H.689, Occupational Licensing Turnaround Time

This bill would direct the Program Evaluation Division to “study the average length of time between the deadline to apply for licensure and the granting of licensure to qualified applicants.”

#### Rulemaking Update

Mr. Campbell stated that the election, e-Profile, and license amendments are scheduled to go before the Rules Review Commission on April 20, 2017.

#### Financial Report

Krystal Smith, Accounting Manager, presented the March 2017 financial report to the Board.

#### Investigations and Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the April 2017 investigative report.

#### Further Discussion on Board Retreat Planning

Mr. Campbell presented an agenda for the 2017 Board Retreat to be held in Pinehurst, NC. Mr. Campbell requested Board member send any additional discussion items for the retreat to him.

Reminder of NABP Annual Meeting, May 20-23, 2017, Orlando, FL

Mr. Campbell reminded the Board that NABP will hold their annual meeting in Orlando, Florida, May 20 – 23, 2017.

Reminder of NABP District III Meeting, August 6-8, 2017, Louisville, KY

The 2017 NABP District III meeting will be held August 6-8, 2017 in Louisville, Kentucky, at the Seelbach Hotel. The registration for the meeting is scheduled to go out at the end of May 2017.

Annual Election of Officers and Appointment of Committees at the May 2017 Meeting

Mr. Campbell reminded Board members that the annual election for Board officers and appointment of committees would occur at the May 15, 2017 Board meeting.

Reports to the Board

Cindy Clark, NCPHP, updated the Board on the number of clients currently enrolled in the program.

Consent Agenda

Dr. Bowman recused himself from the Walgreens technician ratio matter.

It was moved by Mr. Haywood, seconded by Mr. Mixon with no dissenting votes to approve the consent agenda items. The motion carried with no dissenting votes. The following items were approved.

**Prehearing Conference**

**Staff Issued Letters of Warning**

RPh. Ronda Cingolani, license #22236, and Walgreens, permit #12308, were subjects of a prehearing conference held March 20, 2017, heard by Mr. Graves, regarding allegations that RPh. Cingolani improperly dispensed lyophilized vancomycin powder without any diluent for reconstitution, needles, or tubing instead of the prescribed “vancomycin 1000mg IV piggyback q 12hr for 42 days”, Qty: 84 doses. Moreover, she did not provide the patient with appropriate directions for administration. During an inspection of the pharmacy on May 20, 2014, by Board staff, numerous violations were cited most notably with compounding procedures. Recommendation: **Staff Issued Letters of Warning** to RPh. Cingolani and permit.

### **Staff Issues Letters of Warning**

Technician Michelle Clark, registration #47757, was subject of a prehearing conference held March 20, 2017, heard by Mr. Graves, regarding allegations that while Technician Clark was employed at Birmingham Drug, she accessed the complainant's record on the NC Controlled Substance Reporting System (CSRS) multiple times without their authorization. The investigation determined that between April 21, 2015, and June 20, 2016, on nine (9) occasions, Technician Clark illegally accessed or attempted to access the NCCSRS record of the complainant for other reasons than providing pharmaceutical care for them, as they were not having controlled substance prescriptions filled at the subject pharmacy. Recommendation: **Staff Issued Letter of Warning** to Technician Clark.

### **Staff Issued Letters of Warning and Consent Orders**

RPh. Deborah Townsend, license #13973; RPh. G. Bryan Blalock, license #12534; RPh. Jessica Creech, license #21182; Technician Pauline Dennis, registration #01972; and Wake Forest Drug, permit #08830 were subject of a prehearing conference held March 20, 2017, heard by Mr. Graves, regarding allegations that A patient alleged that they received a sample bottle of Diltiazem 2% following an appointment at Saleeby & Wessels Proctology on March 10, 2015, to take home until the prescription was filled. The label indicated the medication was compounded at Wake Forest Drug, Inc.; however, the pharmacy is not a 503(b) facility.

The investigation determined that the parties listed above were involved in compounding and dispensing the Diltiazem to the physician's office to be given to patients as a "sample", when it could not be legally dispensed as a sample. Moreover, no labels or records were created as required by law. In addition to the Diltiazem, the investigation determined they took part in compounding a mixture of phenol and olive oil that was sold and dispensed to the same physician's office for "office use". The compound was injected into patients, thus it had to be made as a sterile compound; however, no precautions were taken to prepare the compound as a sterile product. Lastly, Nifedipine was compounded, sold and dispensed to the physician's office for "office use" rather than being compounded and dispensed to individual patients.

Recommendation: **CONSENT ORDER** suspending RPh. Townsend's license 1 year stayed with an active 2 week suspension, **CONSENT ORDER** suspending permit for 1 week stayed 1 year and **LETTERS OF WARNING** be issued to RPh. Blalock, RPh. Creech, and Tech. Dennis.

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

### **CPP Candidates**

- Autumn Lee Mittleider, PharmD #23731, Senior Health Services, 101 Robeson Street, Fayetteville NC
- Meghan Chandler Owen, PharmD #22625, New Hanover Regional Medical Center, 2131 S. 17<sup>th</sup> Street, Wilmington NC
- Nora Kathryn Talley, PharmD #26728, UNC Hospitals Pain Management Center, 410 Market St #362, Chapel Hill
- Rachel Marie Thomas, PharmD #22833, New Hanover Regional Medical Center, 2131 S.17<sup>th</sup> Street, Wilmington NC

### **Reciprocity Candidates**

#### **Candidates License by Reciprocity 3/21/2017 – 4/18/2017**

<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Amy	Perez	Poole		IN	3/22/2017
Justin	Marshall	Taylor		SC	3/22/2017
Vipul	Bharatbhai	Patel		SC	3/22/2017
Holly	Dee	Amick		SC	3/22/2017
Kelsey	Amanda	Ellis		SC	3/22/2017
Dayle	Bentley	Helms		SC	3/22/2017
Nirali		Patel		GA	4/5/2017
Mark	Joseph	Solack		FL	4/5/2017
Lauren	Elizabeth	Steinbach		IN	4/5/2017
Amanda	Elizabeth	Wehde		IL	4/5/2017
Minh	The	Do		NJ	4/12/2017
Saima		Ayub		IL	4/12/2017
Holly	Judith	Siverson		FL	4/12/2017
Tracy	Marie	Kirkpatrick		MA	4/12/2017
Jenna	A.	Radecsky		CT	4/12/2017
Erin	L.	Albert		IN	4/12/2017
Michael	Joel	Melroy		GA	4/12/2017
Jennefer	Catherine	Przezdziecki		NY	4/12/2017
Travis	Lynn	Anderson		OH	4/12/2017
Mary	E.	Butler		WI	4/12/2017
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### **Increase in Pharmacists to Technician Ratio**

1. Boone Drug at New Market # 04938, George Michael Fox, Pharmacist Manager, Boone NC
2. Boone Drug Greenway #00073, Richard R. Greene, Pharmacist Manager, Boone NC
3. CVS Pharmacy #10424, Elizabeth Young Taylor, Pharmacist Manager, Charlotte NC
4. CVS Pharmacy #10866, Paul Cyca, Pharmacist Manager, Fuquay-Varina NC

5. CVS Pharmacy #10833, Cynthia Fetzner, Pharmacist Manager, Raeford NC
6. East Burke Pharmacy #12534, Leigh Anne Abernathy, Pharmacist Manager, Hildebran NC
7. Johnson Drug Williamsburg, Inc #08866, Amelia Flynn, Pharmacist Manager, Jacksonville NC
8. Realo Discount Drug of Onslow Inc # 14089, Melanie Burns, Pharmacist Manager, Jacksonville NC
9. Rite Aid #09721, Timothy Matthews, Pharmacist Manager, Mount Airy NC
10. Rocky Point Pavilion Pharmacy #09908, Elizabeth T. Locklear, Pharmacist Manager, Rocky Mount NC
11. Select Care Pharmacy #12746, Derek Altizer, Pharmacist Manager, Arden NC
12. Walgreens #12398, Melanie Stevens, Pharmacist Manager, Asheville NC
13. Walgreens #12305, Mary Beth Mims, Pharmacist Manger, Charlotte NC
14. Walgreens #12200, Melanie Thompson, Pharmacist Manager, Charlotte NC
15. Walgreens #12205, Tracy Mullen, Pharmacist Manager, Charlotte NC
16. Walgreens #12264, Minesh J. Patel, Pharmacist Manager, Fayetteville NC
17. Walgreens #12443, Derek Boateng, Pharmacist Manager, Fayetteville NC
18. Walgreens #12268, Dorothy Tyler, Pharmacist Manager, Hickory NC
19. Walgreens #12452, Natasha Stokes, Pharmacist Manager, Laurinburg NC
20. Walgreens #12372, Ravi Patel, Pharmacist Manager, Saint Pauls NC
21. Walgreens #12493, Jessica Taylor, Pharmacist Manager, Whiteville NC
22. Walgreens #12424, Monica Pipes, Pharmacist Manager, Winston Salem NC
23. Walgreens #12295, Jasmine Abhulimen, Pharmacist Manager, Winston Salem NC
24. Walgreens #12279, Laycee Strayer, Pharmacist Manager, Winterville NC
25. Sam's Club Pharmacy #07564, Sacheen Patel, Pharmacist Manager, Pineville NC
26. Wal-Mart #11536, Kathryn Wear, Pharmacist Manager, High Point NC
27. Sam's Pharmacy #09512, Belinda Kirby, Pharmacist Manager, Lumberton NC
28. Wal-Mart Neighborhood Market #12135, Christine Ebert, Pharmacist Manager, Winston Salem NC

The Board adjourned the meeting at 10:48am on a motion from Dr. Bowman, seconded by Mr. Mixon with no dissenting votes.

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Gene Minton, President

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L. Stan Haywood, Vice-President

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Dr. Andrew Bowman

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William A. Mixon

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Keith Vance

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Robert A. Graves