

President Rebecca Chater called the meeting to order at 9:00 am with Board Members Dr. Betty Dennis, Dr. Parker Chesson, Robert J. McLaughlin, Jr., and Gene Minton present. E. Lazelle Marks was absent from the meeting. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigation Karen Matthew, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Cindy Clark, NCPRN; April Sloan, Target; Danny Seavers, Kerr Drug; Lori Keyser, Omnicare; Bill Mixon, NCBOP Candidate; Lori Setzer, CVS; Morgan Norris, NCAP; Amanda Woods, student; Anne Groves, student; Irene Park, student; Xuefang Bai, student; Dan Ragan, NCDA; Danielle Maynard, student; Abbey Jenkins, UNC resident; Justin Kaat, student; Robert Lalley, L.U. student; Vann Day, Duke Univ. Medical Center; RPh. Huyson Tran; Sara Boskovic, student; Chassy Dreger, student; David Steeb, student; Brenda Maloney, Quarles & Brady; Lisa Collum, Kerr Drug; Carol Day, NCBOP Candidate; Galen Morakis, UNC/ESOP; David Catalano, Walgreens; Stephen-Alan Mangum, UNC/ESOP; Ryan Schell, UNC/ESOP; Neil Johnson, Parata System; Christine Davis, Cardinal Health; and Tony Mitchum, Wal-mart.

Ethics Statement & Welcome

President Chater read the Ethics Statement regarding any conflicts of interest and/or appearances of conflicts of interest of any Board member. There were no conflicts noted by any Board member.

President Chater welcomed all visitors to the meeting.

Minutes of the April 2011 Board Meetings

The members received the April 19, 2011 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

Minutes of the May 9, 2011 Board Meeting

The members received the May 9, 2011 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Dr. Dennis to accept the Minutes as submitted. The motion passed with no dissenting votes.

Hospice and Palliative Care Issues Concerning Bills HB726, SB474, and SB723 – Carolinas Center for Hospice and End of Life Care – Judy B. Brunger

Judy Brunger, Carolinas Center for Hospice and End of Life Care; Cynthia Johnson, Campbell University College of Pharmacy and Health Services; and Toni Hudson, Duke Home Care & Hospice Program; spoke to the Board concerning H.656 that directs pharmacist to require photo identification prior to dispensing schedule II controlled substances; provides that sheriffs or designated deputy sheriffs investigating the diversion and illegal use of controlled substances may inspect prescription and pharmacy records and may also obtain data in the Controlled Substance Reporting System (CRCS) maintained by the North Carolina Department of Health and Human Services; and to require prescribers and dispensers to review information in the Controlled Substance Reporting System prior to prescribing or dispensing a controlled substance to patients. They sought support from the Board in requesting that the sponsors of the bill

exempt hospice and palliative care facilities from the bill. Mr. Campbell stated that the Board had previously sent a letter to the sponsors of the bill outlining some of the same concerns discussed.

Certification of Board Election Results for Northern and Western Districts

Executive Director Jay Campbell reported the election results for the Western and Northern District elections. The election results were as follows:

<u>Candidates</u>	<u>Vote Percentage</u>
Allan Berg	6.5%
Stephanie Norris Kiser	31.9%
Troy McNeill	9.3%
William A. (Bill) Mixon	47.0%
None	5.3%

Mr. William A. (Bill) Mixon received more than 40% of the votes cast and was deemed the winner of the Western District election.

<u>Candidates</u>	<u>Vote Percentage</u>
Carol Yates Day	59.6%
Keith Waege	7.9%
Beth Steinbeck Williams	30.1%
None	2.4%

Carol Yates Day received more than 40% of the votes cast and was deemed the winner of the Northern District election.

On a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board accepted the election results as presented. Mr. Campbell stated that he would forward the results of the elections to the Governor's office.

Mr. Campbell stated that Governor Perdue commission Mr. McLaughlin's second five (5) year term to the Board from the 2010 election.

Mr. Campbell also thanked Kristin Moore, Tom Buedel and Connie Manion for their work on the elections, which allowed it to run smoothly and efficiently.

Purchase of Prescription Drugs Only From Wholesalers Licensed by North Carolina Department of Agriculture

Dan Ragan, NC Department of Agriculture, spoke to the Board concerning counterfeit drugs entering the market. The Department of Agriculture adopted a rule that requires wholesale distributors in North Carolina to only purchase medications from a wholesale distributor or manufacturer holding a valid North Carolina license. There was further discussion on how the Board could help combat the problem of counterfeit drugs. After discussion, it was the consensus of the Board to take the matter under advisement.

Consideration of Reciprocity Application – Deborah Tolland

RPh. Deborah Tolland appeared before the Board regarding her reciprocity application. Ms. Tolland submitted an application to reciprocate her pharmacist license from Massachusetts. On her application she indicated that she had been disciplined by the Massachusetts Board of Pharmacy for diverting controlled substances for personal use. She received a consent order of discipline in which she surrendered her license for one year, was required to enroll in the Massachusetts Pharmacist Recovery Service (PRS) program for five (5) years, not work as a pharmacist manager, and not work alone. Ms. Tolland, duly sworn, spoke on her own behalf and on her recovery progress. Cindy Clark, NC Pharmacy Recovery Network (PRN), duly sworn, stated that she had spoken with the Massachusetts PRS program concerning Ms. Tolland and the NCPRN is open to having Ms. Tolland enroll in their program.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Minton, seconded by Dr. Dennis with no dissenting votes. Open session resumed on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater stated that on a motion from Dr. Chesson, seconded by Dr. Dennis on a split decision, the Board would allow Ms. Tolland to reciprocate her license with conditions including incorporating the conditions of the Massachusetts Consent Order and signing a five (5) year contract with NCPRN.

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

Consideration of Reciprocity Application – Huyson Tran

RPh. Huyson Tran appeared before the Board regarding his reciprocity application. Mr. Tran submitted an application to reciprocate his pharmacist license from Louisiana. On his NABP reciprocity application and his NC Data Questionnaire, he answered “no” to questions whether a license held by him had ever been disciplined by another Board of Pharmacy. Records obtained by NCBOP showed Mr. Tran having been disciplined by the Louisiana Board of Pharmacy. Mr. Tran, duly sworn, stated that his answer was correct because the disciplinary action stemmed from a student work permit issue, not a license issue.

After presentation of evidence and testimony, the Board moved to allow Mr. Tran to proceed with his reciprocity application on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes.

Consideration of Reinstatement Application – Benjamin Williams, License #05364

RPh. Benjamin Williams, license #05364, appeared before the Board regarding his reinstatement application. Mr. Williams’ pharmacist license lapsed in 2000 for non-renewal when he moved to the United Kingdom in 1999. Mr. Williams requested that the Board grant a variance from the Board policy requiring pharmacist out of practice more than five (5) years to obtain 1500 hours experience and pass the NAPLEX and the Multistate Pharmacy Jurisprudence Exam (MPJE). Mr. Williams spoke concerning his work and practice experience.

After discussion, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater recused herself and Dr. Dennis presided over the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Dr. Dennis stated that on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board moved to allow Mr. Williams to reinstate his license contingent on him taking and passing the MPJE, receiving 1000 hours internship, and submitting proof of continuing education to Board staff.

NC Medical Board's Position Statement on Treatment of Self and Family Members

Board member Dr. Betty Dennis agreed to serve on a Medical Board sponsored work group that is reconsidering the Medical Board's position statement on treatment of self and family members. Medical Board's position statement states that it is unprofessional conduct to treat or prescribe medications for oneself, family member or others with whom they have a significant emotional relationship. There will be a public hearing concerning the matter on Tuesday, June 28, 2011 from 5:30pm to 8:00pm at the Medical Board office. Comments may be submitted to Dr. Dennis for presentation at the hearing. Board staff will post information concerning the public hearing on the NC Board of Pharmacy website.

Leader's Forum – Call for Topics and Speakers

The Pharmacy Leaders' Forum has been scheduled for Friday, September 30, 2011 at the Proximity Hotel, Greensboro, NC. Mr. Campbell requested that Board members send topic suggestions for the forum to staff and submit an invitation list for the forum.

2011 – 2012 DME Sub-Committee Member Election

Karen Matthew, Director of Investigations, updated the Board on the DME Subcommittee election that will begin June 1st and run through June 30th.

Investigative Statistics

Karen Matthew presented the investigative statistics for April 2011.

Amendment to 21 NCAC 46 . 2901 – Return of Outdated Drugs

A public hearing was held Monday, May 16, 2011 regarding amendment to 21 NCAC 46 .2901 – Return of Outdated drugs to exempt certain antidotes. There were no comments submitted to the Board regarding the rule and no speakers presented themselves at the public hearing. On a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to adopt the rule and send it to the Rules Review Commission.

CPR Question in Regards to Immunization

The Board staff received an inquiry concerning the 21 N.C.A.C. 46.2507(d)(1), which is a part of the rule governing pharmacist administration of influenza, pneumococcal, and zoster vaccines. The rule states that a pharmacist who administers vaccines “shall . . . hold a current provider

level [CPR] certification issued by the American Heart Association or the American Red Cross or equivalent.” Staff received an inquiry concerning a pharmacist who is certified to administer vaccines but because of a birth defect is unable to perform CPR and whether it would satisfy conditions of the rule to have a pharmacy staff member trained and available to perform CPR when the pharmacist is administering vaccinations. After discussion, it was the consensus of the Board for staff to contact the Medical Board for their input on the rule before considering the matter further.

Financials

Rhonda Jones, Financial and Human Resources Analyst, presented the April 2011 financial statistics to the Board.

Open Mike

Wesley R. Haltom, Wingate University School of Pharmacy, updated the Board on recent graduation and admissions to the school. He also updated the Board on progress toward completing a new pharmacy school building and on the satellite campus in Hendersonville, NC.

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on the new pharmacy complex for the satellite campus in Elizabeth City and on the progress of the Asheville satellite campus. She also updated the Board on enrollment at the school.

Andy Bowman, Campbell University College of Pharmacy and Health Sciences, updated the Board on graduation and admission rates.

The Board adjourned for lunch at 11:21am and resumed open session at 1:00pm.

Legislative Update

S.718 - Proposed bill regarding therapeutic substitution which would clarify under what circumstances the substitution of generic prescriptions drugs would be allowed under the pharmacy practice act. Mr. Campbell stated that the bill was withdrawn in committee.

H.656 - Directs pharmacists to require photo identification prior to dispensing schedule II controlled substances; provides that sheriffs or designated deputy sheriffs investigating the diversion and illegal use of controlled substances may inspect prescription and pharmacy records and may also obtain data in the Controlled Substance Reporting System (CRCS) maintained by the North Carolina Department of Health and Human Services; and requires prescribers and dispensers to review information in the Controlled Substance Reporting System prior to prescribing or dispensing a controlled substance to patients. Mr. Campbell stated that a letter was sent to the council for the House Judiciary Committee to highlight Board concerns about the bill.

S.768 - Would establish standards for transmitting electronic prescriptions for controlled substances to pharmacies and to establish standards for electronic prescribing software and hardware.

S.744 - Would amend the Pharmacy Practice Act and require the Board to adopt additional rules regarding electronic prescriptions.

After discussion, there were some concerns that electronic prescription technology is not available to comply with proposed rules S.768 and S.744. It was the consensus of the Board to have staff contact the sponsor of S.768 and S.744 for clarification on some concerns the Board has with the proposed bills.

Election of Board Officers

On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board elected Dr. Dennis as Board president for the 2011 – 2012 term with Mr. Minton serving as vice-president.

Consent Agenda

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

Prehearing Conferences

Staff Issues a Letter of Caution

RPh. Kelly Denise Spoon, license #19599, was subject of a prehearing conference held April 18, 2011, heard by Mr. Minton, regarding allegations of improperly dispensing Chlorhexidine Gluconate mouth rinse with alcohol to a patient instead of the prescribed Periogard alcohol-free mouth rinse. Recommendation: **Staff Issues a Letter of Caution** to RPh. Spoon.

Consent Orders

RPh. Bradley S. Weaver, license #12708, and Deep River Drug, permit #08944, were subjects of a prehearing conference held April 18, 2011, heard by Mr. Minton, regarding allegations of improperly dispensing a 30-day supply of capsules containing 1.8mg of compounded Levothyroxine to a patient instead of the prescribed 100mcg of Levothyroxine. The patient ingested the drug in significant excess of prescribed dosage and subsequently died. Pharmacist in charge RPh. Weaver and permit did not report the error to Board as required by law. Recommendation: **thirty (30) day suspension (2 day active suspension/ 28 day suspension/ stayed 1 year)** to RPh. Weaver and **five (5) day suspension/ stayed one (1) year** to permit.

Walgreens, permit #08139, was subject of a prehearing conference held April 18, 2011, heard by Mr. Minton, regarding allegations of operating the pharmacy between March 2010 and November 2010 without a pharmacist manager. Recommendation: **seven (7) day suspension/ stayed one (1) year** to permit.

Increase in Pharmacist to Technician Ratio

- 1.) CVS Pharmacy Concord Permit # 10943, Irene Petrides RPh, App. 4/18/2011
- 2.) Kerr Drug High Point Permit # 06882, Ronnie Price RPh, App. 4/18/2011
- 3.) Kerr Drug Murphy Permit # 06914, William Amundsen RPh, App. 4/18/2011
- 4.) Kerr Drug High Point Permit # 06874, Benjamin Francis Partin RPh, App 4/18/2011
- 5.) Kerr Drug Hayesville Permit # 06906, Craig Dyer RPh, App. 4/18/2011
- 6.) Kerr Drug Sparta Permit # 06888, Pam Hoppers RPh, App. 4/18/2011
- 7.) CVS Pharmacy Statesville Permit # 10913, Iris B Poston RPh, App. 4/18/2011
- 8.) CVS Pharmacy Waxhaw Permit # 09953, Tsedal Kidane RPh, App. 4/18/2011
- 9.) Kerr Drug Franklin Permit # 06904, Richard Lockerby RPh, App. 4/18/2011
- 10.) CVS Pharmacy Charlotte Permit # 10701, Trinh Thuy Vincent, App. 4/18/2011
- 11.) Wal-Mart Pharmacy Rockingham Permit # 08003, Melissa Moore, App. 5/3/2011
- 12.) Kerr Drug Chapel Hill Permit # 06986, John Jones III, RPh, App. 5/3/2011
- 13.) Target Pharmacy Greenville Permit # 06138, Martin R Driggers RPh, App. 5/3/2011
- 14.) Kerr Drug Spencer Permit # 07186, Donald Rankin RPh, App. 5/3/2011
- 15.) CVS Pharmacy Monroe Permit # 09271, Bryce M Fox RPh, App. 5/3/2011

Reciprocity Candidates**Candidates Licensed by Reciprocity 5/19/2011 – 5/25/2011**

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Serena	Kathleen	Merritt		DC	5/19/2011
Douglas	Osei	Sarfo		PA	5/20/2011
Wala	Khaled	Alasfar		PA	5/20/2011
Jagruti	S.	Amin		PA	5/20/2011
Kaushal	K.	Bhow		NJ	5/20/2011
Jaclyn	M.	Bousquet		MA	5/20/2011
Ying	June	Chow		IL	5/20/2011
Jennifer	Leisel	Davis		GA	5/20/2011
Anjali	Desai	Jain		FL	5/20/2011
Hiep	Hoang	Dinh		KY	5/20/2011
Paul	J.	DiPasquale		TX	5/20/2011
Troy	Keith	Dye		KS	5/20/2011
Katheryn	Louise	Dyer		OH	5/20/2011
Christine	Marie	Eisenhower		PA	5/20/2011
Audra	Claire	Feirstein		CT	5/20/2011
Matthew	James	Felbinger		PA	5/20/2011
Kenneth	Dare	Frick	Jr.	TX	5/20/2011
Jamie	Edward	Gilles		MN	5/20/2011
Mary	Louise	Glavan		DC	5/20/2011
Susan	Renee	Grimestad		IL	5/20/2011
Lucy		Hazebrook		MI	5/20/2011
Grace	Anna	Horng		MO	5/20/2011

Candidates Licensed by Reciprocity 5/19/2011 – 5/25/2011

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Julianne	Marie	Jeffries		KY	5/20/2011
Rakesh		Joshi		NJ	5/20/2011
Hope	Susan	Kagan		NY	5/20/2011
Stuart		Kersky		PA	5/20/2011
Kristie	Hawk	Knight		TN	5/20/2011
Duc	Van	Le		MA	5/20/2011
Sophia	N.	Le		IL	5/20/2011
Ruth-Ann	Mariko	Lee		OH	5/20/2011
Diane	Sara	Newman		IL	5/20/2011
Gayle	Frances	Nicholson		UT	5/20/2011
Alpesh	C.	Patel		NJ	5/20/2011
Bhavesh	Pankaj	Patel		IL	5/20/2011
Hemandri	Amish	Patel		NJ	5/20/2011
Shanmukhi	Reddy	Ragi		FL	5/20/2011
David	Kyle	Smith		OK	5/20/2011
Brianne	Mae	Spaeth		AZ	5/20/2011
Irving	Louis	Trust		PA	5/20/2011
Alejandro	Jose	Vega		FL	5/20/2011
Cheryl		Vehs		CT	5/20/2011
Mary	Alison	Winter		KS	5/20/2011
Paul	Frederick	Wolfe		VA	5/20/2011
Jason	Douglas	Hunsaker		VA	5/23/2011
Urmilaben		Patel		PA	5/25/2011

CPP Applicants

Stefanie Dawn Ferreri, License #14644

Natasha Michaels, License #18893

Zachariah Deyo, License #21452

Lisa Brennan, License #18353

DME Subcommittee Board Representative

It was the consensus of the Board that Joey McLaughlin and Lazelle Marks would be the representative for the DME Subcommittee for the coming year.

Closed Session

On a motion from Mr. McLaughlin, seconded by Dr. Dennis with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions. Open session resumed on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes. Mrs. Chater stated that Technician William Alexander Porter, registration #30308, and Technician Paulina G. Del Valle, registration #26752, were summarily suspended.

There being no further business, on a motion from Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, the meeting adjourned at 1:39 pm.

Rebecca W. Chater, President

Betty Dennis., Vice President

Gene Minton

J. Parker Chesson, Jr.

E. Lazelle Marks

Robert J. McLaughlin, Jr.