

President Gene Minton called the meeting to order at 9:00 am with Board Members Dr. Parker Chesson, Carol Yates Day, Robert J. McLaughlin, Lazelle Marks, and Bill Mixon present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Karen Matthew, Director of Operations Kristin Moore, Financial Administrative Services Director Gail Brantley, and Director of Licensing Deborah Stump. Present as visitors were: Cindy Clark, NCPRN; Valanda Nelson, NCPRN; Tom Readling, NC Mutual; Rich DeBenedetto, Walgreens; Stephanie Bullock, Pharmerica; Christine Davis, Cardinal Health; Brenda Shaffer, Quarles & Brady; Tony Mitchum, Wal-Mart; David Moody, Mutual Drug; RPh. Patricia Lynn Williams; Rebecca Barwick, Kerr Drug; RPh. Lisa Blanchette; Erica Waters, Triangle Pharmacy; Kate Bender, Triangle Pharmacy; RPh. Sarita Singh; Rich Palombo, Express Scripts; Patrick W. Ford, UNC/ESOP; Ryan Danford, UNC/ESOP; Keith Schmidt, UNC/ESOP; Donna Horn, ISMP; Alexis Rockett, CVS/ UNC/ESOP; Maggie MacMillan, Triangle Pharmacy; Karla White; Marla Feinstein, National Hemophilia Foundation; and Missy Betz, NCBOP .

#### Ethics Statement & Welcome

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

#### Minutes of the April 2013 Board Meetings

The members received the April 16, 2013 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Ms. Day to accept the Minutes as submitted. The motion passed with no dissenting votes.

#### Consideration of Reciprocity Candidate – Lisa Blanchette

RPh. Lisa Blanchette appeared before the Board concerning her application to reciprocate a Massachusetts pharmacist license. Mr. Campbell stated that the North Carolina reciprocity application asked if the candidate had ever failed a licensing exam. Ms. Blanchette answered “no” to the question when in fact she failed a Connecticut Jurisprudence Exam. Ms. Blanchette stated that she misunderstood the question and that it was a “technical error”.

After consideration of testimony and evidence, on a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Mr. Minton stated that, although the Board does not take it lightly when a candidate answers falsely on a licensure application, on a motion from Mr. Mixon, seconded by Mr. McLaughlin with no dissenting votes, the Board approved Ms. Blanchette’s application and she is eligible to move forward with the reciprocity process.

#### Consideration of Request for Reinstatement – RPh. Saria Verma Singh, License #12779

RPh. Saria Verma Singh, license #12779, appeared before the Board in consideration of her reinstatement application. RPh. Singh’s pharmacist licensed lapsed in 1998 for non-renewal. Since that time she has been working in the pharmaceutical industry. Ms. Singh requested that the Board reduce the required 1500 hours of practical experience required for her reinstatement

in consideration of her work experience. She agreed to take the required NAPLEX and MPJE exams.

After discussion, on a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved into closed session to discuss the matter. Open session resumed on a motion from Mr. Marks, seconded by Mr. Mixon with no dissenting votes. Mr. Minton stated that on a motion from Mr. Mixon, seconded by Mr. McLaughlin with no dissenting votes, the Board moved to except her request and reduce her required practical experience to 1000 hours. She would also be required to take the NAPLEX and MPJE exams. Given RPh. Singh's agreement to take the licensing exams, the Board waived the reinstatement CE requirements.

#### Request for Modification of Reinstatement Order – RPh. Patricia Lynn Williams, License #09245

RPh. Patricia Lynn Williams, license #09245, appeared before the Board to request modification of her 2011 Reinstatement Order. Ms. Williams' pharmacist license was reinstated February 15, 2011 with conditions which included not working as a pharmacist manager or serving as a preceptor. Ms. Williams, duly sworn, updated the Board on her recovery progress and requested that the Board lift the restriction on serving as a preceptor. Cindy Clark, NCPRN, duly sworn, stated that NCPRN supports lifting the restriction. Mr. Campbell stated that staff had no objections to lifting the restriction.

After consideration of evidence and testimony, on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board agreed to lift Ms. Williams' restriction on serving as a preceptor.

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

The Board recessed for a break at 10:00am and resumed open session at 10:20am.

#### “Reissuing” Permits Upon Change of Ownership or Change of Address

Mr. Campbell and Permitting Specialist Wendy Watson spoke to Board members about “reissuing permits” as a result of certain ownership or address changes. Rule .1603 states that a new permit is required for a new location, change to a different or successor business entity, or a change of majority control. Issuing a new permit number for address changes triggers corresponding changes to DEA registration, third party contracts, and the like. Mrs. Watson suggested that staff “re-register” the same permit number when there is a change of location or a percentage of ownership change within an existing group of stakeholders. Re-registration would require submission of an application, fee, and approval by Board. The new permit would show the same permit number and the date it was re-registered.

After discussion, it was the consensus of the Board to accept the recommendation of staff regarding reissuance of permits. Mr. Campbell thanked Mrs. Watson for her suggestion and hard work.

Prescription Time Guarantees and Patient Safety – Donna Horn, Institute for Safe Medication Practices

Donna Horn, Institute for Safe Medication Practices (ISMP), presented the results of a survey conducted by ISMP regarding a link between dispensing “time guarantees” and medication errors.

Reports to the Board

Mike James, NC Mutual, updated the Board on various legislative issues.

The Board recessed for lunch at 11:45am and resumed open session at 1:00pm.

North Carolina General Assembly Legislative Update

Executive Director Jay Campbell presented a PowerPoint presentation to the Board that updated the Board on potential legislation that could impact pharmacy.

S.B. 33/H.B. 167 – Proposes that boards must consider certain criteria before denying licensure if candidate has criminal conviction.

S.B. 37/H.B. 166 – Proposes a study to evaluate structure, organization, and operation of independent licensing boards.

S.B. 32 – Proposes periodic review and expiration of rules for licensing boards. Under the proposal unless rules are readopted and approved, a permanent rule would expire on December 31, 2018 for rules under Title 21.

H.B. 173/ S.222 – Proposes several revisions of the Controlled Substance Reporting System (CSRS) including elimination of the reporting exception for dispensing physicians. It would also exempt the requirement for reporting by veterinarians. The current version allows release of CSRS data to sheriff, “designated” deputy sheriff, police chief, or “designate” police officer, but pursuant to a “lawful court order.”

S.B. 206 – Proposes requiring prescribers to check CSRS for 12 months period prior to prescribing or dispensing controlled substances to any patients.

S.B. 286 – Would also propose requiring prescribers to check CSRS for 12 months period prior to prescribing or dispensing controlled substances to any patients. It would also impose criminal penalties on prescribers and dispensers for failure to check CSRS.

S.B. 253 – Proposes giving direct access to CSRS to sheriff, sheriff deputies, and other law enforcement agencies.

H.657 – Would schedule pseudoephedrine as a Schedule III controlled substance under NC law.

H.644 – Directs the Commissioner of Labor to adopt rules concerning “the handling of antineoplastic and other hazardous drugs in health care facilities regardless of the setting.”

H.704 – Directs the Joint Legislative Oversight Committee on Health and Human Services to study “the use of telemedicine in promoting increased access to health care, reducing health disparities, and providing for more efficient health care delivery.

H.764 – Authorizes occupational licensing boards to “audit any person or business regulated by the occupational licensing board” for purposes of determining “proper classification of employees for tax purposes” and “compliance with worker’s compensation coverage.”

H.771 – Requires a “pharmacist or anyone authorized to dispense or sell prescription drugs” to inform a patient upon filling or refilling “whether the cost of the prescription drug is less than the cost of the patient’s co-payment under his or her insurance plan.”

H.798 – Requires any “health care provider”, upon request of medical records by an authorized person to:

- Provide an invoice for the copy fee within 15 business days of the written request.
- Provide the records to the requestor within 15 business days of receiving the payment.
- Certify that the health care provider made a “diligent search” for records and has provided a “complete copy” of requested records.

H.825 – Requires schools to have at least two epinephrine auto-injectors stored on site.

### Draft Congressional Legislation Concerning Compounding

Mr. Campbell informed the Board on proposed federal legislation concerning compounding. The proposal states that if a pharmacy compounds sterile products, compounds non-patient specific prescriptions, and ships compounded medications interstate it would be considered a “compounding manufacturer” and would be regulated by the FDA. Repackaging of sterile single dose vial products would also make a facility a “compounding manufacturer”. A compounding manufacturer would also be prohibited by federal law from serving as a pharmacy.

After discussion it was the consensus of the Board to place this as a topic on the 2013 MALTAGON meeting agenda.

### Action on Pharmacy Compounding Working Group Recommendations

Mr. Campbell updated the Board on the Compounding Working Group’s recommendations that staff has implemented. The pharmacy permit application has been updated with a pharmacy services affidavit that more comprehensively addresses Internet and compounding services that a pharmacy will provide. The database is now being updated to keep better tracking on which pharmacies are engaging in sterile compounding. The Board has retained Ken Latta as an expert consultant on compounding training for investigators.

The Compounding Working Group also recommended that the Board adopt USB 797 and 795 standards into pharmacy compounding rules. After discussion, it was the consensus of the Board that Mr. Campbell draft a possible rule change to include USB 797 and 795 standards.

#### Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the April 2013 financial statistics to the Board.

#### Report on Visit from State Auditor

The NC State Audit office conducted a financial audit and a Chapter 93B compliance audit of the Board. The final audit report has not been presented to staff but they hope to have the report by the June 2013 Board meeting.

#### Investigative Statistics

Director of Investigations Karen Matthew presented the investigative report for May 2013.

#### Appointment of Board Finance Committee for 2013-2014

After discussion, it was the consensus of the Board that Mr. McLaughlin and Dr. Chesson continue to serve on the Finance Committee for 2013-2014.

#### Appointment of Board Representatives to the DME Subcommittee for 2013-2014

After discussion, it was the consensus of the Board that Mr. Marks and Mr. Mixon serve on the DME Subcommittee for 2013-2014.

#### MALTAGON and Pharmacy Leaders' Forum Planning

Mr. Campbell stated that the planning for the 2013 Pharmacy Leaders' Forum and the 2013 MALTAGON meeting is coming together. He reminded Board member to forward their suggestions for the Pharmacy Leaders' forum invitation list.

#### Selection of Board Officers for 2013-2014

After discussion, on a motion from Dr. Chesson, seconded by Mrs. Day with no dissenting votes, the Board moved that Mr. Minton remain Board President with Mr. Marks remaining as Vice-President.

#### Consent Agenda

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

#### Prehearing Conference

**Staff Issued Letters of Warning**

RPh. David Hester, license #12163, and The Medicine Shoppe Pharmacy, Permit #07800, were subjects of a prehearing conference held April 15, 2013, heard by Mr. McLaughlin, regarding allegations of not maintaining an adequate system of inventory and security to prevent Technician Lisa Luther, registration #28675, from diverting 10,000 units of Lorcet. An audit later revealed that 50,430 units of Hydrodone were missing from the pharmacy. Recommendation: **Staff Issues Letters of Warning** to RPh. Hester and permit.

**Staff Issued Letter of Caution and Letters of No Action**

Carolina Compounding Pharmacy, permit #10194; RPh. Marie Yaconetti, license #14225; RPh. Kevin Sloan, license #11614; and RPh. Leigh Ann Blodgett, license #09237; were subjects of a prehearing conference held April 15, 2013, heard by Mr. McLaughlin, regarding allegations that Carolina Compounding pharmacy provided 526 HCG prescriptions to patients in South Carolina without holding a valid South Carolina permit. Recommendations: **Staff Issues a Letter of Caution** to permit and **Staff Issues Letters of No Action** to RPh. Yaconetti, RPh. Sloan, and RPh. Blodgett.

**Consent Orders**

Faulkner's Drugs, permit #05036, and RPh. David Jamison, license #06575, were subjects of a prehearing conference held April 15, 2013, heard by Mr. McLaughlin, regarding allegations of prescription dispensing errors, having more than two technicians working under one pharmacist without Board authorization; and several inspection violations. Recommendation: **Consent Order of Reprimand** to permit and **Consent Order with 30 day suspension (5 day active/25 days stayed 2 years)** to RPh. Jamison.

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

**CPP Candidates**

RPh. Robert Ashworth, License #11495  
RPh. April Robinson Chapman, License #14468  
RPh. Amanda Jean Ruble, License #20541  
RPh. Brandy Strickland, License #18387

**Increase in Pharmacist to Technician Ratio**

1. Kerr Drug Dobson, Permit # 06858, Gary Cook RPh App. 4/26/2013
2. ARMC Extended Care Pharmacy Burlington, Permit # 09195, Pamela J. Brugger RPh App. 4/26/2013
3. Kerr Drug Asheville, Permit # 07012, Mark Anthony Walls RPh App. 5/9/2013
4. Blue Ridge Pharmacy Services Inc. Asheville, Permit # 09143, Robert Dean Clayton Jr. RPh App. 5/9/2013

5. Target Pharmacy Cary, Permit # 08040, Rebecca Michelle Karner RPh App. 5/9/2013
6. Target Pharmacy Raleigh, Permit # 08350, Anna Hoppert RPh App. 5/9/2013

### **Reciprocity Candidates**

<b>Candidates Licensed by Reciprocity 5/21/2013</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Olafunke	Ojuolape	Ajjola		VA	5/21/2013
Nkechi	Alexandra	Anako		PA	5/21/2013
Elizabeth	Ann	Anderson		CT	5/21/2013
Marianne		Andreini		NY	5/21/2013
Kenyatta		Barnes		SC	5/21/2013
Deepa		Bhatt		WA	5/21/2013
Jason	Ross	Crawford		TX	5/21/2013
Benjamin	Lewis	Culpepper		GA	5/21/2013
Jaclyn	Renee	Curtis		VA	5/21/2013
Brenton	Reid	Flaherty		AR	5/21/2013
Wendy	Lynn	Fletcher		VA	5/21/2013
Hilda		Gurley		NJ	5/21/2013
Joyce	Karen	Daftarian		GA	5/21/2013
Ashley	Carmen	Hansen		NY	5/21/2013
Meghan	Alyse Dowd	Harmon		SC	5/21/2013
Christopher	Reed	Helms		TN	5/21/2013
Katherine	Kim	Ibrahim		CO	5/21/2013
Michele	Ann	Jordan		FL	5/21/2013
Nehalkumar	Chandrakant	Kabrawala		AZ	5/21/2013
Terry	Joe	Keith		AR	5/21/2013
Kristin	Danielle	Keller		VA	5/21/2013
Julie	Michelle	Kertis		IL	5/21/2013
Jennifer	Jeane	Kim		FL	5/21/2013
Michael	Robert	Kolbicka		PA	5/21/2013
Evelina		Kolychev		GA	5/21/2013
Dionne	Dyvonne	Land-Prophet		OH	5/21/2013
Julia	Yu Yin	Lau		FL	5/21/2013
Venkat	Narayan	Lokula		ME	5/21/2013
Jun		Ma		IL	5/21/2013
Bryan	Andrew	Mayer		SC	5/21/2013
Kaitlin	Ann	McGinn		FL	5/21/2013
Deborah	Susan	McNutt		MI	5/21/2013
Ana	Rita	Medina Bravo		PR	5/21/2013

<b>Candidates Licensed by Reciprocity 5/21/2013</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Prital	Narendra	Mehta		AZ	5/21/2013
Gerard	Me-Nsope	Mengang		DE	5/21/2013
Michael	Shane	Miller		VA	5/21/2013
Dondel	Claeshe	Moorman		WV	5/21/2013
Sara	Anne	Newman		NY	5/21/2013
Kristine	Joy	Nonaka		IL	5/21/2013
Caitlin	Laucka	Paarlberg		NV	5/21/2013
James	Robert	Paarlberg		NV	5/21/2013
Madelina	Ely	Richmond		AK	5/21/2013
Kelly	Ann	Sanfilippo		NY	5/21/2013
Virangi		Desai		NJ	5/21/2013
Shelly	Lynn	Sprouse		WV	5/21/2013
Yasmin	H.	Thathia		IN	5/21/2013
Nimita	Niranjan	Vaughn		CO	5/21/2013
Julie	A.	Waxenberg		FL	5/21/2013
Zellena	Patrice	Williams		MD	5/21/2013
Jessica Ann	Shields	Wilson		SC	5/21/2013
Rebecca	deGaris	Woody		SC	5/21/2013
Don	Randall	Ziss		FL	5/21/2013

### Closed Session

On a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. When open session resumed, Mr. Minton stated that on a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, technician Katherine Coscarelli, registration #20678, 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, the meeting adjourned at 1:45pm.

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Gene Minton, President



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E. Lazelle Marks, Vice-President

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J. Parker Chesson, Jr.

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Robert J. McLaughlin, Jr

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Carol Yates Day

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William A. Mixon