

Vice President Wallace Nelson called the meeting to order at 9:30 am with Board Members Ashley Duggins, Keith Vance, Andy Bowman, Wallace Nelson, and Mischelle Corbin in attendance. Board Member Chris Sain was absent due to a long-planned family vacation. Joining the Board in attendance were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Loretta Wiesner, Director of Inspections Krystal Stefanyk, Information Technology Administrator Antoine Pryor, Director of Finance & HR Rhonda Jones, Accounting Manager JP Brown, Board Investigator Maria Fabiano, Board Investigator Holly Hunt, Board Investigator Kim Sims, Administrative Assistant Leslie Wilson, and Director of Licensing Missy Betz. Present as visitors were Stephanie Peterson, Hershhal Smith II, Erica Harris, Andrew Froy, Maria Lam, Hart Miles, Jan Spivey, Walter Spivey, Evan Spivey, Roy Etheridge, Jaylen Barnes, Hannah Bauswell, Kristen Bowers, Tom Bullins, Jan Mixon, and Bill Mixon. Members of the public also attended the meeting via teleconference.

Ethics Statement & Welcome

Vice President Nelson read the Ethics Statement regarding conflicts of interest. No conflicts were noted by Board members.

Closed Session – Personnel Matter

On a motion by Dr. Vance, seconded by Ms. Corbin, and passed unanimously, the Board moved into closed session to discuss a personnel matter. The Board returned to open session at 10 a.m., and Vice President Nelson reported that the Board had completed its annual performance review of Executive Director Campbell.

Consideration of March 2022 Meeting Minutes

Dr. Bowman moved, and Ms. Corbin seconded, to approve the minutes. The motion passed with no dissenting votes.

Appreciation of William A. Mixon for 10 Years' Service to the Board

Bill Mixon's 10-year tenure with the Board has come to an end. Board members expressed their appreciation for his work and dedication to the Board and his service to the state of North Carolina.

Welcome to Chris Sain, Board Member from the Western District

Dr. Chris Sain was elected to replace Mr. Mixon in the Western District. He was unavailable to attend today's meeting due to previously made vacation plans to celebrate his daughter's college graduation. Mr. Campbell confirmed that Dr. Sain's gubernatorial commission had been issued, along with Dr. Vance's, and everyone looks forward to his arrival.

Selection of Board Officers

Each May, the Board selects its officers for the coming year. Dr. Bowman nominated Mr. Nelson for President. On a motion from Dr. Bowman, seconded by Dr. Vance with no dissenting votes, the nominations were closed. By unanimous vote (Mr. Nelson abstaining), Mr. Nelson was elected as Board President for 2022-23.

Dr. Duggins nominated Dr. Bowman as Vice-President. With no other nominees, on a motion from Dr. Duggins, seconded by Ms. Corbin with no dissenting votes, the nominations were closed. By unanimous vote (Dr. Bowman abstaining), Dr. Bowman was elected Board Vice-President for 2022-2023.

Mr. Nelson then assumed his duties as Board President.

Plan for Committee Appointments at the July 2022 Meeting

Mr. Campbell reviewed the Board's current standing and ad hoc committees, as well as individual appointments. Mr. Nelson elected to hold committee and individual appointments to the July 26, 2022 meeting. He asked that all members let him know which committees they would like to serve on for the coming year.

Review and Approval of 2022-23 Meeting and Events Calendar

Director of Operations Kristin Moore created a comprehensive and more user-friendly calendar of Board meetings and events scheduled for 2022-23. The Board members reviewed and approved the meeting schedule, with one change. At the request of Dr. Vance, the Board agreed to move the July business meeting to July 26.

Hearing: Petition By Walter Spivey to Terminate Summary Suspension of License #08611

Mr. Walter Spivey is petitioning the Board to terminate the summary suspension of his license until a full and final hearing on whether any discipline should be levied against his license. Mr. Pinyan asked the Board to consider the following:

1. Whether Mr. Spivey constitutes a threat to the public health, safety and welfare because – at least twice – on or about both October 27, 2020 and January 13, 2021, he aimed a firearm at his partner, Hershel Smith, during a dispute at Village Apothecary (former permit number 10400), located at 7305 Highway 22, Whispering Pines, North Carolina, where Mr. Spivey was the pharmacist-manager. On both occasions, other pharmacy personnel and staff, as well as patients, were present in the pharmacy. On one or both of these occasions, he further threatened physical harm or death to Mr. Smith and others. The actions taken were negligent and a violation of his obligation to keep the pharmacy safe and secure, as the pharmacist-manager.

2. Whether Mr. Spivey constitutes a threat to the public health, safety and welfare because, for several years, he maintained ATF registrations for a firearms dealership at the pharmacy. He maintained his inventory of firearms behind the pharmacy counter – some in a gun safe in the office but others open in the pharmacy – and made numerous firearms transactions with gun customers in the pharmacy. This course of conduct was negligent and a violation of Mr. Spivey's obligation to keep the pharmacy safe and secure, as the pharmacist-manager.

3. The Board will further consider the evidence above as to whether Mr. Spivey has a physical or mental disability that renders him unfit to practice pharmacy with reasonable skill, competence and safety to the public.

Mr. Pinyan called Hershhal Smith to the stand and later called Stephanie Peterson for their testimony. They were also questioned by Mr. Spivey's counsel, Hart Miles. Mr. Miles then called Roy Etheridge to testify.

The Board broke for lunch at 12:40 pm and resumed session at 1:15 pm.

Mr. Miles elicited direct testimony from Evan Spivey, Jan Spivey, Tom Bullins, and Walter Spivey.

After closing arguments from both attorneys, Dr. Bowman moved for a closed a session to deliberate. Ms. Corbin seconded. The motion passed unanimously.

Upon the Board's return, Ms. Corbin moved, and Dr. Bowman seconded, for open session. The motion passed unanimously. President Nelson issued the Board's decision to deny Mr. Spivey's request and to terminate the suspension of his license pending resolution of the merits of his case. A written order will follow.

Financial Report

Monthly Financial Report (*Brown*)

The members received the monthly financial report prior to this meeting. The members reviewed and had no questions.

Review and Approval of FY2022-23 Budget (*Campbell, Jones, Brown*)

The members received the FY2022-23 Budget as recommended by the Budget & Finance Committee prior to this meeting. The members reviewed and had no questions. Dr. Vance moved to approve the budget and was seconded by Dr. Duggins. The motion passed with no dissenting votes.

Investigative Report

Loretta Wiesner, Director of Investigations, presented the investigations report and current caseload.

Licensing Update

Missy Betz, Director of Licensing, presented the renewal comparison for 2022 facilities versus 2021 facilities. The results were highly similar.

Rulemaking

For Action by the Board:

Adoption of 21 NCAC 46.2514, Administration of Long-Acting Injectables

Adoption of 21 NCAC 46.1820, Code of Ethics

Amendment to 21 NCAC 46.2507, Administration of Vaccines

The comment period has closed for each of these rulemakings. Board staff received one written comment on proposed permanent Rule .2514 and the amendments to Rule .2507 from Alicia Palombo on behalf of CVSHealth. CVSHealth supports these rulemakings as proposed. Board staff received no comments on proposed new Rule .1820. A public hearing on each of these proposals was held on April 28, 2022. Several members of the public attended. Only one presented comment -- Alicia Palombo on behalf of CVSHealth. Her verbal comments echoed the written comments she had submitted. Dr. Bowman moved to adopt new rules and amendments as published and was seconded by Dr. Duggins. The motion passed with no dissenting votes.

Rulemakings in Progress:

Amendment to 21 NCAC 46.1317, Definitions

Repeal of 21 NCAC 46.2403, Drugs and Devices to be Dispensed

The comment period ends on June 20, 2022. A public hearing is scheduled the same day. Board staff is monitoring for comments in the meantime.

Rulemakings Completed:

Adoption of 21 NCAC 46.2515, Remote Work By Pharmacy Personnel

Amendments to 21 NCAC 46.2503, Experience in Pharmacy and Pharmacy

InternshipAmendments to 21 NCAC 46.1505, North Carolina-Specific Education for Permit ApplicantsAmendments to 21 NCAC 46.1607, Out-of-State PharmaciesConforming Amendments to 21 NCAC 46.1613 & .1615

Each of these rulemakings, approved by the Board at its March 2022 meeting have completed RRC review and have become effective. Staff have published guidance to new Rule .2515 and amended Rule .1607. The appropriate Board committees and staff are completing implementation of amended Rule .2503 and amended Rule .1505.

Committee Progress Reports

Telepharmacy Committee – *Vance, Bowman, Nelson* (members); *Campbell, Pinyan* (staff)

Committee working on review and recommendations concerning direct-to-patient dispensing technologies. The Committee convened on the Board's April 19 workday to resume discussion. Committee meeting again at the Board's June 21 workday to receive presentations.

Permit Meeting/Pharmacist Manager Education Committee – *Duggins, Vance* (members); *Betz, Watson, Kohler, Stefanyk* (staff).

Committee met on the Board's April 19 workday to continue work on implementing the pharmacist-manager education module.

Intern Registration System Committee – *Vance, Bowman, Corbin* (members); *Betz, Campbell, Pinyan* (staff)

Committee met on the Board's April 19 workday for review of draft intern application and discussion of implementation. Betz, Campbell, and Pinyan continuing implementation staff work. System will be operational August 1, 2022.

Working Conditions Committee – *Duggins, Vance, Bowman* (members); *Campbell, Pinyan* (staff)

Committee met on April 14 to review and discuss survey results. Committee discussing (internally and with NCAP) potential recommendations. Working conditions-specific complaint form is now available on the Board website. ThoughtSpan programming to integrate that form into the Licensure Gateway is underway.

NABP Annual Meeting, May 19-21, 2022, Phoenix AZ

District 3 Meeting, August 7-10, 2022, Flowood, MS

The Board will be notified when registration is open.

MALTAGON Meeting, September 18-22, 2022, New Orleans, LA

Registration is also not open yet. Mr. Campbell just wanted the Board to be aware of the dates.

Consent Agenda

The following items were approved.

Consent Orders:

CVS Pharmacy, Permit #10903
 RPh. Mark A. Adams, License #26682
 Technician Carmen Baez, Registration #48658
 RPh. Nathan Thomas Long, License #25459
 RPh. Sean Patrick McGlothlin, License #24332

Reciprocity Candidates

License Number	First Name	Last Name	Licensed Date
31125	Alex	Ebied	2022-03-10
31127	Kabrea	Jones	2022-03-10
31126	Marsha	Frazier	2022-03-10
31129	Brijesh	Patel	2022-03-10
31128	Jill	Mehrer	2022-03-10
31137	Victoria	Miley	2022-03-17
31140	Taylor	Sanders	2022-03-17
31134	Nelina	Horne	2022-03-17
31135	Alyssa	Kowalski	2022-03-17

31138	Jeffrey	Paulsen	2022-03-17
31139	Tiffany	Paulsen	2022-03-17
31133	Amanda	Ho	2022-03-17
31132	Katherine	Gibbons	2022-03-17
31131	Samuel	Cox	2022-03-17
31136	Anita	Li	2022-03-17
31144	Elijah	Hilton	2022-03-24
31145	Hilary	Smith	2022-03-24
31152	Erica	Gray	2022-03-31
31153	Jessica	Pokora	2022-03-31
31150	Rachel	Biviano	2022-03-31
31151	Austin	Creith	2022-03-31
31149	Kerolos	Aziz	2022-03-31
31142	Cristina	Hernández Lebrón	2022-03-31
31143	Allie	Mokhantha	2022-03-31
31159	Emily	Huenke	2022-04-07
31161	Lauren	Stinson	2022-04-07
31158	Haden	Geiger	2022-04-07
31160	Hannah	Kim	2022-04-07
31162	Jacob	Wellen	2022-04-07
31164	Austin	Garrett	2022-04-12
31167	Ehren	Wainwright	2022-04-12
31166	Vaibhavi	Pandya	2022-04-12

31165	Jillian	Hayes	2022-04-12
31172	Christopher	Bass	2022-04-18
31173	Geralyn	Waters	2022-04-18
31177	Jigna	Patel	2022-04-20
31179	Jason	Niemann	2022-04-21
31180	Rachael	Snyder	2022-04-22
31181	Olga	Gornostay	2022-04-25
31182	Kelly	Chia	2022-04-26
31183	Ketul	Chaudhary	2022-04-28
31184	Paula	Ohare	2022-04-28
31185	Indira	Purcell-Murphy	2022-04-28
31186	Gregory	Davis	2022-04-29
31188	Elena	Buff	2022-05-03
31189	Sharon	Grant	2022-05-03
31193	Chase	Wilson	2022-05-09
31191	Jason	Furbush	2022-05-09
31190	Austin	Bonner	2022-05-09
31194	Erli	Zhao	2022-05-09
31192	Elizabeth	Shipula	2022-05-09
31199	Nia	Davis-Akom	2022-05-10
31200	Hongming	Wong	2022-05-10
31198	Aizel Joy	Bautista	2022-05-10
31197	Cody	Atkinson	2022-05-10
31205	George	Youssef	2022-05-11

31204	Ashley	Regis	2022-05-11
31208	Ryan	Nguyen	2022-05-13
31207	Clarissa	Fasbender	2022-05-13
31211	Ronak	Patel	2022-05-16
31209	David	Girgis	2022-05-16
31210	Grace	Maguire	2022-05-16
31212	Selvana	Garas	2022-05-17
31214	Jacquelyn	Wilson	2022-05-17
31213	Samantha	Kaeberlein	2022-05-17

CPP Candidates

License Number	First Name	Last Name	Licensed Date
700359	Elisabeth	Delles	2022-03-23
700362	Amanda	Harmon	2022-03-23
700361	Lindsey	Foltanski	2022-03-23
700363	Christian	Davis	2022-03-23
700360	Alexandre	Fleury	2022-03-23
700358	Andrew	Blum	2022-03-23
700364	Sarah	Rhodes	2022-03-25
700365	Emilie	Siler	2022-03-25
700367	Sarah	Garfinkle	2022-04-01
700366	Shannon	Wolf	2022-04-01

700368	Katherine	Evans	2022-04-19
700369	Carrie	Neal	2022-04-25
700370	Melissa	Jones	2022-04-25
700372	John	Ingoglia	2022-04-25
700371	Lauren	Terhune	2022-04-25
700373	Anne	Kome	2022-04-28
700374	Tomilola	Farotimi	2022-05-02
700375	Donna	Truoccolo	2022-05-03

Increase in Pharmacist to Technicians Ratio

License Number	Pharmacy	Process Type	Complete Date	PT Ratio
12197	Walgreens	PT Ratio Change	08-Mar-22	1:4
12452	Walgreens	PT Ratio Change	08-Mar-22	1:5
13192	Publix	PT Ratio Change	08-Mar-22	1:3
9971	Kim's Pharmacy	PT Ratio Change	08-Mar-22	1:4
12297	Walgreens	PT Ratio Change	08-Mar-22	1:4
12210	Walgreens	PT Ratio Change	08-Mar-22	1:5
10720	CVS	PT Ratio Change	09-Mar-22	1:5
12259	Walgreens	PT Ratio Change	10-Mar-22	1:5
14267	Walgreens	PT Ratio Change	10-Mar-22	1:5
11519	Sam's Club	PT Ratio Change	11-Mar-22	1:3
13498	Walgreens	PT Ratio Change	11-Mar-22	1:4
12051	Edgewater	PT Ratio Change	14-Mar-22	1:5

12455	Walgreens	PT Ratio Change	14-Mar-22	1:5
10044	Shelby Drugstore	PT Ratio Change	14-Mar-22	1:4
10323	CVS	PT Ratio Change	14-Mar-22	1:3
12405	Walgreens	PT Ratio Change	14-Mar-22	1:5
13632	Walgreens	PT Ratio Change	14-Mar-22	1:4
13578	Walgreens	PT Ratio Change	15-Mar-22	1:5
12316	Walgreens	PT Ratio Change	17-Mar-22	1:5
13918	The Prescription Pad of Marion	PT Ratio Change	17-Mar-22	1:5
14183	Nuevo Health	PT Ratio Change	21-Mar-22	1:4
12462	Walgreens	PT Ratio Change	22-Mar-22	1:5
10749	CVS	PT Ratio Change	24-Mar-22	1:3
11678	RCCHC	PT Ratio Change	24-Mar-22	1:3
13903	Harris Regional Hospital	PT Ratio Change	24-Mar-22	1:4
10387	Piedmont Drug	PT Ratio Change	25-Mar-22	1:4
12439	Walgreens	PT Ratio Change	25-Mar-22	1:5
12254	Walgreens	PT Ratio Change	28-Mar-22	1:5
12465	Walgreens	PT Ratio Change	28-Mar-22	1:4
7988	Wal-Mart	PT Ratio Change	01-Apr-22	1:5
12317	Walgreens	PT Ratio Change	04-Apr-22	1:5
7990	Wal-Mart	PT Ratio Change	12-Apr-22	1:5
12267	Walgreens	PT Ratio Change	12-Apr-22	1:5
13055	Harris Teeter	PT Ratio Change	20-Apr-22	1:5
14658	Rocky Mount Medical Park	PT Ratio Change	21-Apr-22	1:3

11679	Sam's Club	PT Ratio Change	21-Apr-22	1:3
13803	Harris Teeter	PT Ratio Change	26-Apr-22	1:4
12219	Walgreens	PT Ratio Change	28-Apr-22	1:5
12200	Walgreens	PT Ratio Change	28-Apr-22	1:5
14736	Blue Sky Specialty	PT Ratio Change	02-May-22	1:5
13801	Harris Teeter	PT Ratio Change	02-May-22	1:3
7791	Ingles	PT Ratio Change	02-May-22	1:3
13062	501 Pharmacy	PT Ratio Change	05-May-22	1:4
13586	Walgreens	PT Ratio Change	05-May-22	1:5
12264	Walgreens	PT Ratio Change	11-May-22	1:5

There was no closed session. Dr. Bowman moved to adjourn. Ms. Corbin seconded. The motion passed with no dissenting votes.

Wallace Nelson, President

Dr. Andy Bowman

Mischelle Corbin

Dr. Ashley Duggins

Dr. Chris Sain

Dr. Keith Vance