

President Rebecca Chater called the meeting to order at 9:00 am with Board Members Betty Dennis, Joey McLaughlin, Parker Chesson, Gene Minton, and E. Lazelle Marks present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Financial and Administrative Service Director Gail Brantley, Director of Licensing Debbie Stump, Financial and Human Resources Analyst Rhonda Jones, Director of Investigations Karen Matthew and Director of Operations Kristin Moore. Present as visitors were: Heidi Barefoot, Target, Pharmacy; Mary Christine Parks, NCPRN; Christine Davis, Cardinal Health NPS; Lisa Collums, Kerr Drug; Lori Setzer, CVS; David Moody, Mutual Drug; Elizabeth Suttles, Campbell Law School; Neha Giridharan, Rite Aid; Sally Slusher, NCAP; Sarah Roberts, Campbell COP; Keri Wetherington, Campbell COP; Lori Wilson, Community Care of NC; Mike Ayotte, CVS Caremark; Bill Irvin, CVS Caremark; Toyin Aremu-Cole, UNC/SOP; Duane Dorscheid, GSK; Hei Man Tsui, Walgreens; Sofia Nagy, Walgreens; Lee Tennille Carson, UNC/SOP; E.D. Gaskins, Jr., Everett, Gaskins, Hancock & Stevens; Julia Wood, Everett, Gaskins, Hancock & Stevens; RPh. G. Earl Hill; Barton Adkins, Wingate SOP; Dan Levine, SHC; Cane Steber, Wingate SOP; Phillip Thornton, Wingate SOP; Wendy Cox, UNC/SOP; Mary Tortorice, KMart-SHC; Mary Jo Carden, Kmart- SHC; John Turtle, Walgreens Intern; Lori Keyser, Omnicare; and Stacie Mason, NCBOP.

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 and asked that they introduce themselves to the Board members and state their pharmacy affiliation.

Minutes of the May 18, 2010 Board Meetings

The members received the May 18, 2010 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Mr. Marks to accept the Minutes as submitted. The motion passed with no dissenting votes.

DMA Proposed Preferred Drug List and Albuterol/Ipratropium Substitution – Lori Wilson

Lori Wilson, Community Care of NC, appeared before the Board to discuss substitution issues that may arise should the North Carolina Division of Medical Assistance adopt a pending Preferred Drug List (“PDL”). Mrs. Wilson specifically asked about two types of drug substitutions: (1) substitution of vial-packaged insulin products for cartridge, pen, or similarly packaged insulin products, and (2) substitution of individual albuterol sulfate and ipratropium bromide nebulizer formulations for DuoNeb®, which is likewise a nebulizer formulation of albuterol sulfate and ipratropium bromide in combined form. After discussion it was the consensus of the Board that these substitutions are allowable under North Carolina law. The members emphasized that such substitutions serve the public health and safety by ensuring that North Carolina Medicaid patients do not encounter lengthy delays and frustration in obtaining these medications critical to treatment of typically chronic illness.

Reinstatement Hearing – G. Earl Hill, License #05336

RPh. G. Earl Hill, license #05336, accompanied by his attorneys Ed. Gaskins, Jr and Julia Wood, appeared before the Board in consideration of his reinstatement application. Mr. Campbell proceeded with the case and stated that the Board denied Mr. Hill's reinstatement application on March 25, 2008 for nondisclosure of a previous disciplinary order by the Board on his reinstatement application. Mr. Hill's Order Denying Reinstatement stated that he could not reapply for reinstatement for two (2) years and must pass the Multistate Jurisprudence Exam MPJE within six (6) months of the order. Mr. Campbell stated that Mr. Hill had met both of these conditions and staff did not have any objections to his reinstatement application. On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board accepted Mr. Hill's application for reinstatement.

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

Consideration of Reciprocity Application – RPh. Duane Dorscheid

RPh. Duane Dorscheid, appeared before the Board in consideration of his reciprocity application. Mr. Campbell proceeded with the case and stated that Mr. Dorscheid has not practiced retail pharmacy for over five (5) years and has asked for a variance from Board policy concerning pharmacist out of practice more than five (5) years obtaining 1500 hours experience and pass the NAPLEX and the Multistate Jurisprudence Exam (MPJE). Mr. Dorscheid spoke to the Board about his work history with GlaxoSmithKline and requested that the Board considered allowing licensure by obtaining 500 hours of internship, obtaining 15 hours of continuing education for each year out of practice, and pass the MPJE.

On a motion from Dr. Dennis, seconded by Mr. McLaughlin 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 Mr. Minton with no dissenting votes. Mrs. Chater stated that on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes, the Board would allow Mr. Dorscheid to reciprocate his license contingent on him obtaining 500 internship hours, take and pass the MPJE, and 10 hours of continuing education for each he was out of practice. The Board stated that, as a reminder, he would need to obtain 15 hours of CE for the current year.

Request for Review of K-Mart Concierge Service Proposal

Mary Jo Carden, Mary Tortrice, and Dan Levine, with K-Mart – Sears Holding Company, appeared before the Board to discuss K-Mart Sears Holding Company's proposed MyGofer services with the Board members. The services would allow patients to use an Internet-based method for requesting transfer prescriptions and communicating new prescriptions to a participating pharmacy and deliver the prescription to the patient by an employee of the pharmacy. After discussion, the Board thanked Ms. Carden, Ms. Tortrice, and Mr. Levine for demonstrating the system and stated that they would take the matter under advisement.

Discussion of Internship Hours Submission Deadlines

Mr. Campbell spoke to the Board concerning request made to Board staff to verify internship hours. North Carolina Board of Pharmacy rules state that the experiential hours acquired during the Pharm.D. program satisfy the practical experience requirement for licensure. The long-established certification process requires students and preceptors to complete an Application for Registration in Pharmacy Training Program form. Instructions on that form state that Form I must be completed within five (5) days of a student beginning the training program and Form II must be completed within five (5) days of a student completing the training program. Mr. Campbell stated that increasingly, Board staff receives requests from students to allow completion of these forms months – even years – after the training program was begun and completed. Almost always, the reason is that a student has decided (or by dint of a residency, been required) to seek licensure in a state that requires extra-academic practical experience. Board staff has tried to assist such students, but the number and tardiness of such requests continues to escalate. And attempting to recreate experiential hour records months or years after the fact consumes an inordinate amount of staff time and effort.

The Board Members directed Mr. Campbell to send a letter to each of the North Carolina Schools of Pharmacy to emphasize to incoming students – and re-emphasize periodically throughout the Pharm.D. program –that (i) some states require extra-academic experiential training for licensure; and (ii) the process for certifying those hours through the North Carolina Board of Pharmacy requires prompt attention.

Preceptor Continuing Education Policy

At the May 2010 Board meeting, the Board approved a change in policy to allow 5 contact hours of CE to a preceptor who instructs a student for a minimum 160 hours effective January 1, 2010. Mr. Campbell received a request from the NC Schools of Pharmacy to allow partial credit to preceptors for instructing students for 80 hours. After discussion, it was the consensus of the Board not to allow partial credit for preceptors.

DME Election Update

Director of Investigations Karen Matthew updated the Board on the DME election currently being held by staff.

Investigative Statistics

Karen Matthew presented the investigative statistics for May 2010.

Rulemaking Update

Mr. Campbell updated the Board on current rules changes. The Board adopted the Advance Tech rule at its May 2010 meeting. The North Carolina Rules Review Commission (RRC) then raised objections to the rule. At its June 17, 2010 meeting, the RRC determined that the Board had overcome all of those objections. Approximately ten people have written to the RRC expressing objections to the rule and requested legislative review of its terms. Therefore, by operation of

state law, the rule cannot become effective until the North Carolina General Assembly has had a certain number of days in which to introduce a bill to nullify the rule should any legislator desire to do so. Because this year's legislature is a "short session", it is unlikely that the requisite number of days will pass before the General Assembly adjourns. It is likely that this rule will remain in "limbo" until the General Assembly reconvenes in 2011, and the rule is unlikely to become operative until March 2011 (assuming that no bill is introduced to nullify the rule).

The Drug Donation rule became effective June 1, 2010. The public hearing for the Escrow Account rule was held on June 14, 2010 with no one in attendance. The public comment period also ended on June 14, 2010 and no comments were received by staff. It was the consensus of the Board to approve the rule and send it to the Rules Review Commission.

Financial Report

Gail Brantley, Financial and Administrative Service Director, presented the May 2010 financial statistics to the Board.

Appointment of Finance Committee

It was the consensus of the Board to appoint Dr. Parker Chesson and Mr. Joey McLaughlin to the Finance Committee for the upcoming year.

NABP District III Update and Reminder & September 2010 Pharmacy Leaders' Forum

Mr. Campbell updated the Board on the progress of the NABP District III meeting to be held August 15 – 17, 2010 at the Chetola Resort in Blowing Rock, NC.

Mr. Campbell also updated the Board on the September 2010 Pharmacy Leaders' Forum and requested topics for the forum from Board members.

Consent Agenda

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

Consent Agenda

Staff Issues a Letter of Warning

RPh. Shazia Ali, license #19741, was subject of a prehearing conference held May 17, 2010, heard by Dr. Chesson, regarding allegations of dispensing Ampicillin with incorrect directions. RPh. Ali changed the directions without consulting the patient or the treating physician. Recommendation: **Staff Issues a Letter of Warning to RPh. Ali.**

Staff Issues a Letter of Warning and Consent Orders

RPh. Jamie D. Ward, license #12579, RPh. Norma C. Lewis, license #06205, and Realo Discount Drug, permit #08436, were subjects of a prehearing conference held May 17, 2010, heard by Dr. Chesson, regarding allegations of dispensing carisoprodol to a patient sooner than permitted by the patient's prescription. Recommendation: **Staff Issues a Letter of Warning to RPh. Ward and Consent Orders of Reprimand to RPh. Lewis and permit.**

Consent Orders

RPh. Angela Mann, license #10722, was subject of a prehearing conference held June 14, 2010, heard by Mr. McLaughlin, regarding allegations of entering a Monitoring Agreement with the Alabama State Board of Pharmacy's Committee on Rehabilitating Pharmacist ("CORIP"). Recommendation: **5 year suspension/stayed until February 23, 2015 with conditions.**

RPh. Mark S. McKinney, license #18717, was subject of a prehearing conference held June 14, 2010, heard by Mr. McLaughlin, regarding allegations of entering into a Agreed Board Order with the Texas Board of Pharmacy for activities undertook while practicing in Texas. Recommendation: **2 year suspension/stayed until June 3, 2011 with conditions**

RPh. Kenneth P. Rogers, license #09084, was subject of a prehearing conference held June 14, 2010, heard by Mr. McLaughlin, regarding allegations of entering into a Consent Agreement with the South Carolina Board of Pharmacy for activities undertook while practicing in South Carolina. Recommendation: **3 year suspension/stayed until September 8, 2011 with conditions.**

Increase in Pharmacist to Technician Ratio

- 1) CVS Pharmacy Permit # 06732 Mooresville, NC Melissa Stone Cagide RPh App. 5/12/2010
- 2) CVS Pharmacy Permit # 06612 Eden, NC Lisa M Bennett RPh App. 5/12/2010
- 3) Sam's Club Pharmacy Permit # 07850 Wilmington, NC Daniel J Caputo RPh App. 5/12/2010
- 4) Boone Drug Inc. Permit # 07550 Linville, NC Dorothy Love Farfone RPh App. 5/12/2010
- 5) Wal-Mart Pharmacy Permit # 10307 Weaverville, NC Georgios Iliou RPh App. 5/12/2010
- 6) Walgreens Pharmacy Permit # 08825 Durham, NC Eric David Montijo RPh App. 5/12/2010
- 7) CVS Pharmacy Permit # 10421 Hickory, NC Thomas Wells RPh App. 5/12/2010
- 8) CVS Pharmacy Permit # 06718 Marion, NC Robert Lee Abrams RPh App. 5/12/2010
- 9) Gaston Memorial Hospital-Outpatient Pharmacy Permit # 01191 Gastonia, NC Michael Molby RPh App. 5/27/2010
- 10) CVS Pharmacy Permit # 06806 West Jefferson, NC Jackie Little RPh App. 5/27/2010
- 11) CVS Pharmacy Permit # 06682 Hildebran, NC Bruce J Teague RPh App. 5/27/2010
- 12) CVS Pharmacy Permit # 06667 Harrisburg, NC Victoria Davilla RPh App. 5/27/2010
- 13) CVS Pharmacy Permit # 06597 Conover, NC Justin Lee Hunt RPh App. 5/27/2010
- 14) Walgreens Pharmacy Permit # 08145 Thomasville, NC Jimmy Andrews RPh 6/4/2010
- 15) Pike's Pharmacy Inc. Permit # 04081 Charlotte, NC Jennifer L Keller RPh 6/4/2010

Report from NABP Meeting Concerning Accelerated Pharm.D. Programs for Foreign Graduates

Mr. Campbell updated the Board on a report from NABP concerning accelerated Pharm. D. programs for foreign graduates. At the February 2010 Board meeting, the issue was brought before the Board that per North Carolina law, a post-baccalaureate Pharm.D degree consisting of less than a full four-year curriculum conferred upon a student holding an undergraduate degree from a foreign pharmacy school is not a qualifying “undergraduate professional degree in pharmacy” for licensure. Mr. Campbell stated that staff is aware of three (3) ACPE accredited schools of Pharmacy in the country that were conferring a shortened post-baccalaureate Pharm.D degree to foreign graduates. Mr. Campbell stated that these applicants have been denied licensure by staff on the basis of rule. Mr. Campbell requested guidance from the Board on whether to continue denying these applications, whether the Board gives a different interpretation of the rule, or whether to explore amending the rule. The Board agreed with staff’s interpretation of the rule and it was the recommendation of the Board that staff contact National Association of Boards of Pharmacy (NABP) for a resolution on the issue.

This topic was discussed at the NABP meeting in May 2010. ACPE conducted a survey on the number of pharmacy schools that admit foreign graduates. ACPE reported that they have strict standards on accreditation for these schools and is comfortable regulating programs with foreign graduates. It was the consensus of the Board to allow graduates with an ACPE accredited degree to sit for the licensure exam in North Carolina.

Open Mike

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on enrollment and other issues at the School. She also updated the Board on the UNC satellite campus in Asheville, NC.

Phillip Thornton, Wingate School of Pharmacy, updated the Board on enrollment and other issues at the School.

Mr. Campbell updated the Board on the DEA interim rule regarding electronic prescriptions for controlled substances. DEA’s rule requires that systems for sending and receiving CSERx must be “certified” by a “third-party auditor” as meeting the security requirements specified in the rule. DEA has stated that no such systems are certified yet; moreover, DEA has not designated any third-party entities that it will allow to conduct audits and issue certification. Board staff is advising pharmacist that they may not receive electronic prescriptions for controlled substances until DEA has certified the security requirements and auditors.

There being no further business, on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the meeting adjourned at 11:25 am.

Rebecca W. Chater, President

Betty Dennis., Vice President

Gene Minton

J. Parker Chesson, Jr.

Lazelle Marks

Robert J. McLaughlin, Jr.