

President Gene Minton called the meeting to order at 9:05 am with Board Members Dr. Parker Chesson, E. Lazelle Marks, Carol Yates Day, Robert J. McLaughlin, 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, Director of Licensing Deborah Stump, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Cindy Clark, NCPRN; Tom Readling, NC Mutual; Christine Davis, Cardinal Health; David Catalano, Walgreens; Vann Day, Duke Med. Center; Tony Mitchum, Wal-mart; Robert Rawls, Physicians Pharmacy Alliance; Danny Seaver, Kerr Drug; David Moody, Mutual Drug; Aaron Jeffers, NCBOP; Jennifer Coleman; Kristen LaDuke; Pat Josselin, Kerr Drug; Barbara Gleaton, South University; Parrin Kiser, Wingate; Francy Mann, NCPRN; Ashley Riggleman, Campbell Law/NCBOP; Maria Boyle, NABP; Courtney Tate, UNC/ESOP; Trey Thompson, UNC/ESOP; Mary Symczyk, UNC/ESOP; Patrick Brown, UNC/ESOP; Chris Evans, BCBSNC; Laura Sides, UNC/ESOP; Lauren Hamm, UNC/ESOP; Mark Reinhard; Anne Groves, UNC/ESOP; Yuliya Chernous, UNC; Jordan Marie Ballon, Campbell Univ.; Jia Huang; Argelia Goodner; JenPetschawer; Laura Zane; Helen Copening; and Tarra Palyok, Walgreens .

#### 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 May 2012 Board Meetings

The members received the May 15, 2012 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Mr. Mixon to accept the Minutes as submitted. The motion passed with no dissenting votes.

#### PARE Presentation – Maria Boyle, NABP

Maria Boyle, NABP, gave a presentation to Board members concerning the Pharmacist Assessment for Remediation Evaluation (PARE) program. PARE can provide multidimensional assessments that Boards of Pharmacy may use when a pharmacist is returning to practice. PARE tests a pharmacist's skills in medication safety, ethics, and clinical pharmacy practice.

#### Consideration of Reinstatement Application – RPh. Mark Stephen Reinhard, License #07088

RPh. Mark Stephen Reinhard, license #07088, appeared before the Board in consideration of his reinstatement application. Mr. Campbell stated that Mr. Reinhard currently has active Virginia, Pennsylvania, and West Virginia pharmacist licenses. He also stated that Mr. Reinhard was disciplined by the Virginia Board of Pharmacy four times between 1996 and 2001. Mr. Reinhard explained the circumstances of each of the disciplinary actions to the Board.

On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to discuss the matter. Open session resumed on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes. Mr. Minton stated that on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board would allow Mr. Reinhard to move forward with his reinstatement application.

Consideration of Reinstatement Application – RPh. Helen Costella Copenig, License #06118

RPh. Helen Costella Copenig, license #06118, appeared before the Board in consideration of her reinstatement application. Ms. Copenig allowed her pharmacist license to lapse in 2007 because of financial burden. She was able to reinstate her license but allowed it to lapse again in 2009. Ms. Copenig has not worked in pharmacy since 2007. Ms. Copenig has taken and passed the MPJE. She has also completed her continuing education requirements for reinstatement.

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. McLaughlin, seconded by Mr. Marks with no dissenting votes. Mr. Minton stated that on a motion from Mr. McLaughlin, seconded by Dr. Chesson on a split vote, the Board would allow Ms. Copenig to reinstate her license on the condition that she obtains 1250 hours of internship within 2 years of her appearance before the Board.

Consideration of Licensure Application – Barbara J. Gleaton

Barbara J. Gleaton appeared before the Board in consideration of her exam application. Ms. Gleaton recently graduated from South University with a degree in pharmacy and has submitted an application for licensure with the NC Board of Pharmacy. She was charged with DUI in March 2012. She did report the charge on her application but the case has not been resolved through the court system. It is staff policy not to grant licensure to persons with unresolved charges. Ms. Gleaton requested the Board make an exception to this policy. She spoke to the Board about her DUI charge and her pending residency.

On a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved into close session to discuss the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes. Mr. Minton stated that on a motion from Dr. Chesson, seconded by Mr. Mixon with no dissenting votes, the Board denied Ms. Gleaton request to continue with the licensure process until her criminal matters are resolved.

Possible Revision to 21NCAC 46.1601(a) Concerning Pharmacy Reference Library Requirements

At the May 2012 Board Meeting, Mr. Campbell stated that Mr. Mixon brought to the attention of staff that rule .1601 (a) regarding pharmacy reference library material requires specific references, some of which are no longer in print. Mr. Campbell asked the Board if they wish to amend the rule to update standards for reference libraries. It was the consensus of the Board that Board staff and counsel work on a draft rule amendment. Mr. Campbell presented a draft of an amendment to the rule for their consideration. On a motion from Mr. Marks, seconded by Mr. Mixon with no dissenting votes, the Board moved to approve the proposed rule change and publish it for notice and comment.

Recognition Program for Pharmacist with 60+ Years of North Carolina Licensure

The Board recognized pharmacists who have been continually licensed in North Carolina for sixty years or more.

<u>Pharmacist Name</u>	<u>Years of Service</u>
John A. McNeill	72
Hamilton P. Underwood	71
Clarence L. Shields	69
Merwin S. Canaday	68
Hubert G. Dameron	67
Charles H. Beddingfield	67
Gerald D. Hege	67
Joe E. Hamlet	66
Ellerbe W. Griffin	64
Willie C. Rose	63
Clifford E. Hemingway	63
Maryellen M. Holt	63
Leon I. Graham	63
Hunter O. Gammon	63
John M. Rancke	62
Ernest J. Rabil	62
Windfield S. Gardner	62
Charles F. Jones	62
Olin H. Welsh	61
William H. Wilson	61
Ray T. Hudson	61
Alec W. Clelland	60
Warren E. Crispens	60
Keith N. Fulbright	60
William N. Robertson	60
Joseph C. Harris	60
John W. Gresham	60
Loy R. Burris	60

### Financials

Gail Brantley, Financial and Administrative Services Director, presented the May 2012 financial statistics to the Board.

### Investigative Statistics

Director of Investigations Karen Matthew presented the investigative statistics for June 2012.

### Report from U.S. Attorney Drug Diversion Summit

Karen Matthew gave a presentation on the U.S Attorney Drug Diversion Summit that was held May 29, 2012 at the SAS Auditorium in Cary, NC.

### Update on Proposed Amendment to Rule .1801 Concerning Telemedicine-Generated Prescriptions

At the April 17, 2012 Board meeting, Al Carter and Mike Simko, Walgreens, presented a petition to the Board to amend 21 NCAC 46 .1801, Right to Refuse a Prescription, to allow for the filling and refilling of non-controlled substance prescriptions generated by telemedicine encounters. It was the consensus of the Board that staff communicate with the Medical Board, Nursing Board, Dental Board, North Carolina Division of Medical Assistance, and the DEA to get their views on the proposed rule amendment. Board received written comment from the Medical Board, Dental Board, and NC Division of Medical Assistance and will take the matter under advisement.

### Pharmacy Leaders' Forum – Discussion of Invitation List and Potential Topics

Mr. Campbell stated that the Pharmacy Leaders' Forum is coming together. The Board retreat will be held the day before the forum on Thursday, September 27, 2012. Mr. Campbell reminded Board members to send in their recommendations for the Pharmacy Leaders' Forum invitation list to staff.

### Consideration of Licensure Application – Mary Laura Sides

The Board considered the licensure application of Mary Laura Sides. After hearing testimony and receiving evidence concerning a 2006 DUI conviction, the Board voted to allow Dr. Sides' application to go forward.

### Consent Agenda

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

#### **Prehearing Conference**

#### **Staff Issues Letters of Concern**

RPh. Steven Worth Jarrett, license #11782, and Carolinas Medical Center, permit #00119, were subjects of a prehearing conference held May 14, 2012, heard by Dr. Chesson, regarding allegations that RPh. Jarrett and permit did not maintain an adequate system of inventory and security to prevent diversion of 2260 dosage of Schedule II controlled substances. The initial diversion of 400 dosage units was not reported to DEA and the Board within an adequate time and subsequently there were more diversion of medications. Recommendation: **Staff Issues Letters of Concern** to RPh. Jarrett and permit.

#### **Staff Issues Letters of Warning and No Action**

RPh Milin Patel, license #18071; Marshville Pharmacy & Surgical Supply, permit #10504; RPh. Kenneth M. Greene, license #17865; and CVS Pharmacy, permit #10874

were subjects of a prehearing conference held May 14, 2012, heard by Dr. Chesson, regarding allegations that RPh. Patel transferred a prescription for Novolin from Marshville Pharmacy to CVS Pharmacy and unlawfully placed the drugs in packaging that suggested that it was filled at Marshville Pharmacy. RPh. Patel misbranded the medication indicating it had been dispensed from Marshville Pharmacy.

Recommendation: **Staff Issues Letters of Warning** to RPh. Patel and Marshville Pharmacy & Surgical Supply. **Staff Issues Letters of No Action** to RPh. Greene and CVS Pharmacy.

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

RPh. Kelly Thomas Hoots, license #14905; RPh. Kelly Ann Gray, license #15433; and CVS Pharmacy, permit #10947 were subjects of a prehearing conference held May 14, 2012, heard by Dr. Chesson, regarding allegations that RPh. Hoots dispensed a high volume of prescription while supervising 5 technicians in excess of the number permitted by waiver of the Board. RPh. Hoots also left the pharmacy with no pharmacist on duty while the pharmacy was still open. RPh. Gray was made aware of the situation and instructed a non-pharmacist employee to re-open the drive-thru. Recommendation: **Staff Issues Letters of Warning** to RPh. Hoots, RPh. Gray, and permit.

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

RPh. Brian K. Brewer, license #08063, and Wal-Mart Pharmacy, permit #07937 were subjects of a prehearing conference held May 14, 2012, heard by Dr. Chesson, regarding allegations that RPh. Brewer and permit did not maintain an adequate system of inventory or security to prevent the diversion of 5500 dosage units of Hydrocodone. Recommendation: **Staff Issues Letters of Warning** to RPh. Brewer and permit.

### **Consent Orders**

RPh. Joseph Lynn Black, license #07113; RPh. John William Sink, license #06611; and Franklin Street Pharmacy, permit #04012 were subjects of a prehearing conference held May 14, 2012, heard by Dr. Chesson, regarding allegations of of filling 138 prescriptions that should have reasonably been known to be forged. Recommendations: **30 day suspension/ stayed 2 years with conditions** for RPh. Sink. **20 day suspension stayed 2 years with active 10 day suspension with conditions** for RPh. Black. **2 day suspension / stayed 2 years** for permit.

Cardinal Health 414, LLC, Knoxville, TN, waived formal hearing and agreed to consent order granting permit but placing that permit under indefinite suspension/ stayed 1 year with conditions for shipping prescriptions into North Carolina without a permit. One shipment was sent which was disclosed on the out-of-state permit application.

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

### **CPP Candidates**

Marguerite Lane Conger

**Increase in Pharmacist to Technician Ratio**

- 1.) Target Pharmacy Raleigh Permit # 06951, Jennifer C Lopez RPh, App. 5/23/2012
- 2.) Kerr Drug Lenoir Permit # 06910, Marlana L Abernethy RPh, App. 5/23/2012
- 3.) Walmart Pharmacy Hillsborough Permit # 07973, Tony Lee Mitchum RPh, App. 5/23/2012
- 4.) Mission Mail Order Pharmacy Asheville Permit # 11072, Serena Mansell RPh, App. 6/5/2012
- 5.) Mission Community Pharmacy Asheville Permit # 09365, Charlotte Shope RPh, App. 6/5/2012
- 6.) Walmart Pharmacy Lumberton Permit # 07986, Rita Mashburn RPh App. 6/5/2012
- 7.) CVS Pharmacy Asheville Permit # 10915, Patricia D Etheredge RPh, App. 6/5/2012
- 8.) The Prescription Pad of Burnsville Burnsville Permit # 11004, Matthew Deven Raines RPh, App. 6/5/2012
- 9.) Walgreens Greensboro Permit # 08884, Emily P Graham RPh, App. 6/11/2012
- 10.) Family Care Pharmacy of Swansboro Swansboro Permit # 10348, Robert E. Fuller RPh, App.6/5/2012
- 11.) Target Pharmacy Charlotte Permit # 09349, Jason Ray RPh, App. 6/5/2012

Open Mike

There were no presentations during the Open Mike portion of the meeting.

Closed Session

On a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Mr. Minton stated that technicians Justin James Li Puma, registration #28905, and Sara Helen Ciavolella, registration #30739, were summarily suspended.

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

There being no further business, the meeting adjourned at 12:05pm.

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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