

President Bill Mixon called the meeting to order at 9:00 am with Board Members Carol Yates Day, L. Stan Haywood, Robert A. Graves, Gene Minton, and Robert J. McLaughlin present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Associate Director of Investigations Krystal Brashears, Director of Operations Kristin Moore, and Financial Services Director Gail Brantley. Present as visitors were: Valanda Nelson, NCPRN; Jennifer Niles; NCPRN; Heidi Barefoot, Target; David Moody, Mutual Drug; Christine Davis, Cardinal Health; Shelby Hudson, UNC/ESOP; Brent Slaughter, Mutual Drug; Collen Moody, UNC/ESOP; Jordan Fornecker, Campbell Univ.; Chris Ciolko, PipelineRx; Steven Yow; UNC/ESOP; Ronnie Willard, Wal-Mart; Alun Ong, GSK; Michael Ryan, UNC/ESOP; Lyn Olson, Campbell Univ.; Sandra Knuckles, NCBOP; and Summer Canoy, NCBOP.

### Ethics Statement & Welcome

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

### Public Hearing: Proposed Amendment to 21 N.C.A.C 46.1801 – Right to Refuse a Prescription

The Board held a public hearing on amendments to rule .1801 – Right to Refuse a Prescription that would amend the rule to judge a validity of a prescription by reference to the standards set by the occupation licensing boards of the prescriber. Staff received one written comment supporting the amendment. No one spoke during the public hearing.

After discussion, on a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes, the Board approved the rule amendments as presented and send them to Rules Review Commission.

### Minutes of May 2015 Board Meeting and May 18, 2015 Conference Call

The members received the May 12, 2015 meeting minutes and the May 18, 2015 conference call minutes prior to this meeting for review. It was moved by Mr. Minton, seconded by Mr. McLaughlin to accept the minutes as submitted. The motion passed with no dissenting votes.

### Proposal from the University of North Carolina Eshelman School of Pharmacy to Create a North Carolina Controlled Substance Reporting System Educational Module for Pharmacists

Patrick Brown, UNC Eshelman School of Pharmacy, presented a proposal to create an on-line video-based continuing education module that would educate pharmacists on how to access and use the Controlled Substance Reporting System (CSRS). The module would be a joint effort between the Board and UNC Eshelman School of Pharmacy and would be available to pharmacists across the state at no charge. Mr. Brown stated that the module would be a 1 hour, on-line, ACPE approved, interactive program.

After discussion, on a motion from Mr. Minton, seconded by Mr. Haywood with no dissenting votes, the Board approved Board funding for the program.

Discussion of Proposed Comments to the Food and Drug Administration on the Draft Memorandum of Understanding Addressing Certain Distributions of Compounded Drug Products Between the State and U.S. Food and Drug Administration

At the May 2015 Board meeting, it was the consensus of the Board to direct Mr. Campbell to draft a letter to the FDA, for Board's approval, regarding the Memorandum of Understanding (MOU) proposed by the Food and Drug Administration (FDA) regarding the interstate distribution of compounded drugs. The letter would address the Board concerns with the FDA calculations regarding interstate shipping of compounded medications and the obligations of field staff if the Board entered into the MOU. Mr. Campbell presented a draft letter to the Board for their approval. Mr. Campbell stated that the deadline for comments to the FDA had been extended from June 19<sup>th</sup> to July 20<sup>th</sup>.

After discussion, on a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes, the Board approved the draft letter and directed Mr. Campbell to send it the FDA.

Request for 21 N.C.A.C 46.2410 Pilot Program to Study the Use of Telepharmacy Practice in Psychiatric Patient Care Setting

At the March 2015 Board meeting, Jason Southworth, Carolina Behavioral Care, and Tom Murry, RNA Pharmacy, appeared before the Board to discuss telepharmacy matters and developing a telepharmacy practice at their respective clinics. After discussion, it was the consensus of the Board to table the matter and invite Mr. Southworth and Mr. Murry to develop a specific telepharmacy proposal for the Board to review.

Mr. Southworth presented a proposed .2510 Pilot Program to allow Carolina Behavioral Care to provide certain telepharmacy services to their patients at outlying clinics.

The Board adjourned for a five (5) minute break and then resumed open session.

After discussion, on a motion from Mrs. Day, seconded by Mr. Minton on a three (3) to two (2) split vote, the Board declined to authorize the proposed pilot program.

Proposal for Amendment of Remote Medication Order Entry Rule, 21 N.C.A.C 46.1417 – Chris Ciolko, PipelineRx

Rule .1417 Remote Medication Order Entry – states that health care facilities that are not open 24 hours a day, seven days a week, may contract for the provision of remote medication order processing when no pharmacist is present. The rule prohibits health care facilities from contracting with outside providers for remote order entry to supplement on-site pharmacy services during peak workload times. Chris Ciolko, PipelineRx, presented a proposed rule amendment to .1417 Remote Order Entry, to change the rule to state that health care facilities that are open twenty-four (24) hours a day, seven (7) days a week may contract for the provision of remote medication order processing services.

After discussion, on a motion from Mr. Minton, seconded by Mr. Graves with no dissenting votes, the Board moved to publish the proposed rule amendment for notice and comments.

### Legislative Update

Mr. Campbell updated the Board on several legislative issues.

#### Update on Veterinary Reference Materials for Pharmacies That Dispense Prescription Drugs to Veterinary Patients

At the May 2015 Board meeting, Emily Sorah, NCSU CVM Intern, presented a propose amendment to rule .1601 – Pharmacy Permit to require pharmacies that dispense medication to veterinary patients to have access to veterinary specific reference material. After discussion, it was the consensus of the Board to direct Mr. Campbell to draft a proposed amendment to rule .1601 to require veterinary specific reference material for pharmacies that dispense to veterinary patients for the Board's consideration at the June 2015 meeting.

Mr. Campbell stated that after further review of the rule by staff, it is staff's recommendation that the rule's intent is that adequate reference material should be available for all pharmacy patients, human or veterinary. Mr. Campbell proposed working with Dr. Sorah on developing educational outreach material for pharmacist to reference concerning veterinary medications. It was the consensus of the Board to agree with staff's recommendation.

### Financial Report

Gail Brantley, Financial Services Director, presented the May 2015 financial report to the Board.

Ms. Brantley requested that the Board approve changing the equipment capitalization amount from \$500 to \$2000. On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the request.

### Investigative/Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the June 2015 investigative report.

### DME Sub-Committee Election Update

The election for DME Sub-Committee Rehabilitation Technology Supplier is currently being held. Mr. Edward Dressen is seeking his second term on the sub-committee and is running unopposed. The election will run through June 30, 2015.

### Report on Election for the Southeastern District Board Member Position

The runoff election for the Southeastern District Board Member position is currently being held between candidates J. Andrew Bowman and Jennifer Askew Buxton. The election will run through June 23, 2015. A conference call will be held June 24, 2015 for Board members to certify the results of the election.

2015 NABP District III Meeting – August 15-18, 2015, St. Augustine, FL

The 2015 NABP District III meeting will be held August 15-18, 2015 in St. Augustine, FL. Mr. Campbell reminded Board members to contact staff if they would like to attend the meeting.

Reports to the Board

Mike James updated the Board on several legislative issues.

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. McLaughlin, seconded by Mrs. 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**

Jason Joyce, License #14372; Tamela Joyce, License #13898; Shawn Long, Registration #11696; and Quality Care Pharmacy, Permit #09475 were subjects of a prehearing conference held May 11, 2015, heard by Mrs. Day, regarding allegations that a patient was dispensed Hydromorphone 4mg on April 15, 2014, at Quality Care Pharmacy in a prescription bottle without a child resistant cap. As a result, the patient's son was able to take the cap off the bottle and subsequently ingested two (2) dosage units. The investigation revealed that RPh. Jason Joyce was the pharmacist of record for the dispensing of the Hydromorphone 4mg. Board staff was advised that patients are required to select "Yes" or "No" during check-out regarding their preference for safety caps, and provide a signature. Patient's signature was not recorded this date due to an update of the pharmacy's VIP software, and she advised she did not recall signing anything requesting a non-safety cap. Recommendation: **Staff Issues Letters of Warning** to RPh. J. Joyce; RPh. T. Joyce; Tech. Long; and permit.

**Staff Issued Letters of Warning**

RPh. Christopher Collins, License #19402; Technician Linda Walker, Registration #12895; and Rite Aid Pharmacy, Permit #09719 were subject of a prehearing conference held March 16, 2015, heard by Dr. Chesson, regarding allegations that a patient had a prescription for Terazosin 2mg filled at the subject pharmacy on November 20, 2013. On or about November 28, 2013, the patient ingested one (1) tablet of what he thought was Terazosin 2mg along with his prescribed Hydrocodone tablet. Approximately an hour later, he did not feel well and experienced slurred speech, dizziness, was incoherent and suffered a fall. The patient was taken to Carolinas Healthcare System Blue Ridge on November 28, 2013. His medications were sent to the pharmacy for review, and RPh. James Griffiths #13346 discovered there were Temazepam 15mg tablets in the vial labeled as Terazosin 2mg. Recommendation: **Staff Issues Letters of Warning** to RPh. Collins, Technician Walker, and permit.

### **Staff Issued Letters of No Action**

RPh. George Floyd, Jr., License #08854, and Columbus Regional Healthcare System, Permit #02686 were subject of a prehearing conference held May 11, 2015, heard by Mrs. Day, regarding allegations of two separate investigations by Board staff. The first case involved Columbus Regional Healthcare System missing approximately 1,500 dosage units of Butalbital/APAP/Caffeine 50/325/40mg, failing to maintain an appropriate inventory system to detect and prevent the diversion of controlled substances, failing to provide adequate security, and failing to ensure appropriate supervision of technicians. The latter case involved the same issues with drugs listed under schedules II, III & V along with negligently and unlawfully allowing technicians to fill their own controlled substance prescriptions. The investigative findings for these cases yielded the surrender of two (2) technician registrations, the surrender of one (1) pharmacist license, and the termination of all three (3) employees. Recommendation: **Staff Issued Letters of No Action** to RPh. Floyd and permit.

### **Consent Order**

Michael Cole Herrell was subject of a prehearing conference held June 16, 2015, heard by Mr. Minton, regarding Mr. Herrell eligibility to proceed with the pharmacist licensure application process after disclosing on his licensure application that he was convicted of driving under the influence in November 2011 and December 2012. He entered into a treatment and monitoring agreement with the NC Pharmacy Recovery Network (NCPRN) who advocates for him proceeding with the licensure process. Recommendation: Allow Mr. Herrell to continue with the licensure process. If he completes the licensure process, his license would be subject to conditions.

A copy of the Order Regarding Licensure can be found elsewhere in the minutes and is incorporated by reference herein.

### **Increase in Pharmacists to Technician Ratio**

1. Beddingfield Drugs LLC #12083, Clayton NC, Eric Montijo PM
2. CVS Pharmacy #10695, Southern Shores NC, Cheryl Miller PM
3. CVS Pharmacy #10857, Waynesville NC, Jennifer Hastings PM
4. Walmart Pharmacy #12508, Richlands NC, Michael Brown PM
5. Walmart Pharmacy #08498, Wake Forest NC, A. Wayne Page PM
6. Walmart Pharmacy #11990, Newport NC, Angeline Urban PM
7. Walmart Pharmacy #11167, Ayden NC, Stephen Hodgson PM

### **CPP Candidates**

- Megan Diffenbaugh, PharmD #21729, Family Practice, Old Fort, NC
- YoRonda A. James, PharmD #20434, Cone Health Community Health & Wellness Center, Greensboro, NC

- Steven Johnson, PharmD #22973, Infectious Diseases, Winston-Salem, NC
- Macary Marciniak, PharmD #20167, Lakewood Pediatrics & Family Medicine, Durham, NC
- Darius Russell, PharmD #18330, Lakewood Pediatrics & Family Medicine, Durham, NC

There being no further business, on a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the meeting adjourned at 11:29am.

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William A. Mixon, President

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Carol Yates Day, Vice-President

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Robert J. McLaughlin, Jr.

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Gene Minton

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L. Stan Haywood

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Robert A. Graves