

President William (Bill) Mixon called the meeting to order at 10 am. Due to the COVID-19 state of emergency, the meeting was convened by teleconference. Board Members Ashley Duggins, Keith Vance, Andy Bowman, Wallace Nelson, Mischelle Corbin and Bill Mixon were in attendance. Members of the public also attended the meeting via teleconference.

Ethics Statement & Welcome

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

Public Hearing – Amendment to 21 NCAC 46 .2801 Compounding Rule

There were no written comments received during the comment period, and no member of the public spoke during the public hearing. Dr. Bowman moved to close the public meeting. Dr. Duggins seconded. The motion passed with no dissenting votes.

Consideration of May 2021 Meeting Minutes

The members received the May 18, 2021 meeting minutes for review prior to the meeting. Dr. Vance moved to approve the minutes. Dr. Bowman seconded. The motion passed with no dissenting votes.

Request for Modification of Consent Order (*Gerard Dyckman*)

Dr. Bowman recused himself from consideration of this matter.

On July 16, 2019, the Board issued a consent order regarding licensure to Gerard Dyckman. Under the terms of the 2019 Order, Dr. Dyckman was made eligible to complete the licensure process. Dr. Dyckman successfully completed the licensure process on September 5, 2019. That license is subject to certain conditions, among them that for a period of one year from licensure, he may not serve as a pharmacist-manager of any pharmacy unless the Board issues a modification order. The 2019 Order states that any petition from Dr. Dyckman to lift this restriction must be accompanied by documentation from NCPHP stating that his serving as a pharmacist manager will not jeopardize his recovery. Dr. Dyckman has petitioned to lift this restriction. NCPHP has provided documentation that Dr. Dyckman completed his NCPHP monitoring agreement on November 13, 2020, and that he complied with all requirements.

After receiving documents and hearing testimony, Mr. Nelson moved to grant the petition to lift the pharmacist-manager restriction. Dr. Vance seconded. The motion passed with no dissenting votes.

Technician:Pharmacist Ratio Requests

Request for 5:1 Technician:Pharmacist Ratio, Walgreens, Pharmacy Permit #12404 (Cynthia Harvey, Pharmacist Manager)

After receiving documents and testimony, the members discussed the matter thoroughly and voted unanimously to deny the request. The members noted the pharmacist-manager's testimony that Walgreens does not allow the pharmacist-manager to determine the number of pharmacist and technician hours needed to provide pharmacy services. Accordingly, granting the ratio request would not actually empower the pharmacist manager to set technician staffing levels and could, in fact, hinder the pharmacist-manager's ability to obtain needed pharmacist staffing (which, the pharmacist-manager testified, she had had requested but been refused).

The members also noted that the only specifically articulated reason for the proposed ratio increase was to ensure that the pharmacy did not inadvertently violate its currently allowed 4:1 technician:ratio. The request did not articulate any specific means by which a higher ratio would be employed to directly improve patient care.

Request for 5:1 Technician:Pharmacist Ratio, Gates Pharmacy, Pharmacy Permit #11190 (Hayley Wood, Pharmacist Manager)

After receiving documents and testimony, the members discussed the matter thoroughly and voted unanimously to approve the request. The members found that the pharmacist-manager is empowered to set staffing levels to meet patient needs and, in fact, exercises that power. Further, the members credited the pharmacist-managers detailed explanation of how additional technician staff would be used to broaden pharmacy services to patients.

Report and Recommendations of the Permit Meeting/Pharmacist Manager Education Committee *Duggins, Vance* (members); *Betz, Watson, Kohler, Stefanyk* (staff)

Missy Betz presented the report and recommendations of the Permit Meeting/Pharmacist Manager Education Committee: The committee recommends that the Board promulgate amendments to 21 NCAC 46.1606 that would:

- Eliminate the requirement that a pharmacist-manager appear personally at the Board office to obtain a new pharmacy permit.
- Require on-line viewing of education materials by the applicant pharmacist-manager prior to issuing a permit.
- Issue permits once all requirements have been met – *i.e.* on a rolling schedule, rather than certain day(s) of the week/month.

- Seek accreditation of the educational materials through the North Carolina Association of Pharmacists to award CE credit.
- Require the designated pharmacist-manager of an out-of-state pharmacy permit to be the same pharmacist-manager designated in the pharmacy's home state of licensure.

After discussion, Mr. Nelson moved to accept the committee's recommendations and direct the committee to produce a draft rule for consideration at a future Board meeting. Dr. Bowman seconded. The motion passed with no dissenting votes. Mr. Campbell and Mr. Pinyan will collaborate on the rule language and present to the Board at a future meeting.

Standing Committee Appointments

President Mixon made the following appointments for FY2021-22:

Budget and Finance Committee – Duggins, Corbin, and Nelson

CPP Advisory Committee Liaison – Mixon, Nelson

DME Committee – Corbin, Mixon

Board staff solicited interest in filling the Medical Equipment representative slot and received timely responses from four (4) persons in charge of DME facilities that sell medical equipment. Dr. Duggins nominated Kimberly Lynn to fill the committee position. Mr. Nelson moved to close nominations and appoint Lynn. Mr. Mixon seconded. The motion passed with no dissenting votes. Other DME persons-in-charge on the committee will continue their service.

Ad Hoc Committee Appointments

Telepharmacy Committee – Vance, Bowman, and Nelson

Opioid Crisis Committee – Duggins, Vance, and Bowman

Haywood Fund Committee – Bowman, Mixon, and Corbin

Limited Service Permit Revision Committee – Mixon and Nelson

Permit Meeting/Pharmacist Manager Education Committee – Duggins and Vance

Long-Acting Injectable Committee – Duggins and Bowman

Working Conditions Committee – Bowman, Vance, and Duggins

Intern Registration – Vance, Bowman, and Corbin

President Mixon recommended that the members of each committee select a chairperson.

North Carolina Professionals Health Program Board of Directors Appointments

President Mixon appointed Ms. Corbin and Dr. Bowman to serve on the NCPHP Board of Directors.

The Board then took a short break and reconvened at 12:25 pm.

Rulemaking

Discussion/Potential Action (Approve/Reject): Proposed Amendment to 21 NCAC 46.2801, Compounding Rule

Mr. Campbell noted that the Board had not received any written comments about the proposed rule, nor did anyone speak at the public hearing. Dr. Bowman moved to adopt the proposed rule amendment. Dr. Duggins seconded. The motion passed with no dissenting votes.

Discussion/Potential Action (Publish for Notice and Comment): Proposed Temporary Rule to Implement S.L. 2021-3's Long-Acting Injectable Administration Authority for Pharmacists

Dr. Bowman moved to publish the proposed rule for notice and comment. Mr. Nelson seconded. The motion passed unanimously.

Update: Repeal of 21 NCAC 46.1417, Remote Medication Order Processing Services; Amendment to 21 NCAC 46.1816, Procedures for Centralized Processing of Prescription Orders

Comment period is open through 10 am, July 20, 2021. Staff are monitoring.

Update: Adoption of 21 NCAC 46.1616, Limited Service Permits; Amendments to 21 NCAC 46.1317, .1703, .1706, and .2502

Comment period is open through 10 am, July 20, 2021. Staff are monitoring.

Committee Progress Reports

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

Notice-and-comment rulemaking underway on expanded remote medication order entry authority. Committee has decided to take up consideration of direct-to-patient dispensing technology next. The committee convened on Thursday, June 10, 2021, to begin work on that issue.

Limited Service Permit Revision Committee – *Mixon, Nelson* (members);
Campbell, Stefanyk, Bissell, Pinyan (staff)

Notice-and-comment rulemaking underway on limited service permit revision and clarification. A public hearing is scheduled for July 20, 2021.

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

Committee staff have gathered information needed to frame the full committee's discussion and produced a comprehensive background memo. Committee is in the process of scheduling a meeting for late June 2021 to discuss the issues and form recommendations to present to the full Board at the July 20, 2021 meeting.

Working Conditions Committee – *Vance, Bowman* (members)

Productive discussion on changes to pharmacy inspection processes to focus more specifically on potential public safety risk creating working conditions and enforcement strategies. Several Board members and staff have applied to be appointed to NABP's task force on this topic.

Legislative Report (*Campbell; Pinyan*)

H96 Allow Pharmacists to Administer Injectable Drugs and S575 Pharmacists Improve Public Health Needs

These two bills have been combined. Debate and negotiation is robust, with revised proposals appearing frequently. Mr. Campbell is monitoring and will update the Board.

Financial Report

Monthly Financial Report (*Brown*)

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

Proposed FY2021-22 Budget (Brown, Jones, Campbell, Budget & Finance Committee)

J.P. Brown presented the FY2021-2022 budget to the Board as recommended by the Budget and Finance Committee. The members discussed the budget in detail. Mr. Nelson moved to approve the budget as proposed. Dr. Vance seconded. The motion passed with no dissenting votes.

Investigative Report

Docket Report (Kohler)

Josh Kohler, Director of Investigations, presented the investigations report and current caseload.

Board Meeting Schedule

The Board will resume in-person meetings on July 20, 2021. Board staff will work with the members to implement policies and procedures to ensure that members, staff, and guests are compliant with current best practices governing COVID-19 prevention.

The Board agreed to reschedule the September meeting to September 14, 2021.

The Board discussed holding annual retreat in November at the Carolina Inn. The members asked staff to proceed with planning and to report back at the July 20, 2021 meeting.

NABP District III Annual Meeting, October 3-6, 2021, Hilton Head, South Carolina (Parham)

Registration for District III Annual meeting is available online. The Board should see Cindy Parham or Leslie Wilson with any questions.

MALTAGON – October 17-20, 2021, The Lodge at Gulf State Park, Gulf Shores, AL

Mr. Campbell noted the dates and site of MALTAGON. Board members should register with Cindy Parham or Leslie Wilson.

Consent Agenda

The following items were approved.

Prehearing Conference
Staff Issued Letters of Warning

Daniel K. Prah-Ennin, License #26594
 John M. Choroser, License #25505
 CVS Pharmacy, Permit #10917

Staff Issued Letters of Warning

Scott Ellis, License #09024
 Pungo River Pharmacy, Permit #04520

Consent Orders**Reciprocity Candidates**

License Number	First Name	Last Name	Licensed Date
30382	Jason	Zehden	5/20/2021
30376	Sara	Wiser	5/20/2021
30377	Mya	Tran	5/20/2021
30379	Lee	Mazer	5/20/2021
30378	Marie	Bozman	5/20/2021
30385	Paul	Kasirye	5/27/2021
30390	Rachel	Rusk	5/27/2021
30383	Melissa	Catalano	5/27/2021
30388	Larry	Pechony	5/27/2021

30384	Stephanie	Gates	5/27/2021
30386	Amilda	Medina	5/27/2021
30387	Kunjal	Nair	5/27/2021
30391	Daisy	Sato	5/27/2021
30389	Sara Elizabeth	Reid	5/27/2021
30400	Kylie	Weaver	6/3/2021
30399	Sarah	Talley	6/3/2021
30397	Katherine	Sims	6/3/2021

CPP Candidates

License Number	First Name	Last Name	Licensed Date
700297	Lauren	Alderman	5/24/2021
700296	Victoria	Watkins	5/24/2021
700299	Vallie	Pearson	5/24/2021
700298	Heather	McLeod	5/24/2021
700295	Darryl	Lewis	5/24/2021
700294	Matthew	Ransom	5/24/2021

Increase in Pharmacist to Technicians Ratio

License Number	Pharmacy Name	New Ratio	Complete Date
13508	Walgreens	PT Ratio Change 1:3	5/20/2021

12436	Walgreens	PT Ratio Change 1:4	5/21/2021
12327	Walgreens	PT Ratio Change 1:4	5/21/2021
10732	CVS	PT Ratio Change 1:4	5/26/2021
14409	Scenic Pharmacy	PT Ratio Change 1:3	5/31/2021
7815	Ingles	PT Ratio Change 1:4	6/2/2021
13918	The Prescription Pad	PT Ratio Change 1:4	6/2/2021
12695	Wal-Mart	PT Ratio Change 1:4	6/3/2021
14500	Center Street Pharmacy	PT Ratio Change 1:3	6/7/2021
13596	Walgreens	PT Ratio Change 1:4	6/7/2021
8029	Wal-Mart	PT Ratio Change 1:4	6/8/2021
8435	Medicine Mart	PT Ratio Change 1:4	6/11/2021

Closed Session

On a motion from Dr. Bowman, seconded by Dr. Vance with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions.

When open session resumed on a motion from Ms. Corbin, seconded by Dr. Duggins with no dissenting votes, President Mixon stated that the Board summarily suspended Technician Registration No. 62254 issued to Alleme Mallory.

William A. Mixon, President

Dr. Andy Bowman

Mischelle Corbin

Dr. Ashley Duggins

Wallace Nelson

Dr. Keith Vance