

President Rebecca Chater called the meeting to order at 9:00 am with Board Members Joey McLaughlin, Gene Minton, and E. Lazelle Marks present. Dr. Betty Dennis was absent from the meeting. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Financial and Administrative Services Director Gail Brantley, Director of Investigations Karen Matthew, and Director of Operations Kristin Moore. Present as visitors were: Heidi Barefoot, Target Pharmacy; Mary Christine Parks, NCPRN; Cindy Sugg, NCPRN; Christine Davis, Cardinal Health; Lisa Collums, Kerr Drug; Lori Setzer, CVS; Elizabeth Suttles, Campbell Law School; Jason Smith, NCBOP; Barbara Ellen Vick, UNC/SOP; RPh. Greg Thaxton; Josh Overcash, UNC/SOP; Josh Stallings, Campbell Univ.; Tom Readling, NC Mutual; Caitlin McLaughlin, Brooks Pierce; Seth Stoughton, Brooks Pierce; Peter Nelson, Brooks Pierce; Morgan Norris, NCAP; Rachel Booker, Campbell Univ.; Lori Keyser, Omnicare; Christopher Westerfield, GlaxoSmithKline; Mr. Robert Lazoris; Mrs. Kristen Reynolds; Mr. Bryant Kinney; Mr. Gary Reynolds; Brenda Maloney, Quarles & Brady; Tony Mitchum, Wal-Mart; Irene Park, CVS; Hal Walrod, Walgreens; Leigh Whitlock, Campbell Univ.; David Catalano, Walgreens; Keith Warshany, CVS; 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 June 15, 2010 Board Meetings

The members received the June 15, 2010 meeting minutes prior to this meeting for review. It was moved by Mr. Minton and seconded by Mr. McLaughlin to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Hearing – Douglas London, License #14088

RPh. Douglas London, license #14088, appeared before the Board in consideration of his reinstatement request. Mr. Campbell proceeded with the case and stated that the Mr. London was reported to the Board by NC Pharmacist Recovery Network (PRN) after becoming non-compliant with his PRN contract by diverting gabapentin while performing administrative duties at his pharmacy. Mr. London voluntarily surrendered his license October 5, 2009. Mr. London appeared before the Board in January 2010 to request modification of his voluntary surrender to allow him to be in his pharmacy to perform administrative duties. His request was denied by the Board.

Dr. Chesson arrived at the meeting at 9:20 am.

Cindy Sugg, NCPRN, duly sworn, stated the Mr. London has been compliant with his contract and PRN supports his reinstatement with conditions including not working as a pharmacist

manager and limited to a 30 hour work week to be extended by the discretion of NCPRN. Mr. London, duly sworn, updated the Board on his recovery and his plan of action to prevent relapse.

After presentation of evidence and testimony, on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes the Board moved into closed session to deliberate the matter. Dr. Chesson recused himself from the matter. When open session resumed, Mrs. Chater stated that on a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes the Board would reinstate Mr. London's license with conditions including not being alone in his pharmacy, not having access to alarm codes and having an agreement between himself and any employee of the Etowah Pharmacy stating, among other things, that there would be no repercussions to any employee who reports suspected continued abuse problems to NCPRN.

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

The Board took a 15 minute break at 10:15am and resumed open session at 10:30am.

Disciplinary Hearing – RPh. Ronald Sandritter, license #07089

RPh. Ronald Sandritter, license #07089, appeared before the Board concerning a charged violation of his June 17, 2009 consent order and multiple prescription errors. Mrs. Chater recused herself from the matter and Mr. McLaughlin presided over the case. Mr. Pinyan proceeded with the case and stated that RPh. Sandritter violated his consent order by not reporting dispensing errors to the Board within 5 days of the error as mandated in his June 2009 Consent Order. After presentation of evidence and testimony, on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Dr. Chesson, seconded by Mr. Marks with no dissenting votes. Mr. McLaughlin stated that on a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes, the Board agreed that a violation of the consent order did occur and that the laws and rules of the Board were violated.

Mr. Pinyan continued with the case and presented evidence of multiple dispensing errors. Mr. Sandritter spoke on his own behalf. He stated that he did not dispute the fact that the errors occurred but did give explanations for the errors. Because of the multiple errors and increasingly more stern letters of warning that Mr. Sandritter received from staff, Mr. Pinyan stated that staff was concerned with the health and safety of the public and that it was staff's opinion that Mr. Sandritter's license should be indefinitely suspended. On a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes. Mr. McLaughlin stated that on a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes, that the Board agreed with staff's opinion and indefinitely suspended Mr. Sandritter's license.

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

Reinstatement Hearing – RPh. Travis Reynolds, license #19771

RPh. Travis Reynolds, license #19771, appeared before the Board seeking reinstatement of his license to practice pharmacy. Mr. Campbell proceeded with the case and stated that Mr. Reynolds was reported to Board staff for possible diversion and substance abuse problems by CMC- Lincoln pharmacy. He signed a contract with NCPRN in September 2009 and was admitted to inpatient treatment for 90 days. He voluntarily surrendered his license in December 2009. He was charged with a felony count of embezzlement but the charge was later dismissed. RPh. Reynolds, duly sworn, testified on his own behalf and updated the Board on his treatment and recovery. Cindy Sugg, NCPRN, duly sworn, stated that Mr. Reynolds has been compliant with his treatment program and NCPRN advocates for his reinstatement with conditions including not working as a pharmacist manager and limited work hours.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Open session resumed on a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes. Mrs. Chater stated that on a motion from Mr. Marks, seconded by Dr. Chesson with no dissenting votes, the Board would deny RPh. Reynolds reinstatement at this time and request that he reappear before the Board at the November 2010 Board meeting. Mrs. Chater stated that the Board commends his recovery but would like to see a greater length of time of recovery before making a decision.

Open Mike Session

No one appeared during open mike session.

The Board adjourned for lunch at 1:00 pm and resumed open session at 1:45pm.

Financial Report

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

Selection of Board Auditor

The Board is mandated by state law to request bids for auditors every five (5) years. Mr. Campbell stated that Board staff recently sent requests to five (5) financial firms for bids and received three (3) bids. Boyce & Furr made the lowest bid and it was the recommendation of staff to accept the bid. It was the consensus of the Board to accept Boyce & Furr as the new auditor for the Board.

Finance Committee Budget Review Timeline

Mr. Campbell stated that staff has been diligently putting together a proposed budget for the next fiscal year. It was the consensus of the Board that the budget committee meet sometime during the District III meeting to review the budget before the September 2010 Board meeting.

Reinstatement Hearing – RPh. Ralph Gergory Thaxton, license #08856

RPh. Gregory Thaxton, license #08856, appeared before the Board seeking reinstatement of his license to practice pharmacy. Mr. Campbell proceeded with the case and stated that Mr. Thaxton has not practiced pharmacy for over five (5) years and has asked for a variance from the Board policy requiring pharmacists out of practice more than five (5) years to obtain 1500 hours experience and pass the NAPLEX and the Multistate Jurisprudence Exam (MPJE). Mr. Thaxton spoke to the Board about his work history with Elli Lilly and requested that the Board grant reinstatement contingent upon his obtaining 750 hours of internship, obtaining 15 hours of continuing education for each year out of practice, and pass the MPJE.

On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into closed session to deliberate the matter. When open session resumed, Mrs. Chater stated that on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board would allow Mr. Thaxton to reinstate his license contingent on him obtaining 750 internship hours, taking and passing the MPJE, and 15 hours of continuing education for each year he was out of practice.

Letter from Eric Bindewald, MD concerning Rules. .1809 and .1815

Mr. Campbell presented a letter from Dr. Bindewald requesting that the Board repeal its rules allowing a one time emergency refill of prescription without a doctor's order. After discussion, it was the consensus of the Board that the rule serves a critical public health and safety need, and the Board will not take steps to repeal or alter the rule.

Inquiry Concerning Prescription Drop-offs

Arnak Ivanos, A Plus Pharmacy, appeared before the Board concerning a potential program for patients to drop off prescription at a separate designated location. The program would set up a central prescription drop off location for patients where a technician would enter the prescription in the system. Prescriptions would then be picked up and delivered to the pharmacy several times a day and filled by the pharmacist. The patient would have the option of picking the prescription up from the pharmacy or having it delivered by a pharmacy employee. After discussion, it was the consensus of the Board to take the matter under advisement.

Multiple Failures on Exams

Mr. Campbell stated that staff has become aware of some exam candidates who have failed one or more of the licensure exams multiple times. NC Board of Pharmacy rules do not limit the number of times a candidate may take a licensure exam. Mr. Campbell asked the Board if it wishes to consider making a rule to limit the number of times a candidate may take a licensure exam and if so how many times would they consider allowing. After discussion, it was the consensus of the Board to take the matter under advisement and discuss it at the Board member retreat in September 2010.

Unit Dose Medication System Rule

Mr. Pinyan updated the Board on Unit Dose Medication System Rule. The Board adopted the 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.

Rule Making Update

The public hearing for the repeal of Board Office Rule .1204 was held on July 15, 2010 with 3 people in attendance with no comments offered before or during the hearing. The public comment period also ended on July 15, 2010. On a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the repeal of Board Office Rule .1204 and requested staff sends the proposed rule to the Rules Review Commission.

The Suspension of Authority to Expend Funds, 21 NCAC 46 .1614 has passed through the process of the Rules Review Commission and is now codified.

NABP Interactive Member Forum

Mr. Campbell requested that the Board pick a member to attend the NABP Interactive Member Forum in September 2010. It was the consensus to the Board that Mr. Minton would attend the meeting.

DME Election Update

Director of Investigations Karen Matthew updated the Board on the results of the DME Election. Mel Elliott, who currently held the seat on the committee as the representative for Rehabilitation Technology Supplier and was eligible to run again for another five (5) year term, was the only candidate who ran in the election. Fifty eight (58) votes were cast for Mr. Elliott, and one (1) being cast for "none". On a motion from Mr. Marks, seconded by Mr. Minton with no dissenting votes, the Board ratified the election results.

Investigative Statistics

Karen Matthew presented the investigative statistics for July 2010.

Pharmacy Leaders' Forum Update

Mr. Campbell updated the Board on the September 2010 Pharmacy Leaders' Forum and requested topics for the forum from Board members. He also stated the NC Commissioner of Insurance Wayne Goodwin would be a guest speaker at the forum.

NABP District III Update and Reminder

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.

DEA Input on Long Term Care Prescriptions

Mr. Campbell stated that the Drug Enforcement Administration (DEA) has published a request for commentary from pharmacists (and other health care providers) concerning controlled substance dispensing to LTCF residents. The DEA's invitation for comment provides a forum for pharmacists to direct their constructive suggestions and concerns to the agency. Comments are due to the DEA by Monday, August 23, 2010.

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 AgendaPrehearing ConferenceStaff Issues a Letter of No Action

RPh. Eddie Carlton Tuck, license #09947, was subject of a prehearing conference held June 14, 2010 heard by Mr. McLaughlin regarding allegations of a dispensing error of two (2) drugs that caused a dangerous interaction to the patient. Recommendation: **Staff Issues a Letter of No Action to RPh. Tuck**

Staff Issues a Letter of No Action and Consent Order

RPh. Renee Haney Laton, license #06966, and CVS Pharmacy, permit #06551, were subjects of a prehearing conference held June 14, 2010, heard by Mr. McLaughlin, regarding allegations of, while working as pharmacist manager, RPh. Laton and CVS Pharmacy not maintaining an adequate security system or system of inventory to detect diversion of controlled substances. As a result, 12,000 dosage units of controlled substances were diverted. Recommendation: **5 day suspension/stayed to RPh. Laton and Letter of No Action to permit.**

RPh. Patrick John Orgin, license #13112, and Rite Aid Pharmacy, permit #09786, were subjects of a prehearing conference held June 14, 2010, heard by Mr. McLaughlin, regarding allegations of a dispensing error that required hospitalization of patient. Recommendation: **5 day suspension/stayed to RPh. Orgin and Letter of No Action to permit.**

Reciprocity Candidates**Candidates Licensed by Reciprocity 6/16/2010 – 8/4/2010**

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Amber	Michelle	Bradley		GA	6/16/2010
Jennifer	Michelle	Neal		VA	6/16/2010
Lesly	Veronica	Jurado		NJ	7/20/2010
Jacob	Robert	Albert		WI	7/20/2010
Shawna	Devon	Beck		VA	7/20/2010
Sally	A.	Bolis		AL	7/20/2010
Karen	L.	Bridges		MA	7/20/2010
David	Barry	Cluck		LA	7/20/2010
Susan	Candace	Cone		SC	7/20/2010
Allison	Marie	Davis		OH	7/20/2010
Marcy	Tanis	DelMonte		MI	7/20/2010
Jennifer		Dimura		NY	7/20/2010
Andrew	Joseph	Doherty	III	VA	7/20/2010
Roxana		Dumitru		SC	7/20/2010
Lindsey	Kay	Elmore		AL	7/20/2010
Alex	John	Givens		MI	7/20/2010
Kayla	Marie	Hansen		OH	7/20/2010
Lauren	Anne	Harrington		GA	7/20/2010
John	Bailey	Hertig		OH	7/20/2010
Megan	Marie	Hertig		OH	7/20/2010
Stephen	Kornel	Hetey		OH	7/20/2010
Megan	B.	Hirst		NJ	7/20/2010
Jo Ellen		Hoffman		IN	7/20/2010
Shelley	Montre`	Holloway		SC	7/20/2010
Yaw	Boateng	Jumah		FL	7/20/2010
Mary	Lois	Kotzan		GA	7/20/2010
Selena	Anne	Manzer		NY	7/20/2010
Steven	Eugene	Martinson		SD	7/20/2010
Jared	Michael	Mattson		AK	7/20/2010
Mark	S.	McCoy		MA	7/20/2010
Grace	Sleiman	Murad		MI	7/20/2010
Rebecca	Linn	Nelson		OH	7/20/2010
Linda	Anne	Newman		KY	7/20/2010
Xuan	Thanh	Nguyen		TX	7/20/2010

Candidates Licensed by Reciprocity 6/16/2010 – 8/4/2010

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Shanna	Kathleen	O' Connor		FL	7/20/2010
Cherie	Dannielle	Passaretti		TN	7/20/2010
Patrick	Thomas	Passaretti		TN	7/20/2010
Bejal		Patel		GA	7/20/2010
Chhayaben	Ganesh	Patel		MI	7/20/2010
Ganesh	Joitaram	Patel		MI	7/20/2010
Neelima	Pentapaty	Patil		TN	7/20/2010
Stuart	Keith	Pitman		IA	7/20/2010
Christina	Jeanice	Pleas		FL	7/20/2010
Ramona	Maciejny	Powell		MO	7/20/2010
Michelle	Renee	Rychalsky		CT	7/20/2010
Kacy	Lee	Schulman		SC	7/20/2010
James	Ryan	Shaw		WA	7/20/2010
Kristen	Elizabeth	Smith		GA	7/20/2010
Lindsay	Paige	Smith		GA	7/20/2010
Caroline	June	Sorell		MA	7/20/2010
Julius	Mboni	Tah		CT	7/20/2010
Valentina		Torres		NY	7/20/2010
Karen	Ann	Vitrone		MI	7/20/2010
Winnie	Bi-Zhen	Wu		TN	7/20/2010
Jessica	Ann	Simmons		OH	8/3/2010
Richard	Allan	Lambert		NV	8/3/2010
Alice	Lin	Ip		MD	8/4/2010

CPP Applicants

RPh. Christopher Brock Woodis, License #17814

RPh. Jennifer Lee Hopson, License #16333

RPh. Ted Ernest Hancock, License #18856

RPh. Julie Shannon Creger, License #15865

RPh. Emily Elizabeth Peterson, License #18977

RPh. Kamakshi V Rao, License #18113

Increase in Pharmacist to Technician Ratio

1. Blue Ridge Pharmacy Permit # 09136 Asheville, NC - Wesley Andrew McCall RPh App. 6/18/2010
2. Western NC Community Health Services Permit # 06141 Asheville, NC - Gayla M Waller RPh App. 6/18/2010
3. CVS Pharmacy Permit # 06539 Archdale, NC - Kimberly D Efird RPh App 6/18/2010
4. Walgreens Pharmacy Permit # 08062 Greensboro, NC - Aislinn C Early RPh App. 6/18/2010
5. Walgreens Pharmacy Permit # 08992 Boone, NC - David DeMeulemeester RPh App. 6/18/2010
6. CVS Pharmacy Permit # 06565 Carrboro, NC - Thomas Mark Herring, II RPh App. 6/29/2010
7. Rite Aid Pharmacy Permit # 09576 Candler, NC - Susan Tracy Ledbetter RPh App. 7/1/2010
8. Rite Aid Pharmacy Permit # 09700 Kings Mountain, NC - Chinyere Okam RPh App. 7/1/2010
9. Rite Aid Pharmacy Permit # 09777 Waynesville, NC - Sridhar Reddy Erukonda RPh App. 7/1/2010
10. Kerr Drug Permit # 07188 Durham, NC - James Lotz RPh App. 7/1/2010

Closed Session

On a motion from Mr. McLaughlin, seconded by Mr. Minton with no dissenting votes, the Board moved into closed session to discuss the possible summary suspension of three (3) technicians. When open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Minton with no dissenting votes, technicians Kristen Jelisa Sanders, registration #28830; Carrie Dawn Duncan, registration #28183; and Michelle Norman, registration #24301 were summarily suspended.

There being no further business, on a motion from Mr. Minton, seconded by Mr. Marks with no dissenting votes, the meeting adjourned at 3:01pm.

Rebecca W. Chater, President

Betty Dennis., Vice President

Gene Minton

J. Parker Chesson, Jr.

Lazelle Marks

Robert J. McLaughlin, Jr.