

President Dr. Betty Dennis called the meeting to order at 9:01 am with Board Members Rebecca Chater, Dr. Parker Chesson, Robert J. McLaughlin, Jr., E. Lazelle Marks, and Gene Minton present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigation Karen Matthew, Director of Licensing Debbie Stump, Financial and Administrative Services Director Gail Brantley, and Director of Operations Kristin Moore. Present as visitors were: Cindy Clark, NCPRN; Mary Christine Parks, NCPRN; April Sloan, Target; Bill Mixon, NCBOP Board Member-Elect; Brenda Maloney, Quarles & Brady; David Catalano, Walgreens; Christine Davis, Cardinal Health; Tom Readling, Mutual Drug; Aaron Jeffers, NCBOP; Rob Patchett, NCBOP Intern; Lisa Collums, Kerr Drug; Gaye Morgan; RPh. Genny Brewer; Elizabeth Forshay, UNC Hospitals; Megan Hughes, UNC/ESOP & Walgreens Intern; Reanna Simpson, Campbell/SOP & Walgreens Intern; RPh. Rohit Patel, Walgreens; Nate Hedrick, UNC/ESOP; William Criswell, Campbell; RPh. Nilima Bhatt; Prameela Mathew; Todd McKean, UNC/ESOP; Nidhi Chokski, Campbell; Holly Israel, Mutual Drug; Rick Paderick, CSC; Kyle Robb, UNC/ESOP; Jake Chung, UNC/ESOP; Rick McKinney, NCPRN; Meghan Mohe, Campbell; RPh. Corinne Race; Bethany Lazear, UNC/ESOP; Matt Levan, Campbell; Jason Smith, NCBOP staff; and Tom Currin, NCBOP staff.

Ethics Statement & Welcome

President Dennis 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 Dennis welcomed all visitors to the meeting.

Minutes of the June 2011 Board Meetings

The members received the June 21, 2011 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

Consideration of Reciprocity Application – Corinne Leigh Race

Corrine Race appeared before the Board in consideration of her reciprocity application. Ms. Race submitted an application to reciprocate her license from New York. On her NC Board of Pharmacy data questionnaire and the NABP reciprocity application, Ms. Race answered “no” to questions that asked if she had ever been charged and/or disciplined by another board of pharmacy. In fact, she had agreed to a censure, reprimand and fine from the New York Board of Pharmacy in 1996. Ms. Race, duly sworn, stated that she did not believe that the action was considered discipline because it was for a minor technical violation.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes. Open session resumed on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes. Dr. Dennis stated that on a motion from Mrs. Chater, seconded by Dr. Chesson with no dissenting votes, the Board moved to deny Ms. Race’s application at this time, but she may reapply three (3) months from the date of the order.

A copy of the Order Denying Reciprocity can be found elsewhere in the Minutes and is incorporated by reference.

Consideration of Reciprocity Application – Nilima Bhatt

Nilima Bhatt appeared before the Board in consideration of her reciprocity application. Ms. Bhatt submitted an application to reciprocate her pharmacist license from Texas. Board policy states that a pharmacist out of practice up to five (5) years would need to obtain 500 hours of internship, obtain 15 hours of continuing education for each year out of practice, 8 of which must be contact, and pass the Multistate Jurisprudence Exam. A pharmacist out of practice up to two (2) years would need to obtain 15 hours of continuing education for each year out of practice, 8 of which must be contact, and take the Multistate Pharmacy Jurisprudence Exam. Ms. Bhatt, duly sworn, asked for a variance in the policy because she has been out of practice for a little more than two (2) years and at the time the application was submitted she had been out of practice less than two (2) years.

After discussion, on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to allow Ms. Bhatt to reciprocate her licensing using the two (2) year guideline.

Consideration of Request to Retake NAPLEX – Prameela Mathew

Prameela Mathew appeared before the Board to request approval from the Board to retake the NAPLEX exam. Ms. Mathew previously sat for the NAPLEX exam on February 9, 2011. When taking the NAPLEX exam, candidates must sign an agreement with NABP not to use any type of electronic device while at the testing facility. Ms. Mathew was observed during a break period checking a cell phone device. NABP investigated the allegation and determined that Ms. Mathew had violated the testing agreement but found no mal-intent. NABP invalidated her scores for the violation. Ms. Mathew, duly sworn, stated that she checked the phone only to find out the time and that her phone did not have the capability to be used to check answers for the test. After discussion, on a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes, the Board ruled that Ms. Mathew is eligible to retake the test.

Modification of Order – Rohit Patel, License #09077

RPh. Rohit Patel, license #09077, appeared before the Board to request modification of his 2008 reinstatement order. RPh. Patel voluntarily surrendered his license in May 2007 after reporting to work severely impaired. The Board reinstated his license November 17, 2008 with conditions including not working as pharmacist manager and not be employed more than forty (40) hours per week on average. RPh. Patel, duly sworn, requested that the Board lift the pharmacist manager and work hour restrictions. He also updated the Board on his recovery progress. Mary Christine Parks, Executive Director NCPRN, duly sworn, stated that NCPRN supports the requested modifications.

After presentation of evidence and testimony, on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board lifted the pharmacist manager restriction and allowed RPh. Patel's work hour limitation to be increased at the discretion of NCPRN.

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

The Board adjourned for a break at 10:08am and resumed open session at 10:15am

Reinstatement Hearing – Charles Wetzel, License #13996

RPh. Charles Wetzel, license #13996, appeared before the Board to request reinstatement of his pharmacist license. Mr. Wetzel voluntarily surrendered his license October 1, 2010 after admitting to diverting tramadol for personal use. Mr. Wetzel, duly sworn, updated the Board on his recovery progress. Cindy Clark, NCPRN, duly sworn, testified on Mr. Wetzel's recovery and compliance with his NCPRN contract. Mrs. Clark also stated that NCPRN supports reinstatement with appropriate conditions. Mr. Campbell stated that staff had no objection to reinstatement with appropriate conditions.

After presentation of testimony and evidence, the Board moved into closed session to deliberate the matter on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Dr. Dennis stated that on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board would grant Mr. Wetzel's reinstatement request with conditions.

A copy of the Order Reinstating License with Conditions can be found elsewhere in the Minutes and is incorporated by reference.

Reinstatement Hearing – Genny Brewer, License #16013

RPh. Genny Brewer, license #16013, appeared before the Board to request reinstatement of her pharmacist license. Ms. Brewer voluntarily surrendered her license July 1, 2009 after creating a number of fraudulent prescriptions for Schedule III controlled substances and diverting the medications for personnel use. She voluntarily contacted NCPRN in February 2009 concerned that she had a substance abuse problem. Ms. Brewer entered into a deferred prosecution agreement to resolve criminal charge stemming from the diversion. Ms. Brewer, duly sworn, testified on her recovery progress and why she feels she is ready to reenter the practice of pharmacy. Mary Christine Parks, duly sworn, testified on Ms. Brewer's recovery progress and stated that NCPRN is in support of reinstatement with appropriate conditions.

After presentation of evidence and testimony, the Board moved into close session to deliberate the matter on a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Dr. Dennis stated that on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board would reinstate Ms. Brewer's license with conditions.

A copy of the Order Reinstating License with Conditions can be found elsewhere in the Minutes and is incorporated by reference.

Open Mike

Andy Ellen, Retail Merchants Association, spoke to the Board concerning pharmacy legislative issues.

Mike James updated the Board on various legislative issues.

The Board adjourn for lunch at noon and reconvened at 1:15pm for open session.

Consideration of Pharmacy Permit Application – Advanced Pharmacy and Valentines Pharmacy

Brett Stewart, Value Medical, appeared before the Board in consideration of permit applications for Advanced Pharmacy and Valentine Pharmacy, which would be located in the same facility. Mr. Stewart stated that the permits would have separate pharmacist managers but they would be on a rotating basis and the staff would be subcontracted by Value Medical. Mr. Campbell stated that the Board has permitted more than one permit for a specified location by it was allowed under specific regulations and the scenario that Mr. Stewart presented for these permits did not meet those regulations.

On a motion from Mr. Minton, seconded by Mrs. Chater with no dissenting votes, the Board denied the permit applications for Advanced Pharmacy and Valentines Pharmacy.

Legislative Update

Mr. Campbell updated the Board on current legislative issues pertaining to pharmacy.

Update on DME Subcommittee Election

Karen Matthew, Director of Investigations, presented the results of the recent DME Subcommittee election. There were thirty-one (31) votes cast for the only qualified candidate to run for the seat. Mr. David Keesee was deemed to be the winner of the DME Subcommittee election. On a motion from Mr. Marks, seconded by Mrs. Chater with no dissenting votes, the Board accepted the election result as presented.

Investigative Statistics

Karen Matthew presented the investigative statistics for July 2011.

Financials

Gail Brantley, Financial and Administrative Services Director, presented the June 2011 financial statistics to the Board.

Pharmacy Leaders' Forum Call for Topics

Mr. Campbell stated that the agenda for the September 30, 2011 Pharmacy Leaders' Forum was coming together and asked if any Board members had a specific topic for the forum that they would like to have included.

NABP District III Meeting

The NABP District III meeting is scheduled for August 6 – 9, 2011 in Biloxi, MS.

MALTAGON Meeting September 2011 and NC Hosting 2013

The MALTAGON meeting is scheduled for September 18 – 21, 2011 in Savannah, GA. Mr. Campbell also stated that the North Carolina Board is scheduled to host the meeting in 2013.

CPP Joint Subcommittee Meeting – Tuesday, July 19, 2011 Board of Pharmacy Office

Mr. Campbell reminded the Board that the CPP Joint Subcommittee would meet after the Board Meeting. Dr. Dennis, Mr. Minton, Mrs. Chater, and Mr. McLaughlin are members of the committee.

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.

Prehearing Conference

Staff Issues a Letter of Caution and Letters of No Action

RPh. Monica Jenkins Woodward, license #16185; RPh. David Allen Bilotta, license #10684; Carolinas Medical Center – Pineville, permit #05971; RPh. Don McCoy Mabe, license #09065; and Carolinas Medical Center – Mercy, permit #05968 were subjects of a prehearing conference held June 20, 2011, heard by Dr. Dennis, regarding allegations of dispensing Levothyroxine in a dose too high for patient's age by remote access from Carolina Medical Center – Mercy to Carolina Medical Center – Pineville. Recommendation: **Staff Issued Letter of Caution** to RPh. Woodward and **Staff Issued Letters of No Action** RPh. Bilotta, RPh. Mabe and permits.

Staff Issues a Letter of Warning and Letters of Caution

RPh. Valerie F. Infinger, license #13472; RPh. Claire W. Graham, license #10745; RPh. Ronnie D. Strickland, license #11838; Scotland Memorial Hospital, permit #02328; RPh. John David Skipper, license #13667; RPh. Teri C. Wooton, license #14734; and Carolinas Medical Center – Northeast, permit #09823 were subjects of a prehearing conference held June 20, 2011, heard by Dr. Dennis, regarding allegations of several dispensing errors that were remotely entered from Carolinas Medical Center – Northeast to Scotland Memorial Hospital. Recommendation: **Staff Issues a Letter of Warning** to RPh. Skipper and **Staff Issues Letter of Caution** to RPh. Infinger, RPh. Graham, RPh. Strickland, and permits.

Reciprocity Candidates

Candidates Licensed by Reciprocity 7/20/2011					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Dragos	Costin	Plesca		OH	7/20/2011
Rakesh	A	Akula		FL	7/20/2011
Michele	R	Baran		OH	7/20/2011
Lindsay	Rebecca	Burke		AZ	7/20/2011
Stephen	Donald	Burch		VA	7/20/2011
Jessica	Marie	Casey		NE	7/20/2011
Ilya	M.	Danelich		MN	7/20/2011
Anna	Marie	Dunlap		VA	7/20/2011
Wendy	Gail	Goldstein		NJ	7/20/2011
Susannah	Stephanie	Hall		WA	7/20/2011
Thomas	Michael	Henry		OH	7/20/2011
Deborah	Blackmon	Hudson		SC	7/20/2011
Charles	Marshall	Jibotian		OH	7/20/2011
Kelly	Ann	Johnson		VA	7/20/2011
Elizabeth	Baek	Kelley		SC	7/20/2011
Kurtis	Arthur	Kennedy		OH	7/20/2011
Hsin-Tsu		King		GA	7/20/2011
Shalita	R.	Lokhnath		FL	7/20/2011
Bonnie	Lynne	Loos		IN	7/20/2011
Frances	Maida	Martin		PA	7/20/2011
Kaleb	Warren	Miller		TN	7/20/2011
Nicole	Lee	Minder		NJ	7/20/2011
Nancy	Mae	Nix		GA	7/20/2011
Clayton	Philip	Otto		TX	7/20/2011
Thuthao	T.	Pham		MA	7/20/2011
Camille	Marie	Piccolino		NY	7/20/2011
Jessica	Marie	Policastro		VA	7/20/2011
Rathasen		Prom		MA	7/20/2011
Rachel	Lynn	Rumbarger		PA	7/20/2011
April	Lynn	Scott		SC	7/20/2011
Jatinder	Kaur	Singh		FL	7/20/2011
Omowunmi	Abiola	Taiwo		TX	7/20/2011
Steven	Craig	Smalley		CO	7/20/2011
Huyson		Tran		LA	7/20/2011
Saumil	Mahendraku mar	Vaghela		VA	7/20/2011
Katie	Ellen	Venneri		PA	7/20/2011

CPP Candidates

Sally R. Putt, License #20585

Ruth-Ann M. Lee, License #21688

Increase in Pharmacist to Technician Ratio

- 1) Kerr Drug Sanford Permit # 06511, Ralph K Allen RPh, App. 6/20/2011
- 2) Walmart Pharmacy Thomasville Permit # 08081, Selena A Manzer RPh, App. 6/20/2011
- 3) CVS Pharmacy Charlotte Permit # 10829, Victoria H Davila RPh, App. 6/20/2011
- 4) The Medicine Shoppe Laurinburg Permit # 04196, Steven A McLean RPh App. 6/29/2011
- 5) CVS Pharmacy Locust Permit # 10859, George Anthony RPh, App. 6/29/2011

Closed Session

On a motion from Dr. Chesson, seconded by Mr. McLaughlin 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. Dr. Dennis stated that Technician Ettie Leigh Hoffpauir-Ellis, registration #24353, and RPh. Morgan Lewis Williams, license #10628, were summarily suspended.

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

There being no further business, on a motion from Mrs. Chater, seconded by Mr. McLaughlin with no dissenting votes, the meeting adjourned at 2:28pm.

Betty Dennis, President

Gene Minton., Vice President

Rebecca Chater

J. Parker Chesson, Jr.

E. Lazelle Marks

Robert J. McLaughlin, Jr.