

The 2019 Board Member Retreat was held at the Proximity Hotel located in Greensboro, NC, on September 16-17, 2019. President Dr. Keith Vance called the meeting to order at 12:00pm on Monday, September 16, 2019 with Board Members Robert Graves, Ashley Duggins, Bill Mixon, and Andy Bowman present. Also present were Executive Director Jay Campbell, Associate Executive Director Ellen Vick, Board Counsel Clint Pinyan, Administrative Assistant Leslie Wilson, and Investigation and Inspections Coordinator Cindy Parham. Board Member Gene Member arrived at 1:20pm.

Ethics Statement & Welcome

President Vance 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.

Chapter 93B Training

Board members received their required biennial Chapter 93B training, which was conducted by Board counsel Clint Pinyan.

Discussion on Pharmacy Prescription Transfers

Board members and staff discussed complaints received by staff concerning pharmacies refusing to transfer prescription to another pharmacy. The complaints usually involve the following scenarios: (a) the pharmacist complains that another pharmacy (or, more frequently, a particular pharmacist) refuses to transfer prescriptions upon request; (b) the pharmacist complains that another pharmacy (or pharmacist) agrees to transfer prescriptions, but takes a long time to do so; (c) the pharmacist complains that another pharmacy (or pharmacist) is “tricking” or “coercing” patients into transferring prescriptions.

After discussion, the Board directed staff to post information of the Board’s website regarding Board of Pharmacy Rule .1806 governing transfer of medication.

The Board adjourned for a break at 1:55pm and resumed open session at 2:15pm.

Session Law 2019-91

Board Counsel Clint Pinyan reviewed Session Law 2019-91, An Act to Clarify and Simplify a Licensee’s Qualifications for Licensure and to Require Recognition by Licensing Boards of Certain Apprenticeship and Training Experiences. Mr. Pinyan stated that Board staff will present possible process changes in response to the statute for the Board’s consideration at Board Retreat on Tuesday, September 17, 2019.

The Board adjourn at 3:17pm.

The Board members resumed the meeting on Tuesday, September 17, 2019 at the Proximity Hotel. President Dr. Keith Vance called the meeting to order at 9:00am on Tuesday, September 17, 2019 with Board Members Robert Graves, Ashley Duggins, Bill Mixon, Gene Minton, and

Andy Bowman present. Also present were Executive Director Jay Campbell, Associate Executive Director Ellen Vick, Board Counsel Clint Pinyan, Administrative Assistant Leslie Wilson, Director of Licensing Missy Betz, and Investigation and Inspections Coordinator Cindy Parham

Ethics Statement & Welcome

President Vance 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.

Consideration of July 2019 Meeting Minutes

The members received the July 16, 2019 meeting minutes prior to this meeting for review. It was moved by Mr. Minton, seconded by Mr. Graves, to approve the minutes as submitted. The motion passed with no dissenting votes

On a motion from Mr. Minton, seconded by Mr. Graves with no dissenting votes, the following consent agenda items were approved.

Consent Agenda

Prehearing Conference

On 7/11/2019, Mr Campbell sent a Consent Order Revoking License to Ms. Nan O'Lene Locklear, License #08757, by certified mail after she contacted Board staff on June 24, 2019, stating that she had falsely claimed on her 2018 renewal registration about obtaining the required amount of continuing education. She stated that she did not receive any continuing education. She requested that her license be revoked because she has not worked in 10 years and was denied disability; Accepted by Ms. Locklear on 7/16/2019

RPh. Carolyn Klinefelter, license #24767, was subject of a prehearing conference held 9/11/2019, heard by Mr. Minton, regarding consideration of reinstatement request. Reinstatement approved with conditions including not serving as pharmacist manager from one year from date of order. After one year, may petition the Board to lift condition, must be accompanied with documentation of approval from NCPHP. Accepted by Klinefelter 9/11/2019.

A copy of the consent orders can be found elsewhere in the minutes and are incorporated by reference herein.

CPP Candidates

- Stephen Girgis – Approval 700202, Approval Date 07/22/2019
- Jennifer Shealy Byrns – Approval 700203, Approval Date 08/30/2019
- Kanasha Danielle Day – Approval 700204, Approval Date 08/30/2019
- Tiffany Gabrielle Kneuss – Approval 700205, Approval Date 08/30/2019
- Jai Narendra Patel – Approval 700206, Approval Date 08/30/2019

- Shannon Dalanie Rice – Approval 700207, Approval Date 08/30/2019
- Elisabeth Hamilton Schultz – Approval 700208, Approval Date 08/30/2019
- Gwen Jean Seamon – Approval 700209, Approval Date 08/30/2019
- Deanna Jo Rattray – Approval 700210, Approval Date 08/30/2019

Increase in Pharmacists to Technician Ratio

- Agape Community Health Clinic #11380, Washington NC, Gillian Akiwumi, PM (1:3)
- Americare Pharmacy Consultants LLC #10370, Fairview NC, Hannah Davis, PM (1:4)
- Cape Fear Long Term Care Pharmacy #11525, Lillington NC, Maria P. Jeffries, PM (1:4)
- Carter Pharmacy LLC #13825, Pembroke NC, Melanie Carter, PM (1:3)
- Costco Pharmacy #14122, Mooresville NC, Melissa Ann Carvalho, PM (1:3)
- Cape Fear Long Term Care Pharmacy #11525, Lillington NC, Maria Pulido Jeffries, PM (1:3)
- CVS Pharmacy #10739, Wilmington NC, Leighann Walter, PM (1:4)
- Medical Village Pharmacy #12909, Conover NC, Kelly Hines Cross, PM (1:3)
- Polaris Pharmacy Services of NC LLC, #14064, Charlotte NC, Evelyn Blackley, PM (1:4)
- Publix Pharmacy #13087, Apex NC, Cody James Hampton, PM (1:3)
- P.S.A. Clinic Pharmacy #13428, Swannanoa NC, David Thomas Price, PM (1:3)
- Walgreens #12371, Southport NC, Maggie Olivia Meadows, PM (1:4)
- Walgreen Co #12466, Hillsborough NC, Lindsey Eichwald, PM (1:4)
- Wal-Mart #07952, Concord NC, Tina Harris, PM (1:4)
- Wal-Mart Pharmacy #07944, Cary NC Robert C. Becerra, PM (1:4)
- Wal-Mart Stores East, #08021, Washington NC, Sri Siva Prasad Doddapaneni, PM (1:4)
- Wal-Mart Pharmacy #08026, Wilmington NC, Charles Kevin Smith, PM (1:4)
- Wal-Mart Pharmacy #08498, Wake Forest NC, Arthur Wayne Page, PM (1:4)
- Wal-Mart Pharmacy #08004, Rocky Mount NC, Leah K. Zembiec, PM (1:4)
- Wal-Mart Pharmacy #07966, Greensboro NC, Heather C. Tucker, PM (1:4)
- Wal-Mart Pharmacy #10282, Morrisville NC, Apollo Lin, PM (1:4)
- Wal-Mart Pharmacy #07980, Knightdale NC, Max Hanley Dearing, PM (1:4)
- Wal-Mart Pharmacy #08293, Clayton NC, Donna Arthur Wilson, PM (1:4)
- Wal-Mart Pharmacy #08002, Roanoke Rapids, Nettie Wheeler Edwards, PM (1:4)
- Wal-Mart Pharmacy #07954, Durham NC, Emily Elizabeth Caveness, PM (1:4)
- Weaverville HealthWise Pharmacy #13554, Weaverville NC, Victoria Acker, PM (1:4)

Reciprocity Candidates

Name	License Type	License #	Application Type	Application Complete
Aaron Darnel Adams	Pharmacist	29118	Reciprocity	8/29/2019
Adam Lee Vickers	Pharmacist	29107	Reciprocity	8/22/2019
Alyssa Renee Miles	Pharmacist	29094	Reciprocity	8/15/2019
Andrew J Grimone	Pharmacist	29162	Reciprocity	9/12/2019

Benjamin Ted Davies	Pharmacist	28989	Reciprocity	7/24/2019
Beth Anne Duplaga	Pharmacist	29028	Reciprocity	7/31/2019
Bria Marie Benson	Pharmacist	28925	Reciprocity	7/17/2019
Camille English Cox	Pharmacist	29026	Reciprocity	7/31/2019
Caroline Renee Rivers	Pharmacist	29035	Reciprocity	7/31/2019
Christopher Michael Rochon	Pharmacist	29121	Reciprocity	8/29/2019
Christopher Michael Tweed	Pharmacist	28930	Reciprocity	7/17/2019
Connie Sue Stroud-Ewald	Pharmacist	28987	Reciprocity	7/24/2019
Courtney Lynn Olesky	Pharmacist	29069	Reciprocity	8/8/2019
Dipal Soni	Pharmacist	29070	Reciprocity	8/8/2019
Eman Youssef Newhart	Pharmacist	29165	Reciprocity	9/12/2019
Garrett Steven Wolfe	Pharmacist	29122	Reciprocity	8/29/2019
Hardipkumar Ambalal Raval	Pharmacist	29149	Reciprocity	9/5/2019
James Michael Miles	Pharmacist	29120	Reciprocity	8/29/2019
Janice Carino Chestnut	Pharmacist	29144	Reciprocity	9/5/2019
Jennifer M O'Shea	Pharmacist	29097	Reciprocity	8/15/2019
Jill Elaine Lowman	Pharmacist	28401	Reciprocity	8/8/2019
John Donnelly	Pharmacist	28926	Reciprocity	7/17/2019
Joshua Eugene Ward	Pharmacist	29072	Reciprocity	8/8/2019
Julia Cathryn Lea	Pharmacist	28928	Reciprocity	7/17/2019
Kaitlyn Lord	Pharmacist	29068	Reciprocity	8/8/2019
Kallan Kuper	Pharmacist	29096	Reciprocity	8/15/2019
Kenneth Brent Layne	Pharmacist	29031	Reciprocity	7/31/2019
Keri Lynn Diehl	Pharmacist	28988	Reciprocity	7/24/2019
Khushboo Himanshu Patel	Pharmacist	29148	Reciprocity	9/5/2019
Kimberly Harrison Hawkins	Pharmacist	29119	Reciprocity	8/29/2019
Kimberly Medlock Haynes	Pharmacist	29032	Reciprocity	7/31/2019
Kristen Lynn Garrett	Pharmacist	29146	Reciprocity	9/5/2019
Kristen N Dominick	Pharmacist	29027	Reciprocity	7/31/2019
Leah M Dannebohm	Pharmacist	29145	Reciprocity	9/5/2019
Lillith Bernadette James	Pharmacist	28927	Reciprocity	7/17/2019
Lindsay Michele Diekvoss	Pharmacist	29161	Reciprocity	9/12/2019
Lindsey Buchanan Tincher	Pharmacist	28929	Reciprocity	7/17/2019
Lucas Hayden Sheehan	Pharmacist	29166	Reciprocity	9/12/2019
Macullen Michael Cope	Pharmacist	29025	Reciprocity	7/31/2019
Macy Elizabeth Plummer	Pharmacist	29034	Reciprocity	7/31/2019
Madison Blaise Schwartz	Pharmacist	29150	Reciprocity	9/5/2019
Manpreet Kaur	Pharmacist	29030	Reciprocity	7/31/2019
Marina Korogoda	Pharmacist	29067	Reciprocity	8/8/2019
Marita Agnes Gnesda	Pharmacist	29095	Reciprocity	8/15/2019
Matthew Allen Brignola	Pharmacist	28990	Reciprocity	7/24/2019
Megan Marie Huxford	Pharmacist	29163	Reciprocity	9/12/2019
Nichole Hagmann Mullins	Pharmacist	29147	Reciprocity	9/5/2019

Nicola Mariecia Turner	Pharmacist	29071	Reciprocity	8/8/2019
Nicole Jeanette Bartleson	Pharmacist	29066	Reciprocity	8/8/2019
Rebekah Anne Johnson	Pharmacist	29164	Reciprocity	9/12/2019
Rosa Anna Tornatore	Pharmacist	29098	Reciprocity	8/15/2019
Ryan Timothy Baker	Pharmacist	29160	Reciprocity	9/12/2019
Sarah Ann O'Rourke	Pharmacist	29033	Reciprocity	7/31/2019
Susannah Dale Franco	Pharmacist	29029	Reciprocity	7/31/2019
Tia Ellise Collier	Pharmacist	28991	Reciprocity	7/24/2019
Vanja Raduka	Pharmacist	28986	Reciprocity	7/24/2019
Total		56		

Closed Session

On a motion from Mr. Minton, seconded by Dr. Bowman, with no dissenting votes the Board moved into closed session. Board Member Ashley Duggins recused herself in the matter of Zachary Thomas.

When open session resumed Dr. Vance stated that Technician Michelle Cox, registration #11942, was summarily suspended. He also stated that the Board has authorized staff to bring legal action against Zachary Thomas to enjoin him from further unlicensed practice of pharmacy.

Open session resumed on a motion from Mr. Mixon, seconded by Dr. Bowman with no dissenting votes.

Implementation of Session Law 2019-91

Session Law 2019-91, An Act to Clarify and Simplify a Licensee's Qualifications for Licensure and to Require Recognition by Licensing Boards of Certain Apprenticeship and Training Experiences. Board Counsel Clint Pinyan presented a memo on the legislation to the Board members for their review. The law would require, among other things, that the Board implement certain processes for consideration of criminal histories by applicants – including, in certain circumstances, providing “predetermination” opinions on non-applicants. Per the statute, the predetermination should be reviewed by a committee chosen by the Board or by the Executive Director of the Board.

After discussion, on a motion from Mr. Minton, seconded by Mr. Graves with no dissenting votes, the Board delegated Mr. Campbell to review all request by applicants for a predetermination of licensure with criminal history.

Based on Session Law 2019-91, Mr. Pinyan proposed a change to the Re-application and Reinstatement policy. Applicants who are denied licensure based on criminal history, per statute, can reapply no longer than 2 years from the date of application. The Board's current re-application policy states that an applicant may not reapply for 1 year from the date of hearing regarding their application. Mr. Pinyan stated that staff proposes changing the re-application policy to 2 years from the date of application to match the new statutory language.

After discussion, on a motion from Dr. Bowman, seconded by Mr. Minton with no dissenting votes, the Board approved the proposed change to the Re-Application and Reinstatement Policy to change the time an applicant who was denied licensure from 1 year from date of hearing to 2 years from application date to match the new statutory language.

S.L. 2019-91 requires the Board's presiding officer to sign certain orders covered by the statute. Board staff and counsel will now prepare all orders to be signed by the Board's president, rather than the Executive Director.

Discussion on Whether Board Should Seek to Obtain Authorization to Register Interns

Board staff discussed two recent incidents of pharmacy employees having fraudulently practiced in pharmacies as interns despite never having been enrolled in a pharmacy program. The Board does not have the authority to require registration of pharmacy interns. The pharmacy technician statute specifically states that its registration requirements "do not apply to pharmacy students who are enrolled in a school of pharmacy approved by the Board" G.S. § 90-85.15A(e). Board rules define a "pharmacy intern" as "[a]ny person registered with the Board under the internship program of the Board to acquire pharmacy experience or enrolled in approved academic internship programs. A pharmacy intern working under a pharmacist preceptor or supervising pharmacist may, while under supervision, perform all acts constituting the practice of pharmacy. 21 NCAC 46.1317(29). Board members and staff discussed whether the Board should seek to obtain statutory authority to require issuance of an intern registration or license.

After discussion, it was the consensus of the Board to direct staff publish information on the Board's website to remind pharmacist managers of their responsibility in verifying enrollment in a school of pharmacy for potential interns. The Board also directed staff to identify what kind of vetting would be needed to register pharmacy interns; discuss with database programmers the cost involved in database changes for registering and tracking pharmacy interns; and what fees would need to be charged, if any. Staff will report these findings back to the Board for consideration of a rule change at a later time.

The Board adjourn for a break at 10:15am and returned to open session at 10:30am.

Discussion of "Telepharmacy" Related Rules Changes

At the July 2019 Board meeting, North Carolina Association of Pharmacists (NCAP) Task Force on Telepharmacy requested the Board reconvene the Board's Telepharmacy Committee, with additional members of the NCAP task force, to re-examine possible rule changes concerning telepharmacy. It was the consensus of the Board at the meeting to take the matter under advisement.

Board members discussed forming a task force or committee with specific objectives regarding possible rule changes addressing telepharmacy.

After discussion, on a motion from Mr. Mixon, seconded by Dr. Bowman with no dissenting votes, the Board reformed the telepharmacy committee with Keith Vance, Gene Minton, and Ashley Duggins serving on the committee. The committee is charged with three specific objectives:

- 1) Whether and to what extent should Remote Order Entry should be expanded beyond health care facilities to include all types pharmacy practice.
- 2) Reviewing and recommending to the full Board whether Board should begin rulemaking to allow and define “teledispensing”
- 3) Review existing rules on automated dispensing devices and recommend to Board whether amendment to those rules should be made to allow/define KIOSK dispensing.

The Board directed Mr. Campbell to memorialize this charge formally for review and approval by the members.

Limited Service Permit Definition

Board rule 21 NCAC 46.1317(19) defines a “limited service pharmacy permit” as one “issued by the Board to an applicant who wishes to render in an institutional setting pharmaceutical services not limited to scope and kind but to time and conditions under which such services are rendered.” Board staff believes this rule was implemented years ago so that a local community pharmacist could provide pharmacy services in a local hospital and not be in violation of Board’s rule about not serving as pharmacist manager on more than one permit.

Board members and staff discussed whether the Board should begin a rulemaking to better define permissible Limited Service Permits (LSP) categories as a means of allowing sharper decisions on whether a particular type of LSP should be inspected regularly. Board staff do not routinely inspect LSPs except as an adjunct to a complaint investigation or if the LSP performs compounding services.

After discussion, it was the consensus of the Board to direct staff to draft a proposed rule change to 21 NCAC 46.1317(19) to clearly define limited service pharmacy permits.

Discussion of the New Permit Requirement Rule and Its Application to Indirect Ownership Changes

Board rule 21 NCAC 46.1603 provides: A new pharmacy, device, or medical equipment permit is required for a new location, a change to a different or successor business entity, or a change resulting in a different person or entity owning more than 50 percent interest in the permit holder or any entity in the chain of ownership above the permit holder, except as provided in 21 NCAC 46 .1604 of this Section. A new permit is required if there is a change in the authority to control or designate a majority of the members or board of directors of a nonprofit corporation holding a pharmacy permit or any nonprofit corporation in the chain of ownership above the permit holder.

Missy Betz, Director of Licensing, stated that licensing staff have explored the notion of applying the re-registration process, which allows a pharmacy to keep their existing permit

number when there is a change of location, to certain changes of ownership – particularly when there are changes in ownership of an “entity in the chain of ownership above the permit holder.”

After discussion it was the consensus of the Board not to change the existing policy.

Missy Betz, Director of Licensing, presented a suggested policy for when an “old” permit goes inactive as part of a re-registration or transfer of ownership. Board staff has encountered several situations when a transfer of ownership of permit has taken place, but they did not file an application until after the transfer has been completed. Board staff recommended that the old permit would go inactive retroactively from the transfer date because it was no longer a valid permit as stated in the Board statute and rules.

After discussion, it was the consensus of the Board to approve enforcing the rule as written.

The Board adjourn of lunch at 12:19pm and resumed open session at 1:46pm.

New Pharmacy Permit Application

Ms. Betz presented a proposed new online pharmacy permit application for review and approval. After the presentation, Board members approved the application form.

Revised Inspection Policy

Revised USP chapters on Non-Sterile Compounding <795> and Sterile compounding <797> go into effect on December 1, 2019.

Krystal Stefanyk, Director of Inspections, presented a proposed new pharmacy inspection schedule policy and inspections forms developed by Ms. Stefanyk, investigative staff, Mr. Mixon and Gigi Davidson to the Board.

Revised USP chapter <797> will collapse the number of categories of sterile compounding and will no longer use the categories of high-risk, medium-risk and low-risk sterile compounding. Ms. Stefanyk stated that staff has proposed changing the inspection schedule from every year for high-risk, every 2 years for medium-risk, and every 4 years for low-risk to every 18months for all sterile compounders.

After discussion, it was the consensus of the Board to implement the new inspection policy with some minor changes to simple compounding criteria for the inspections.

Review of Investigation Policy When the Nightly Administrative Office of the Courts Licensee/Registrant Search Produces a Hit

At the request of Mr. Graves, Mr. Campbell provided Board members of copy of the Board AOC policy governing if and when Board staff initiate an investigation based on a return hit on the AOC nightly check.

Continued Distribution of ISMP Medication Safety Alert

Board staff currently distributes to all members each issue of the on-line ISMP Medication Safety Alert. Mr. Mixon graciously provides the issues to staff. Board members discussed the desirability of continuing this practice.

After discussion, it was the consensus of the Board to renew the subscription for the Board so it can be available to Board members.

Update on ExCPT

At the July 16, 2019 Board Meeting the Board approve the ExCPT examination as a “nationally recognized” and “equivalent” exam to the PTCB exam within the meaning G.S. 90-85.3(q3). Board staff is still working with ExCPT for verification of technician who have passed the ExCPT exam before accepting ExCPT for technician certification.

There being no further business, on a motion from Dr. Bowman, seconded by Mr. Minton with no dissenting votes, the meeting adjourned at 3:36pm.

Dr. Keith Vance, President

Ashley Graves, Vice-President

Andy Bowman

Bill Mixon

Robert Graves

Gene Minton