

President Dr. Betty Dennis called the meeting to order at 9:01 am with Board Members Rebecca Chater, Robert J. McLaughlin Jr., E. Lazelle Marks, and Gene Minton present. Dr. Parker Chesson was absent from the meeting. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigation Karen Matthew, Director of Licensing Debbie Stump, Director of Operations Kristin Moore, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Cindy Clark, NCPRN; Mary Christine Parks, NCPRN; April Sloan, Target; Bill Mixon, NCBOP Board Member-Elect; Carol Day, NCBOP Board Member-Elect; Brenda Shafer, Quarles & Brady; Christine Davis, Cardinal Health; Tom Reading, Mutual Drug; Lisa Collums, Kerr Drug; Tony Mitchum, Wal-Mart; Amic Mousseau, Campbell Univ.; Summer Stairs, University of Pittsburgh; Andrew Clark, University of Pittsburgh; Bobby Ben, UNC; Lori Setzer, CVS; Chad York, Wingate Univ.; Elizabeth Anderson, UNC; Patrick Brown, UNC; Kevin Almond, UNC/ESOP; Tom Wilverding, CAPS, Inc.; Bill Pickard, Campbell COP; Hei Man Tsui, Cardinal Health Nuclear Pharmacy; and Rhonda Jones, 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 September 2011 Board Meetings

The members received the September 20, 2011 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.

#### Financials

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

#### “Script Your Future” – Medication Adherence – UNC/ESOP

Patrick Brown and Elizabeth Anderson, students at UNC Eshelman School of Pharmacy, presented “Script Your Future” a national medication adherence campaign being lead by the National Consumers League designed to bring together public and private organizations to promote medication adherence.

#### Reconsideration of Need for Reciprocity – James Cooper

James Cooper submitted an inquiry to Board staff on whether he would be required to reciprocate his pharmacist license to North Carolina. Dr. Cooper is a license pharmacist in Georgia who is currently involved in a Charlotte, NC research project where he would review North Carolina patient profiles and advice a consulting pharmacist in North Carolina who would deal directly with the patients. Dr. Cooper would not be interacting directly with patients. After

discussion, it was the consensus of the Board that, based on the specific facts presented in writing by Dr. Cooper; Dr. Cooper did not need to obtain a North Carolina pharmacist license to participate in the research project.

#### Inquiry Regarding CE Hours

Board staff received an inquiry about the possibility of altering the CE rule to allow pharmacists to acquire 30 hours of continuing education over a two-year period. After discussion, it was the consensus of the Board that Mr. Campbell and Director of Licensing Deborah Stump would look into the matter and consult with CE coordinators at the schools of pharmacy.

#### Investigative Statistics

Director of Investigations Karen Matthew presented the investigative statistics for October 2011.

#### FY 2010-2011 Board Statistics

Mr. Campbell presented the Board statistics for fiscal year 2010 – 2011.

#### Open Mike

North Carolina Pharmacist Recovery Network (NCPRN) Executive Director Mary Christine Parks updated the Board on the new website for NCPRN. She also spoke about the recent NCPRN annual meeting that was held at Wingate University on October 14, 2011.

Mr. Campbell updated the Board on the LTC/Hospital working group and stated that the group is still working on proposed revisions to the rules governing LTC/Hospital pharmacies.

#### Consent Agenda

Following a review of the consent agenda, it was moved by Mr. Minton, seconded by Mr. Marks, 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 Concern**

RPh. Benjamin Lewis Sauls, license #13771, was subject of a prehearing conference held September 19, 2011, heard by Mr. Marks, regarding allegations of a dispensing error. Recommendation: **Staff Issues a Letter of Concern** to RPh. Sauls.

#### **Staff Issues Letters of Concern and Warning**

RPh. Andrew Albania Amador, license #18684; RPh. Eric Maurice Fraley, license #11750; RPh. Elvis Tanyi, license #19478; and Rite Aid Pharmacy, permit #09771 were subjects of a prehearing conference held September 19, 2011, heard by Mr. Marks, regarding allegations of maintaining an inadequate system of inventory, record keeping

and security which resulted in 20,000 dosage units of Hydrocodone being diverted by a technician. Recommendation: **Staff Issues Letters of Concern** to RPh. Amador, RPh. Fraley, and RPh. Tanyi. **Staff Issues a Letter of Warning** to permit.

### Consent Orders

RPh. Gene Frederick Herring, license #05202, and Northwoods Drug Company, permit #03028 were subjects of a prehearing conference held September 19, 2011, heard by Mr. Marks, regarding allegations that pharmacist manager Herring failed to maintain accurate and adequate records related to controlled substances and filled schedule II prescriptions in a fashion prohibited by state and federal law by partial filling some prescription and waiting more than 72 hours to fill the remainder. Recommendation: **30 day suspension/stayed 2 years with conditions** to RPh. Herring and permit.

RPh. June Kelli Barker, license #12966 was subject of a prehearing conference held September 19, 2011, heard by Mr. Marks, regarding allegations that she had a legitimate and valid prescription for non-controlled substance which she filled or refilled for herself and improperly recorded the prescriptions under a "false patient name". Records also indicate that on November 27, 2009 she created a record of a call-in prescription for herself for Sumatriptan with twelve (12) refills. The records of her physician's office reflect that the call-in prescription was not authorized until November 30, 2009, and was for only three (3) refills. Recommendation: **30 day suspension/stayed 2 years with conditions** to RPh. Barker.

RPh. Hailey Barbee Brady, license #09204, was subject of a hearing by consent of the parties regarding modification of her reinstatement order to lift the restrictions regarding prior approval of employment by Board's Executive Director, not serving as a preceptor, and extending work hours to 40 hours per week at the discretion of NCPRN's Executive Director. Recommendation: **Approve requested modification** to RPh. Brady.

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

### Increase in Pharmacist to Technician Ratio

- 1.) Community Pharmacy of Bethlehem, Inc. Hickory, Permit # 11049, Thomas Nathan Powers RPh App. 9/23/2011
- 2.) CVS Pharmacy Burlington, Permit # 10116, Laurie Downs RPh, App. 9/23/2011
- 3.) CVS Pharmacy Charlotte, Permit # 10752, Carolyn Henry RPh, App. 9/23/2011
- 4.) Physicians Discount Drug Dunn, Permit # 10982, Carolyn Jones Hodges RPh, App. 10/3/2011

### Automated Dispensing in LTC Setting – Molly Thompson – Winyah Pharmacy

Molly Thompson, Winyah Pharmacy of the Piedmont, appeared before the Board concerning rules governing automated dispensing machines and emergency kits being used in long term care facilities. Ms. Thompson stated the rules regarding automated dispensing machines applied more to hospitals and that in a long term care facility, which would use the machines for an

emergency kit rather than for dispensing medication, the rules made their use cost prohibited. Mr. Campbell proposed that Ms. Thompson meet with the LTC/Hospital working group to present these issues so that they may consider them with their proposed rule changes to rules governing LTC/Hospitals.

There being no further business, the meeting adjourned at 10:42am.

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Betty Dennis, President

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Gene Minton., Vice President

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Rebecca Chater

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J. Parker Chesson, Jr.

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E. Lazelle Marks

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Robert J. McLaughlin, Jr.