

President Gene Minton called the meeting to order at 8:54 am with Board Members Dr. Parker Chesson, E. Lazelle Marks, Carol Yates Day, Robert J. McLaughlin, and Bill Mixon present. Also present were Executive Director Jay Campbell, Director of Investigations Karen Matthew, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Mary Christine Parks, NCPRN; Cindy Clark, NCPRN; Tom Readling, NC Mutual; Christine Davis, Cardinal Health; David Catalano, Walgreens; Vann Day, Duke Med. Center; Brenda Shafer, Quarles & Brady, LLP; Danny Seavers, Kerr Drug; Karen Hammond, CVS; Corey Therriault, DTCC; Steven Mitchell, DTCC; Justin Goldbaugh, DTCC; Varaprasad Pandigunta, DTCC; Kishorebabv Chava, DTCC; Jennifer Clark, Campbell Univ.; Andrea Murray, Campbell Univ.; Jonathan Lawrence, Campbell, Univ.; Scott Thompson, UNC; Jennifer Funkhouser; UNC; Rich DeBeneditto, Walgreens/Campbell Univ.; Lani True, Campbell Univ.; Desiree Elelwa-Izuahor, Campbell Univ./ NCAP; Ashley Cortright, Wingate Univ.; Robert Boyer, Campbell Univ.; Ashley Borwn, Campbell Univ./Kerr Drug; Karl Lim, DTCC; Rose Pfeiffer, DTCC; Phillip Rempfer, DTCC; Jessika Sexton, DTCC; Sandra Covington, DTCC; Diane Durden, DTCC; Shana Williams, DTCC; Janice Murphy, DTCC; Stephanie Quick, UNC; Melissa Smisor, Campbell Univ.; Stephen Mangum, UNC; Erica Jones; Stephanie Bullock, Pharmerica; Eric Adelo, UNC; Grace Iwekuba, Walgreens; Meylin Zambrano, DTCC; Allison Astor, Pitt; Andy Ellen, NC Retail Merchants Association; Phil Burgess, Alixa Rx; and Al Barber, Alixa Rx.

Ethics Statement & Welcome

President Minton 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.

Minutes of the September 2012, September 28, 2012, and October 3, 2012 Board Meetings

The members received the September 18th, September 28th, and October 3rd, 2012 meeting minutes prior to this meeting for review. It was moved by Mr. Mixon and seconded by Marks to accept the Minutes as submitted. The motion passed with no dissenting votes.

Update on Fungal Meningitis Outbreak and Compounding Pharmacy Matters

Mr. Campbell updated the Board on the fungal meningitis outbreak that has to date affected 20 states with over 200 cases. The outbreak has been linked to methylprednisolone acetate injections compounded by the New England Compounding Center (NECC) pharmacy located in Massachusetts. NECC has recalled all of its sterile compounding products. The Board summarily suspended NECC's out-of-state pharmacy permit October 3, 2012 during an emergency Board meeting.

After discussion, it was the consensus of the Board that Mr. Mixon and Mr. Campbell put together a list of possible members for a working group who will review compounding laws and enforcement.

Discussion of Lot Numbers on Prescription Labels – Rebecca Wilson

Rebecca Wilson came before the Board to discuss the possibility of requiring lot numbers on prescription labels. Ms. Wilson stated that requiring lot numbers on labels would help patients and pharmacists know which patients' prescriptions have been affected when a product has been recalled. It would also identify products which may re-enter the market after diversion. After discussion, it was the consensus of the Board to take the matter under advisement.

Report on North Carolina Controlled Substance Reporting Requirements on Dispensing Physicians, Physician Assistants, and Nurse Practitioners

At the September 27, 2012 Board Member retreat, the Board directed Mr. Campbell to contact the North Carolina Drug Control Unit to determine whether dispensing physicians, physician assistants, nurse practitioners, and veterinarians were required under existing laws to report dispensing of controlled substances to the NC Controlled Substance Reporting System (CSRS). Mr. Campbell spoke with the head of Drug Control Unit at DHHS, their interpretation of the law is that dispensing physicians, physician assistants, nurse practitioners and veterinarians are not required to report to NC CSRS.

Report from North Carolina Pharmacist Recovery Network

Mary Christine Parks, NC Pharmacist Recovery Network, informed the Board that she is resigning her position as Executive Director of NCPRN. The Board thanked her for her impeccable service to the pharmacists of North Carolina and wished her well.

FY 2011 – 2012 Board Pharmacy Statistics and Board Licensing and Permitting Trends, 2006 – 2012 – Debbie Stump, Stacie Mason

Debbie Stump and Stacie Mason presented the fiscal year 2011 – 2012 Board statistics and gave a report on licensing and permitting trends form 2006 – 2012.

Financials and Report on Board of Pharmacy Revenue Sources – Gail Brantley

Gail Brantley, Financial and Administrative Services Director, presented the September 2012 financial statistics to the Board. Mrs. Brantley also presented a report on the Board's revenue source trends from 2008 – 2012.

Investigative Statistics

Director of Investigations Karen Matthew presented the investigative report for October 2012.

Discussion of Ethics Commission Evaluation Letters to Board Members – Jay Campbell, Clint Pinyan

The Board members received their ethics commission evaluation letters from the States Ethics Commission. For all the Board members except Dr. Chesson, who is a public member, the letters stated that there were no actual conflicts of interest noted. The letters reminded Board members of potential conflicts because the members regulate practitioners of their own profession. Mr. Campbell reminded Board members to refer back to their ethics training when

dealing with questions and concerns from the public. Mr. Campbell and Board counsel are always available if members have questions concerning potential conflicts of interest.

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. Mixon, seconded by Mr. McLaughlin to approve the consent agenda as presented. The motion carried with no dissenting votes. Mr. Mixon recused himself in the matter of the increase to pharmacist to technician ratio for The Compounding Pharmacy, permit #07185. The following items were approved.

Prehearing Conference

Staff Issues Letters of No Action

Technician Ivette Garrett, registration #02209, was subject of a prehearing conference held September 17, 2012, heard by Dr. Chesson, regarding her termination from Wal-Mart pharmacy for suspected diversion of Viagra 100mg. Technician Garrett was charged with Larceny by Employee on July 24, 2011 and was granted a Motion/Agreement and Order to Defer Prosecution on May 23, 2012. The case was continued until January 11, 2013, to allow Technician Garrett to satisfy/ comply with the Agreement. Recommendation: **Staff Issues Letter of No Action** to Technician Garrett.

RPh. Charles Winkle, license #05170, was subject of prehearing conference held September 17, 2012, heard by Dr. Chesson, regarding allegations of dispensing a prescription for Tenex 1mg to an *unknown subject* with the same name as the complainant. Investigation determined that Pharmacist Winkle had failed to sign and date daily printout of prescription information and daily printouts of controlled substances dispensed. Recommendation: **Staff Issues Letter of No Action** to RPh. Winkle.

Staff Issues Letters of No Action and Caution

RPh. Bruce Teague, license #05361, and CVS Pharmacy, permit #10838, were subjects of a prehearing conference held September 17, 2012, heard by Dr. Chesson, regarding allegations of not maintaining an adequate system of security and control to prevent the diversion of 31,106 tablets of various strengths of Hydrocodone and Alprazolam. Recommendation: **Staff Issues Letter of No Action** to RPh. Teague and **Staff Issues Letter of Caution** to permit.

Staff Issues Letters of Warning

RPh. Terri Storms, license #13989, and The Village Pharmacy, permit #09198 were subjects of a prehearing conference held September 17, 2012, heard by Dr. Chesson, regarding allegations of not maintaining an adequate system of security and control resulting in controlled substance medications being diverted by a cashier who was negligently allowed to have access to the pharmacy area. Recommendation: **Staff Issues Letters of Warning** to RPh. Storms and permit.

CPP Candidates

RPh. Rachel Basinger, License #22368

RPh. Holly E. Causey, License #21025

RPh. Benyam Muluneh, License #21097

Increase in Pharmacist to Technician Ratio

- 1.) Village Pharmacy LLC Fayetteville, Permit # 09198, Terri Angela Storms RPh App. 9/21/2012
- 2.) Blue Ridge Community Health Pharmacy Hendersonville, Permit # 10518, Debbie H. Brittain RPh App. 10/3/2012
- 3.) The Compounding Pharmacy Hickory, Permit # 07185, William A Mixon RPh App. 10/3/2012

Closed Session

On a motion from Dr. Chesson, seconded by Mrs. Day with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension and a personnel matter. Open session resumed on a motion from Mr. Mixon, seconded by Mr. Marks with no dissenting votes. Mr. Minton stated that technician Andrew Smith, registration #22986 was summarily suspended.

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

During closed session, the Board conducted an annual review of Executive Director Jay Campbell. Mr. Minton stated that the Executive Director received an exemplary review.

Open Mike

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

New Automated Dispensing Device Technologies and Long Term Care Pharmacy Practice – Blake Griese & Phil Burgess

Blake Griese, Phil Burgess, and Al Barber presented a new automated dispensing technology for long term care pharmacy practice. The automation would individually package unit dose medication for patients in these facilities. This technology would deal with problems of waste and diversion in the long term care setting.

There being no further business, the meeting adjourned at 12:30pm.

Gene Minton, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Robert J. McLaughlin, Jr

Carol Yates Day

William A. Mixon