

President Robert J. McLaughlin called the meeting to order at 9:07 am with Board Members Carol Yates Day, Gene Minton, Dr. Parker Chesson, Lazelle Marks, and Bill Mixon present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial Services Director Gail Brantley. Present as visitors were: Valanda Nelson, NCPRN; Heidi Barefoot, Target; Brenda Shafer, Quarles & Brady; Lisa Collums, Kerr Drug; David Moody, Mutual Drug; Jennifer Turner, Campbell Univ.; Joshua Ransom, UNC; Kai Jones, Wingate Univ.; Elaine Vu, UNC Hospital; RPh. Linda Lepri; Wendy Watson, NCBOP; and Missy Betz, NCBOP.

Ethics Statement & Welcome

President McLaughlin read the Ethics Statement regarding any conflicts of interest and/or appearance of conflicts of interest of any Board member. No conflicts were noted by Board members.

Minutes of September 2014 Meeting and October 2, 2014 Board Conference Call

The members received the September 17, 2014 meeting minutes and the October 2, 2014 Board Retreat meeting minutes prior to this meeting for review. It was moved by Dr. Chesson, seconded by Mr. Mixon, to accept the minutes as submitted. The motion passed with no dissenting votes.

Further Consideration of Proposed Amendments and Repeals to Rules Governing Compounding

The Board held a public hearing on September 17, 2014 on proposed amendments to rules 21 NCAC 46 .1412 and .2801; and proposed repeal of 21 NCAC 46.1810 and .2802-.2808 regarding compounding. At the September 2014 meeting, on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to take the matter under advisement.

After further discussion on the proposed amendments and repeals of the rules governing compounding, on a motion from Mr. Minton, seconded by Mr. Marks, the Board voted 3- 2 to remove paragraph (i) of 21 NCAC 46.2801 and approve the remaining amendments and repeals and submit them to the Rules Review Commission.

Appointment of Committee to Explore Creation of a Grant-in-Aid Program for Pharmacy Technician and Pharmacy Students in Need of Pharmacist Recovery Network Services

At the October 2, 2014 Board member retreat, the Board members discussed a grant program for NCPRN to offset the costs of treatment and monitoring for pharmacy students and technicians. It was the consensus of the Board to form a committee at the October 2014 Board meeting to look further into forming a program. After discussion, it was the consensus of the Board that Joey McLaughlin, newly elected Board member Stan Haywood, NCPRN Executive Director Valanda Nelson, and NCPRN Board member Abbie Williamson would comprise the committee.

Policy Concerning Registration of Technicians Who Practice at Free and Charitable Pharmacies

It has been Board policy that technicians that volunteer in free and charitable clinic pharmacies have to complete a training program but are not required to register with the Board. Board staff has recently become aware of a case where a technician voluntarily surrendered their license because of diversion and then began volunteering in a free clinic where they continued to divert controlled substances. After discussion, it was the consensus of the Board that technicians serving in a free or charitable clinic pharmacy would need to register with the Board. Board members directed Mr. Campbell to send out a statement to free and charitable clinic pharmacies stating that their technicians would need to be registered with the Board by the end of the 2014 renewal period.

Consideration of Board Statement Concerning Access To and Use of the North Carolina Controlled Substance Reporting System by Pharmacists

At the October 2, 2014 Board member retreat, the Board members discussed ways to encourage pharmacists to use the Controlled Substance Reporting System (CSRS). The members directed Mr. Campbell to draft a Board statement concerning use of CSRS for the Board members to review at the October 2014 Board meeting. Mr. Campbell presented a draft statement to the Board members for their review. It was the consensus of the Board to approve the statement and publish it on the Board's website.

Designation of Board Member to Attend the National Association of Boards of Pharmacy's December 2-3, 2014 Interactive Board Member Forum

NABP will hold an interactive Board member forum on December 2 & 3, 2014. Mr. Campbell requested that Board members designate a member to attend the forum. It was the consensus of the Board to designate Board member Bill Mixon.

Report on the 2014 Pharmacy Leaders' Forum

The Board hosted the pharmacy leaders' forum on October 3, 2014 in Greensboro, North Carolina. Mr. Campbell stated that the feedback from the forum has been good and the attendees liked the new format of this year's meeting. He also stated that he is working with the North Carolina Association of Pharmacists Executive Director Dan Barbara on a post forum report and will report back to the Board at the November meeting so the Board may make decisions concerning next year's meeting.

Report on Program Evaluation Division Study of Occupational Licensing Boards and Office of State Auditor Report on Oversight of Occupational Licensing Boards

Mr. Campbell stated that there has been no further update from Program Evaluation Division (PED) study of occupational licensing Board. A draft of the PED report should be available in November 2014.

Investigations Department Report

Joshua Kohler, Director of Investigations and Inspection, presented the October 2014 investigative report.

Financials

Rhonda Jones, Financial and Human Resources Analyst, presented the September 2014 financial statistics to the Board. Ms. Jones also stated that the annual audit for the Board will begin November 3, 2014.

Consent Agenda

Following a review of the consent agenda, it was moved by Dr. Chesson, seconded by Mr. Mixon to approve the consent agenda as presented. The motion carried with no dissenting votes. The following items were approved.

Prehearing Conference

Staff Issue Letters of No Action

RPh. Patricia Bowker, license #08704; RPh. Susan Walsh, license #19088; RPh. Lindsay Dearie, license #20486; Technician Jessica Goodwin, registration #32437; and CVS pharmacy, permit #10824; were subjects of a prehearing conference held September 15, 2014, heard by Mr. Mixon, regarding allegations that Technician Jessica Goodwin failed to communicate an offer to counsel after providing Glucagon 1mg E-kit. Moreover, RPh. Walsh and RPh. Bowker failed to provide adequate counseling on the kit after the patient requested counseling, and no record of patient counseling was maintained. The investigation revealed that the patient misidentified RPh. Walsh as the person who spoke to the patient about the kit, and it was later discovered through the patient that RPh. Bowker had spoken to her. No record was located showing patient counseling to be accepted or declined. Recommendation: **Staff Issues letters of no action** to RPh. Bowker, RPh. Walsh, RPh. Dearie, Technician Goodwin, and permit.

Staff Issue Letters of Warning

RPh. Steven Metcalf, license #09965, and Metcalf Pharmacy, permit #07226, were subjects of a prehearing conference held September 15, 2014, heard by Mr. Mixon, regarding allegations that on May 31, 2013, Technician Jennifer Burrell #13136 attempted to divert Phentermine 37.5mg tablets and Testosterone gel by means of the United States Postal Service. During the course of the investigation, the pharmacy, under the supervision of RPh. Steven Metcalf created inaccurate records related to the dispensing, including maintaining a photographed picture of a prescription (which was issued after both the diversion and the complaint to the Board) as a purported original. Lastly, an inspection of the pharmacy on June 13, 2013, revealed RPh. Metcalf allowed the supervision of more technicians than permitted by law, even after he and the pharmacy were previously warned about pharmacist-to-technician ratios. Recommendation: **Staff Issues Letters of Warning** to permit and RPh. Metcalf.

Staff Issue a Letter of Warning

RPh. Matthew Raines, license #14496, was subject of a prehearing conference held September 15, 2014, heard by Mr. Mixon, regarding allegations that while RPh. Raines

was serving as the pharmacist manager, on at least 80 occasions, J & A Pharmaceutical Services ordered medications found on the FDA Drug Shortage list. J & A Pharmaceutical Services then did not dispense those drugs, but instead transferred them to North, Inc. The evidence reflected these activities were conducted by the owners and employees under their direction, and whose activities were not discovered by RPh. Raines. In addition to this, RPh. Raines failed to keep adequate records of prescriptions dispensed, failed to conduct and/or maintain a biennial inventory, did not maintain a current power of attorney on file, did not establish an adequate quality assurance program, and shipped certain drugs to other states without having all permits and/or registrations required by those states. Recommendation: **Staff Issue a letter of warning** to RPh. Raines

Consent Order

RPh. Samuel E. Lowman, license #05277; and Pharmacy on the Park, permit #07593, were subjects of a prehearing conference held September 15, 2014, heard by Mr. Mixon, regarding allegation that an inspection conducted on February 18, 2014 found multiple violations regarding compounding of sterile products. The inspection also revealed that the permit was shipping into multiple states where the pharmacy did not hold a permit. Recommendation: **One (1) year suspension/stayed five (5) years with conditions including not serving as pharmacist manager for one (1) year and not dispense any sterile compounded drugs** to RPh. Lowman. **Five (5) year suspension/stayed (5) years with conditions including not dispensing any sterile compounded drugs** to permit.

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

Increase in Pharmacists to Technician Ratio

1. Bernstein Center Pharmacy, Permit #09462; PM Marian L. Cascio, Approved 09/12/2014
2. Community Pharmacy of Lincolnton, Permit #12063; PM Laura Dunston, Approved 10/06/2014
3. CVS Pharmacy, Permit #7329; PM Ashley Cinquino, Approved 10/06/2014
4. CVS Pharmacy, Permit #7584; PM Thomas Edwards, Approved 10/06/2014
5. CVS Pharmacy, Permit#7335; PM Cynthia Journey, Approved 10/06/2014
6. CVS Pharmacy, Permit #10788; PM Michael Donohue, Approved 10/06/2014
7. Ingles Pharmacy, Permit #07746; PM Robin James, Approved 10/06/2014
8. Millers Creek Pharmacy, Permit #04267; PM James Osborne, Approved 10/06/2014
9. Neil Medical Group, Permit #04780; PM Richard Andrews, Approved 10/06/2014
10. Walmart Pharmacy, Permit #07935; PM Daniel Wilson, Approved 10/06/2014
11. Cape Fear Pharmacy & Compounding Center, Permit #07839; PM Marilyn H. Moseman, Approved 10/17/2014

CPP Candidates

RPh Courtney Blackwell Isom, License #20244

RPh Sally McCollum, License #14931

RPh Emily J. Volger, License 21943

RPh Katie Kaminski, License 23316

Reports to the Board

RPh. Linda Lepri spoke to the Board concerning the lack of information regarding Ebola relating to retail pharmacies. Mr. Campbell referred the Board to information and links on the Board website from the Department of Health and Human Services concerning Ebola.

There being no further business, the meeting adjourned at 10:37am.

Robert J. McLaughlin, Jr, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Gene Minton

Carol Yates Day

William A. Mixon