

President Gene Minton called the meeting to order at 9:00 am with Board Members Dr. Parker Chesson, Carol Yates Day, Robert J. McLaughlin, Lazelle Marks, and Bill Mixon present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Karen Matthew, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial Administrative Services Director Gail Brantley. Present as visitors were: Christine Davis, Cardinal Health; Bill Pickard, Campbell University; Valanda Nelson, NCPRN; Cindy Clark, NCPRN; Brenda Shafer, Quarles & Brandy; Tom Readling, Mutual Drug; April Sorrentino, Target; Patrick Shaw; Lori Setzer, CVS; RPh. Dorothea Griffiths; Brad Marshburn, Walgreens; Eric B. Mobley, UNC/ESOP; Miriam Pulsiphee, UNC/ESOP; John Kessler, SecondStory Health; Jenny Pope, SCCP/Walgreens Infusion; Stephen Fu, Walgreens Infusion Services; RPh. Michael Lamberth; Catherine Lamberth; RPh. Christopher Buchanan, Physicians Pharmacy Alliance; Wanda Andrews, NCBOP; Stacie Mason, NCBOP; and Wendy Watson, NCBOP.

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 October 2013 Meeting Minutes and the October 31, 2013 Meeting Minutes

The members received the October 15, 2013 meeting minutes and the October 31, 2013 meeting minutes prior to this meeting for review. It was moved by Mr. Mixon and seconded by Dr. Chesson to accept the minutes as submitted. The motion passed with no dissenting votes.

Petition to Modify License Reinstatement Order – RPh. Michael Lamberth, License #10967

RPh. Michael Lamberth, license #10967, appeared before the Board to request modification of his March 21, 2006 Order Reinstating License. He requested that the Board lift the restriction on obtaining prior approval of employment from the Board's Executive Director. Mr. Campbell stated that staff does not object to lifting the restriction.

After presentation of evidence and testimony, on a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved to grant the requested modification.

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

Petition for Consideration of Application for License to Practice Pharmacy - Shannon Paul

Shannon Paul appeared before the Board for review of her licensure by exam application. Dr. Paul is a graduate of Campbell University School of Pharmacy. On her application, Dr. Paul stated that she had been convicted of driving under the influence in 1999 and 2011. The 2011 conviction was traceable to her use of zolpidem. Dr. Paul, duly sworn, testified on the circumstances of her DUI convictions and her substance abuse treatment. Cindy Clark, NCPRN, testified on Dr. Paul's past and present treatment plan and stated that NCPRN supports her licensure as a pharmacist with appropriate conditions.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes. Mr. Minton stated that on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board approves Ms. Paul continuing with the licensure process. If she successfully completes the process, her license will be subject to certain conditions.

A copy of Order Regarding Licensure can be found elsewhere in the Minutes and is incorporated by reference herein.

Request for Acceptance of Practical Pharmacy Experience – Dorothea Griffiths

Dr. Dorothea Griffiths appeared before the Board to request that 500 hours of practical experience with GlaxoSmithKline be accepted for licensure. Dr. Griffiths submitted an application for licensure by exam in March 2013. When applying for pharmacist licensure in North Carolina, Dr. Griffiths and NC Board staff attempted to verify the practical hours she obtained when receiving her New York pharmacist license and was only able to verify 440 hours because the additional hours' records were not available from the New York Board of Pharmacy. Dr. Griffiths has been obtaining practical experience under a license North Carolina pharmacist. North Carolina licensure policy states practical experience can be obtained in nontraditional locations such as industry under the supervision of a license pharmacist in North Carolina. Dr. Griffiths, duly sworn, spoke about her educational and clinical research background. She requested that the Board approve 500 hours of practical experience for working as a clinical research physician at GlaxoSmithKline from 2000 to 2007.

On motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved into closed session to discuss the matter. When open session, Mr. Minton stated that on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes, the Board would approve the requested 500 hours of practical experience.

The Board adjourned at 10:45am and resumed open session at 11:00am

Presentation of Proposed Investigations/Inspections Policy Changes

In March 2013 State Auditors' office conducted a financial audit and a Chapter 93B compliance audit of the Board. The final report was released by the State Auditor on October 24, 2013. The State Auditor's report criticized Board staff's inspection efforts, specifically that a percentage of pharmacy permits in North Carolina had not been inspected within a four-year period. The Board's response noted that The Pharmacy Practice Act charges the Board to "enforce[e] the provisions of [the Pharmacy Practice Act] and the laws pertaining to the distribution and use of drugs . . .", NCGS § 90-85.6(a), and specifically charges the Board to "promptly conduct an investigation" upon "receiving information concerning a violation of [the Pharmacy Practice Act] that is a threat to the public safety, health, or welfare . . ." Id. § 90-85.12(a). The Board's response also noted that inspection check-list forms have been improved for content (including specialized forms for specialized practices). The Board's database has been updated to allow investigative staff to run electronic reports showing last inspection date (whether linked to an investigation or stand-alone) of each pharmacy in the investigator's assigned area. Board staff

implemented a required-to-renew short survey to acquire more granular data on each pharmacy's practice, allowing better refinement of risk-based inspection policies. Board staff proposed a re-drawing of investigative districts for the members' consideration. Board staff also proposed a refined risk-based inspection policy for the members' consideration.

A full copy of the report of the State Auditor is found elsewhere in the minutes and is incorporated by reference herein.

Mr. Campbell presented a revised, proposed risk-based inspection policy which would require Full Retail Pharmacy & DME permits to be inspected at least once every four (4) years. The inspection shall take place at least every five (5) years if the pharmacy is accredited by the Center for Pharmacy Practice Accreditation (CPPA), or the DME facility is accredited by one of the accrediting bodies recognized by the Centers for Medicare & Medicaid Service (CMS). Limited service permits would be inspected pursuant to a complaint only. Sterile Compounding/High Risk Pharmacy Permits would be inspected annually, unless accredited by a recognized accrediting body, then every two (2) years. Medium Risk Compounding Pharmacies would be inspected every two (2) years unless accredited by a recognized accrediting body, then every three (3) years. Low Risk Compounding Pharmacies would be inspected every four (4) years.

Mr. Campbell, Director of Investigations Karen Matthew, and Assistant Director of Investigations Joshua Kohler presented a proposed redistricting of the investigative/inspection areas that would include increasing the number of territories from seven (7) to nine (9) and adding two (2) additional inspectors/investigators.

After discussion, it was the consensus of the Board to approve the revised inspection policy and the redistricting of the investigative areas. A copy of the revised inspection policy is found elsewhere in the minutes and is incorporated by reference herein.

Investigative Report

Director of Investigations Karen Matthew presented the investigative report for October 2013.

Reports to the Board

No one spoke during Reports to the Board agenda session.

Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the September 2013 financial statistics to the Board.

The Board adjourned for lunch at 12:25am and resumed open session at 1:30pm

Update on Request for Board Approval of NHA Exam for the Certification of Pharmacy Technicians

At the September 2013 Board meeting, National Healthcareer Association (NHA) requested approval of their exam for certification of pharmacy technicians (ExCPT). The Board, at that time, took the matter under advisement. Mr. Campbell presented a letter from Lesa Pastor, NHA, updating the Board on the next exam development cycle for ExCPT. He also presented two letters from industry supporting the NHA ExCPT exam. After discussion, it was the consensus of the Board that Mr. Campbell send a letter to NHA recommending again that NHA arrange independent evaluation of the ExCPT for the Board's consideration on the matter.

Consent Agenda

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

Prehearing Conference

Staff Issues Letters of Caution, Warning, and No Action

RPh. Bradley Weaver, license #12708; RPh. Amber Thomas, license #22869; and Rite Aid Pharmacy, permit #09728 were subjects of pre-hearing conference held October 14, 2013, heard by Dr. Parker Chesson, regarding allegations that on October 9, 2012, patient Carol Wiesenauer was dispensed Morphine Sulfate 100mg ER instead of the prescribed Morphine Sulfate 10mg ER at Rite Aid Pharmacy. The patient ingested one (1) tablet and was found unresponsive. The patient spent one (1) week in the hospital and three (3) weeks in a nursing home where she recovered. Recommendation: **Staff issues a Letter of Caution** to permit; **Staff issues a Letter of Warning** to RPh. Thomas; and a letter of **No Action** to Rph. Weaver.

Consent Orders and Staff Issues a Letter of Warning

RPh. Lauren Reece, license #21369; RPh Erica Pierce, license #16071; and CVS Pharmacy, permit #10711 were subjects of a prehearing held September 16, 2013, heard by Gene Minton, regarding allegations that on several occasions, RPh. Pierce, as dispensing pharmacist and pharmacist-manager of CVS Pharmacy, and RPh. Reece unlawfully and negligently refilled patients' prescription for controlled substance sooner than permitted by the prescription and in excess of normal therapeutic use. After an inspection, the pharmacy was noted to have several violations including pharmacy and compounding equipment that was unsanitary. Recommendation: **Staff issue a Letter of Warning** to RPh. Reece; **Consent Order of Reprimand** to RPh. Pierce; and **Consent Order** with 3 day suspension/stayed one year to permit.

Consent Order

RPh. Elvis Tanyi, license #19478 was subject of a prehearing conference held October 14, 2013, heard by Dr. Chesson, regarding allegations that RPh. Tanyi on 7/16/2012, after discovering a shortage of drugs, created false prescriptions for 30 Oxycontin 20 mg and created false prescription records for those drugs to give him time to account for the

missing drugs. He did not record the prescription on patient profile or bill to insurance. No medication was dispensed. He was charged with common law Forgery but charges were dismissed. Investigation further revealed there was no shortage. Recommendation: **Consent Order of Reprimand** and may not serve as pharmacist manager or preceptor.

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

Reciprocity Candidates

Candidates Licensed by Reciprocity 11/20/2013					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Asima	Nuzhat	Ali		IN	11/20/2013
Romina	Patel	Anazagasty		LA	11/20/2013
Arpita	Pravinchandra	Amin		IN	11/20/2013
Jeffrey	Robert	Bouchard		NY	11/20/2013
Alissa	Anne	Britt		VA	11/20/2013
Emily	Rachael	Campbell		SC	11/20/2013
Atta E Karim		Chowdhry		OR	11/20/2013
Timothy	Michael	Davis		NJ	11/20/2013
Chandra	Mi`son	Evans		TN	11/20/2013
Anne	Marie	Filipiak		NV	11/20/2013
Lindsey	Ann	Forster		OH	11/20/2013
Laura	Ann	Garza		IN	11/20/2013
David	Scott	Graham		OH	11/20/2013
Kellee	Tamika	James		DC	11/20/2013
Jennifer		Kump		IL	11/20/2013
Keith	Alan	Latham		AL	11/20/2013
Laura	Ivette	Lopez-Negron		FL	11/20/2013
Lan	Thanh	Luong		CO	11/20/2013
Cac	Gia	Mai		PA	11/20/2013
Mariam		Majidi		GA	11/20/2013
Malcolm	Duncan	Matheson		SC	11/20/2013
George	Justin	Mehm		NY	11/20/2013
Daniela	Montalbano	Moyer		VA	11/20/2013
Kenneth	Jerome	Mungin		SC	11/20/2013
Brian	M.	Pacanowski		PA	11/20/2013
Donald	Walter	Parsons		MA	11/20/2013
Ronald	E.	Ragan		KS	11/20/2013
Basant	Diaa	Matta		NY	11/20/2013
Rani	Nagi	Seedhom		SC	11/20/2013

Candidates Licensed by Reciprocity 11/20/2013					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Maie		Seif		MI	11/20/2013
Elizabeth	Catlin	Staton		AL	11/20/2013
Sarah	Grace	Stramat		PA	11/20/2013
Chintan	Kamlesh	Thakkar		OH	11/20/2013
Dorothy	Barbara	Tyler		OH	11/20/2013
Susan	McNeil	Widziunas		PA	11/20/2013
Amy	Lynn	Wood		VA	11/20/2013
Melody	Jaclyn	Wootten		VA	11/20/2013
Theodore	N.	Zengou		CT	11/20/2013
Chang		Zhou		FL	11/20/2013
David	Edwin	Cebula		IL	11/20/2013
Mandy	Walker	Cebula		IL	11/20/2013

Increase to Pharmacists to Technician Ratio

1. Walmart Pharmacy- Chapel Hill, Permit # 11503, Andrew Farmer RPh, Approved 10/7/2013
2. Kroger Pharmacy- Durham, Permit # 07164, Lucy Patterson RPh, Approved 10/17/2013
3. McNeill's Long Term Care Pharmacy- Whiteville, Permit # 07711, Dr. John W Watson RPh, Approved 10/17/2013
4. Walmart Pharmacy- Raleigh, Permit # 08000, Ashley Flood Ellis RPh, Approved 10/24/2013
5. CVS Pharmacy- Wilmington, Permit # 10273, Allister Woodman RPh, Approved 11/7/2013
6. CVS Pharmacy- Indian Trail, Permit # 10755, Tammy Moore RPh, Approved 11/12/2013
7. Mars Hill Medical Center Pharmacy- Mars Hill, Permit # 05227, Susan Waldrop Coates RPh, Approved 11/12/2013

Board Election Forums – January 16, 2014, Raleigh; January 30, 2014, Charlotte

The next Board election will be conducted in the spring of 2014 for District Four and District Three Board seats. At the September Board Retreat, Board members approved staff hosting an open forum in those Districts for any pharmacist interested in running for Board office. The forum would explain to a potential candidate the purpose of the Board, expectations of Board members, and answer any questions a potential candidate would have concerning Board office. Mr. Campbell stated that staff has arranged to host forums on Thursday, January 16, 2014 at 6:30pm at The McKimmon Center in Raleigh and Thursday, January 30, 2014 at 7:00pm at the Embassy Suites – Charlotte/Concord.

Approval of PHC/Board Meeting Schedule June 2014 – May 2015

Mr. Campbell presented a proposed schedule for Board meetings and pre-hearing conferences for June 2014 through May 2015. After discussion, on a motion from Mr. Mixon, seconded by Mr. Marks with no dissenting votes the Board approved the proposed Board meeting/pre-hearing conference schedule.

Closed Session

On motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes, the Board moved into close session to discuss personnel matters.

Dr. Chesson left the meeting at 2:45pm.

When open session resumed, the Board approved creation of two (2) new investigative field staff positions and a part-time Case Review Officer position. Mr. Minton also stated that the Board members conducted the Executive Director's yearly evaluation. All Board members expressed that the Board's Executive Director had excelled in all areas, with no negatives noted. Board members asked that he continue to relate to all who interact with the Board in a professional and positive manner. Goals were set for professional development for the coming year. Members expressed a desire to compensate at a higher level but the Executive Director deferred, with an emphasis on goal achievement for the coming year.

There being no further business, the meeting adjourned at 3:30pm.

Gene Minton, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Robert J. McLaughlin, Jr

Carol Yates Day

William A. Mixon