

President Bill Mixon called the meeting to order at 9:10 am with Board Members Gene Minton, L. Stan Haywood, Carol Yates Day, Robert A. Graves, and Robert J. McLaughlin present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Josh Kohler, Associate Director of Investigations Krystal Brashears, Director of Operations Kristin Moore, and Director of Licensing Deborah Stump. Present as visitors were: Valanda Nelson, NCPRN; Jennifer Niles; NCPRN; Heidi Barefoot, Target; David Moody, Mutual Drug; Christine Davis, Cardinal Health; Andy Bowman, Campell Univ./NCBOP; Victoria (Tori) Mayer, Publix Supermarkets; Randy Epley; April Johnson, Campbell Univ.; Amanda Pilkington, Campbell Univ.; Thomas McDowell, UNC ESOP; Justin Sparrow, Campbell Univ.; Amber Yopp, Campbell Univ.; RPh. Larry Guerke; Brian Bache, CVS; Fred Eckel, NCAP; Sarah Griffin, Campbell Univ.; Roya Naim, Campbell Univ.; Shelby Reich, Campbell Univ.; Stacie Mason, NCBOP; and Christie Cutbush, NCBOP.

Ethics Statement & Welcome

President Mixon 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 October 2015 Board Meeting and November 13, 2015 Board Conference Call

The members received the October 20, 2015 meeting minutes and the November 13, 2015 Board conference call meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin, seconded by Mr. Graves to accept the minutes as submitted. The motion passed with no dissenting votes.

Nonprescription Sales of Syringes: Public Health Considerations, Tessie Castillo, North Carolina Harm Reduction Coalition

Tessie Castillo, North Carolina Harm Reduction Coalition Coordinator, spoke to the Board concerning non-prescription syringe sales. North Carolina law does not require that a patient have a prescription for sale of syringes nor does the law mandate that pharmacies sell syringes without a prescription. The United States is experiencing a rise in the rates of heroin and injection drug use which is correlating in an increase in HIV and hepatitis C transmission through shared syringes. The Harm Reduction Coalition would like to work with the Board to educate pharmacists on the law regarding syringe sales.

After discussion, it was the consensus of the Board for staff to work with the NC Harm Reduction Coalition on FAQ's for the Board website to inform pharmacists on injection drug use and the law regarding syringe sales.

Ms. Castillo also spoke to the Board regarding concerns that giving pharmacists authority to dispense Naxolone without a prescription would encourage opioid drug use. Ms. Castillo stated that studies have found that the availability of Naxolone does not encourage drug use.

Potential Amendments to 21 NCAC 46.3101, Clinical Pharmacist Practitioner

The North Carolina Medical Board and the Clinical Pharmacist Practitioner (CPP) Subcommittee met on September 15, 2015 to discuss transferring the responsibility for the CPP application and

administration process to the Board of Pharmacy. The group also discussed a CPP rule amendment to allow CPP's who are supervised by multiple physicians to designate a single physician as the "principal" physicians for purposes of review and consultation on written orders by the CPP and to adjust the required weekly face-to-face consultation between CPP and their supervising physician to a schedule that matched the requirement for nurse practitioners.

Mr. Campbell presented proposed amendments to 21 NCAC 46.3101 for the Board's consideration to address the topics discussed by the CPP Subcommittee and the Medical Board. After discussion, on a motion from Mr. Haywood, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the proposed amendments for notice and comment.

The Board adjourned for a break at 10:00am and resumed open session at 10:08am.

Request for Reinstatement of Pharmacist License – RPh. Randal Epley, License #07437

RPh. Randal Epley, license #07437, appeared before the Board to request reinstatement of his pharmacist license. Mr. Epley voluntarily surrendered his license May 8, 2015 after admitting to diverting controlled substance to self-medicate facial pain. Mr. Epley underwent an evaluation at Pavillon Center and was found not to have a substance abuse disorder but was recommended to have one year of monitoring. Jennifer Niles, North Carolina Pharmacist Recovery Network (NCPRN), duly sworn, stated that NCPRN supports reinstatement of Mr. Miller's pharmacist license with conditions.

After presentation of evidence and testimony, on a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board approved Mr. Epley's request for reinstatement with conditions.

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

Consideration of Application to Operate a Pharmacy, Larry Guerke, License#14800

RPh. Larry Guerke, license #14800, appeared before the Board in consideration of a permit application for Country Pharmacy that he submitted to the Board on September 24, 2015. Mr. Guerke was disciplined by the Board in June 2009 for creating forty-one (41) fraudulent prescriptions for himself, family members, and a pet. He received a thirty (30) suspension, of which fifteen (15) days was served as an active suspension, the remaining fifteen (15) days were suspended for two years with conditions. The permit application for Country Pharmacy that was submitted by Mr. Guerke included a sample prescription label with inappropriate and offensive directions. Mr. Guerke blamed the software company for the label directions and apologized for not thoroughly checking the sample label before submitting the permit application. Staff asks that, considering Mr. Guerke past disciplinary action and poor judgement, the board consider whether Mr. Guerke is capable of acting as pharmacist-manager where he would be the sole proprietor.

On a motion from Mr. Minton, seconded by Mrs. Day with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Graves with no dissenting votes. Mr. Mixon stated that on a motion

from Mr. McLaughlin, seconded by Mr. Minton, on a 4 to 1 split vote, the Board would allow Mr. Guerke to continue with the permit application process for Country Pharmacy.

Reports to the Board

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on a new pharmacy residency program and the new curriculum that emphasizes earlier immersion experience.

Request for Internship Hours Waiver, Veronica Doucette, Former License #14237

Dr. Veronica Doucette appeared before the Board to request a waiver from the requirement to obtain 500 hours of internship for reinstatement of her pharmacist license. Dr. Doucette was licensed by the Board in 1998. Her license lapsed in March 2011 for non-renewal. Dr. Doucette requested a waiver from the policy that requires 500 hours of internship for pharmacist who has been out of practice up to five (5) years.

On a motion from Mr. McLaughlin, seconded by Mr. Minton, with no dissenting votes, the Board moved into close session to deliberate the matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes. Mr. Mixon stated that on a motion from Mr. Haywood, seconded by Mr. McLaughlin with no dissenting votes, the Board denied Dr. Doucette's request for waiver of the 500 hours of internship requirement for reinstatement.

Request from Chandra Sekhar Yadala for a Sixth Opportunity to Take the NAPLEX

Chandar Sekhar Yadala submitted an application for pharmacist licensure by exam in February 2013. He passed the Foreign Pharmacy Graduate Examination Certification in April 2012. Mr. Yadala has taken the NAPLEX five (5) times in the last thirty-one (31) months but has not achieved a passing score. Mr. Yadala requested that the Board approve another opportunity to take the NAPLEX.

After discussion, on a motion from Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes, the Board denied his request for a sixth opportunity to take the NAPLEX.

Request for Acceptance of CPR Certification, ProTraining

ProTraining, a provider of cardiopulmonary resuscitation (CPR) certification, sent a letter to the Board requesting that the Board approve their program for immunizing pharmacist. NCGS 90-85.3(i1) states that an immunizing pharmacist "holds a current provider level cardiopulmonary resuscitation certification issued by the American Heart Association or the American Red Cross or an equivalent certification.

After discussion, it was the consensus of the Board to approve ProTraining CPR certification as meeting the requirement for immunizing pharmacists.

The Board adjourned for lunch at 12:37pm and resumed open session at 1:15pm.

Review of Proposed Board Meeting and Pre-Hearing Conference Schedule 2016-17

The Board members were presented with a proposed board meeting and prehearing conference schedule for June 2016 through May 2017. It was the consensus of the Board to approve the schedule as presented.

Criminal Background Checks for Licensure Applicants and Current Licenses

Robert Graves, Josh Kohler, and Mr. Campbell have been investigating means by which the Board can improve the criminal background process for initial licensure applicants and current licensees.

The Board has statutory authority to conduct criminal background checks on applicants for licensure as a pharmacist by using the Department of Public Safety and the State Bureau of Investigations. The process for using these state entities would be cumbersome and not cost effective. The language of the law does not give the Board authority to use an outside vendor for background checks. Staff requested that the Board consider an effort to get an amendment to the Pharmacy Practice Act to change the language to reflect the Real Estate Commission's authority, which requires an applicant to provide and pay for criminal record reports using designated reporting services. Staff believes that a change in the language would result in significantly lower cost for criminal background information to the applicant and the Board.

After discussion it was the consensus of the Board to table the matter for further discussion.

Staff request approval to enter into a Memorandum of Understanding (MOU) with ISS, a criminal background check vendor used by the Medical Board, to run periodic criminal background checks for current licensees. After discussion, on a motion from Mr. Graves, seconded by Mr. McLaughlin on a 4 to 1 split vote, the Board approved entering into a MOU with ISS for periodic background check.

Appointment of Board Representative to the DME Sub-Committee

By rule, the DME Sub-committee members include two Board members. Previous Board member Lazelle Marks served on the committee but his position has not been replaced since he retired from the Board in May 2015. Mr. McLaughlin is also serving on the committee but his term as Board member will expire in May 2016 and his position on the committee will need to be replaced.

After discussion, it was the consensus of the Board that Mr. Haywood will replace Mr. Marks' position on the committee and Mr. Minton will replace Mr. McLaughlin when his Board term expires.

Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the October 2015 financial report to the Board.

Investigative/Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the November 2015 investigative report.

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. Minton, seconded by Mr. McLaughlin 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 Warning

RPh. James Cowart, License #09387, was subject of a prehearing conference held October 19, 2015, heard by Mr. Mixon, regarding allegations that RPh. Cowart violated his Final Order, dated April 21, 2015. He failed to follow the terms of the NCPRN treatment and monitoring contract by not calling in for testing after his account with the testing agency was suspended. Moreover, he also failed to report his noncompliance within five (5) days.

Recommendation: Staff Issues Letter of Warning

RPh. William S. Moore, License #07964; RPh. Linda McMurray, License #08428; RPh. Joshua Overcash, License #22562; Technician Stacy Blowers, Registration #05728; and CVS pharmacy, permit #10731 were subjects of a prehearing conference held October 19, 2015, heard by Mr. Mixon, regarding allegations involving three (3) separate dispensing errors, one of which resulted in the patient ingesting the incorrect medication and was hospitalized. Furthermore, in the course of these dispensing errors, prescriptions were dispensed at such a rate as to pose a danger to the public health and safety, increasing the likelihood of an error. **Recommendation: Staff Issued Letters of Warning** to the permit, RPh. Moore, RPh. McMurray, RPh. Overcash, and Technician Blowers.

Increase in Pharmacists to Technician Ratio

1. CVS Store, Permit #10840 – Pilot Mountain NC, LeeAnn Holland, Pharmacist Manager
2. Down East Pharmacy, Permit #08442 – New Bern NC, Renee Simpson, Pharmacist Manger
3. Fred's Pharmacy, Permit #12084 – Dunn NC, Ronnie Myers, Pharmacist Manager
4. Ingles Markets, Permit #11484 – Mills River NC, Candice Wood, Pharmacist Manager
5. Medical Park Pharmacy Newport, Permit #12156 – Newport NC, Kelli Selfe, Pharmacist Manager
6. Medicap Pharmacy, Permit #07696 - Garner NC, Lance Wheeler, Pharmacist Manager
7. Professional Pharmacy, Permit#07896 – Boiling Springs NC, Tonya Gantt, Pharmacist Manager
8. Sneads Ferry Family Pharmacy, Permit#09236 – Sneads Ferry NC, Sabrina S. Cutler, Pharmacist Manager
9. Walgreens, Permit #12241 – Rocky Mount NC, Bradley McElya, Pharmacist Manager
10. Walgreens, Permit #12286 – Rocky Mount NC, April Lewis, Pharmacist Manager
11. Walgreens, Permit #12338 – Winston Salem NC, Joshua McDuffie, Pharmacist Manager

12. Walmart, Permit #12631 – Hudson NC, Christopher Hollifield, Pharmacist Manager
13. Walmart, Permit #07985 – Louisburg NC, Julie Anne Baker, Pharmacist Manager
14. Walmart, Permit #12101 – Winston Salem NC, Janet Foster, Pharmacist Manager

CPP Candidates

1. Kelly Gilley Hartman, PharmD #12593 – Carolinas HealthCare System Blue Ridge Pharmacy Medication Management Clinic, Rutherford College NC
2. William Mack King, PharmD #23578 – New Hanover Regional Medical Center Internal Medicine Clinic, Wilmington NC

Reciprocity Candidates

Candidates License by Reciprocity					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Shawn	Renee	Akkerman		GA	10/13/2015
Daniel		Lin		OH	10/13/2015
Jennie	Marie	Silva		PR	10/13/2015
Stephen	Tyrone	Pringle		FL	10/13/2015
Precious	Miceala	Pringle		SC	10/13/2015
Carl	J.	Isenberg		PA	10/13/2015
Shanna	Olsen	Connell		TN	10/13/2015
Megan	Hauck	Wildman		OH	10/13/2015
Kelly	Ann	Hawthorne		PA	10/13/2015
Holly	Marie	Abdel Nour		TN	10/20/2015
Francesca	Lugina	Chieffallo		PA	10/20/2015
Lynda		Ur-Stevens		NJ	10/20/2015
Rick	Allan	Chambers		TN	10/20/2015
Trina	Nguyen	Vuong		GA	10/20/2015
Michael	Richard	Blaire		NY	10/20/2015
Charlotte	Mary	Scherr		AZ	10/20/2015
Linda		Annobil		NJ	10/20/2015
Khyati		Patel-Shah		VA	10/20/2015
Lucas		Kemeni		MA	11/3/2015
Katherine	Elizabeth	King		SD	11/3/2015
William	David	White		GA	11/3/2015
Mary Elizabeth	Martineau	White		OH	11/3/2015
David	Allen	Webb		GA	11/3/2015
Robert	King	Cole		PA	11/3/2015
Christina	Maria	Bookwalter		LA	11/5/2015
Drew	Lewis	Mosley		MN	11/13/2015
Kurt	Allen	Wargo		NE	11/13/2015

Candidates License by Reciprocity					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Glenn	C.	Kellam		PA	11/13/2015
Jeff	A.	Keimach		NV	11/13/2015
Irma		Beck-Montgomery		SC	11/13/2015
Kyle	James	Price		ME	11/13/2015
Scott	Michael	Harrington		OH	11/13/2015
Joseph	Anthony	Smith		FL	11/13/2015
Kris		Frankum		MO	11/13/2015
Dilipkumar	Sumanbhai	Patel		MI	11/13/2015
Philip		Wong		NY	11/13/2015
Chad	Matthew	Cobus		WI	11/13/2015
Daniel	Frederick	Jenniches		PA	11/16/2015
Shayla	Turner	Venkatesh		TX	11/16/2015
Nehal	Ranjit	Patel		MI	11/16/2015
Christine	Estrosas	Brown		FL	11/17/2015

Closed Session

On a motion from Mr. Minton, seconded by Mr. Day with no dissenting votes, the Board moved into closed session to discuss possible a summary suspension.

Mr. Minton left the meeting at 2:02pm.

Open session resumed on a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes. Mr. Mixon stated that pharmacist Diane Swingle Sholes, license #06303 was summary suspended.

On a motion from Mr. McLaughlin, seconded by Mrs. Day with no dissenting votes, the Board adjourned the meeting at 2:07pm.

William A. Mixon, President

Carol Yates Day, Vice-President

Robert J. McLaughlin, Jr.

Gene Minton

L. Stan Haywood

Robert A. Graves