

October 2003



North Carolina Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Item 2005 – Correction to Board Mailing Address

Item 1193 in the July 2003 issue of the *North Carolina Board of Pharmacy News* indicated the Board's mailing address (PO Box 4560) zip code was 27514. The correct zip is 27515-4560. Please make a note of this correction in order that mail delivery is not delayed.

Item 2006 – Disciplinary Actions May-July 2003

Prehearing Conference: Letter of Warning: 1

Full Hearing: Suspension of License with stay order and conditions
Reinstatement of Pharmacist License: 2

Other: Settlement Agreement

The actions listed above were taken regarding:
Illegal Use of Controlled Substances: 1

Complaints/allegations regarding prescription drug products being dispensed to clients in North Carolina based on orders where physical examinations were not performed and medical records were not reviewed and no relationship had been established: 1

More information regarding cases can be found on the Board's Web site at www.ncbop.org under "Disciplinary Actions" on the home page.

Item 2007 – HIPAA Question and Answer

One of the many questions that has arisen due to the Health Insurance Portability and Accountability Act is a patient's right to review records. Specifically, does the patient have the right to review notes in the pharmacy computer? After reviewing the matter with counsel it is our opinion that the patient does have the right to see that information.

Item 2008 – Health Professions Boards

Questions may come to the Board of Pharmacy office that are best directed to other professional licensing boards. Accordingly, a list of some state licensing boards in the health profession follows below with telephone numbers and, where appropriate, their Web sites.

State Dental Board – 919/678-8223, www.ncdentalboard.org

State Medical Board – 919/326-1100 or 1-800/253-9653 (in-state only)
www.ncmedboard.org

State Nursing Board – 919/782-3211, www.ncbon.com

State Optometry Board – 919/285-3160, www.ncoptometry.org

State Pharmacy Board – 919/942-4454, www.ncbop.org

State Veterinary Medical Board – 919/854-5601, www.ncvmb.org

Item 2009 – Diabetes Supplies on Airplanes

Questions have come in to the Board office concerning carrying diabetes supplies on airplanes, given the new security arrangements for airports. The Board of Pharmacy sent an inquiry to the Transportation Security Administration (TSA) and the following two paragraphs are the significant part of reply:

Diabetes-related supplies and equipment are permitted once these are inspected to ensure prohibited items are not concealed. These items include: insulin and insulin loaded dispensing products; vials or box of

individual vials; jet injectors; pens; infusers; preloaded syringes; an unlimited number of unused syringes, when accompanied by insulin; lancets; blood glucose meters; blood glucose meter test strips; insulin pumps; and insulin pump supplies. Insulin in any form or dispenser must be properly marked with a professionally printed [I]label identifying the medication or manufacturer's name or pharmaceutical label. If available, it is advisable to present medical documentation regarding the medical condition of the traveler to the screener to help inform him or her of the medical situation. This documentation is not required and will not exempt travelers from the screening process.

We encourage you to visit our [W]eb site at www.TSATravelTips.us for further information about TSA and our security screening procedures for passengers with medical conditions or disabilities. The [W]eb site also offers information for travelers and consumers, such as a list of items prohibited in aircraft cabins, tips for people traveling with children, employment opportunities, and links to other transportation [W]eb sites. This information will be updated from time to time. We recommend that you periodically check our [W]eb site to obtain the latest information.

Item 2011 – New and Amended Rules

The Board of Pharmacy will have a public hearing on a proposal to adopt or amend rules at the Sheraton Imperial Hotel and Convention Center in the Research Triangle Park, 4700 Emperor Blvd, Durham, NC 27703, on October 29, 2003, at noon. Specifics can be found on the Board's Web site at www.ncbop.org under Proposed Rules.

Item 2012 – Teenage Employment

Pharmacists who wish to employ teenagers need to be aware of the pertinent state statute and rules on this subject. No youth under 18 years of age shall be employed by any employer in any occupation without a youth employment certificate unless specifically exempted. A youth employment certificate can be obtained from the local office of the Department of Labor. During the regular school term no youth under 18 years of age who is enrolled in school in grade 12 or lower may be employed between 11 PM and 5 AM when there is school for the youth the next day. This restriction does not apply to youths 16 and 17 years of age if the employer receives written approval for the youth to work beyond the stated hours from the youth's parent or guardian and from the youth's principal or the principal's designee.

More information can be found on the Board's Web site under Frequently Asked Questions.

Item 2013 – Technician Volunteers

Our July *Newsletter* mentioned the need for pharmacy volunteers in case of a disaster. It is important to remember that pharmacy technicians are also needed to help in disasters and this item solicits such volunteers to contact volunteer@ncbop.org.

Technician volunteers are encouraged to forward their name, preferred mailing address, telephone number, and e-mail address. We will all need to operate as a team when our services are needed.

Item 2015 – DME Pharmacy Board Update

Submitted by Teresa Gregory, chairperson of the DME Committee

The Durable Medical Equipment (DME) board met on August 27, 2003, at the new Board of Pharmacy office in Chapel Hill, NC. Several items of interest were discussed with one of the main issues being that of allowing DME companies the ability to handle and facilitate nebulizer medication prescriptions for patients when the DME company also provides the medicine through a pharmacy component of its business. Another key issue is that of pharmacies placing starter doses of nebulizer medications in a physician's office. Since the Centers for Medicare & Medicaid Services continues to allow DME providers to bill and provide nebulizer medications, the DME board, along with members of the North Carolina Association for Medical Equipment Services, brought the matter before the Board of Pharmacy for further discussion at its meeting in September.

The DME link on the Board's Web site is now live and all providers are encouraged to visit the site regularly (www.ncbop.org/DME). Currently posted on the Web site are frequently asked questions and answers as well as the new rule proposals that are to be published in September with a comment period to follow. A public hearing is scheduled for October 29, 2003, at the Sheraton Imperial Hotel and Convention Center in the Research Triangle Park, 4700 Emperor Blvd, Durham, NC 27703.

Providers are reminded that 24-hour backup of oxygen is to be provided for all oxygen patients including nocturnal and PRN ("as needed") users.

Another important issue before the Board of Pharmacy was that of oxygen bars and their regulation. After much deliberation and legal advice, it was determined that the Board has no jurisdiction over these establishments since the oxygen is not considered medical grade and the point of delivery is not at the consumer's place of residency. If at any time it is determined that any of these sites are actually selling or leasing any oxygen equipment to be used by the consumer at home, then that would be a matter for the Board.

Several questions have been presented before the Board concerning whether various types of businesses have to be permitted. The statutes provide that any type of business that sells or leases medical equipment or legend devices, for which that equipment or device is to be used in the consumer's home, then the business must be permitted unless it possesses a home care license or pharmacy permit.

Item 2016 – Important Renewal News

Again this renewal year, the Board staff will utilize electronic renewal of licenses to practice pharmacy as the primary method of renewing individual active pharmacists who reside in the United States. This is a secure site and all personal and financial data is protected. **No** pharmacist renewal applications will be automatically mailed. The renewal process begins on November 1, 2003, and pharmacists should visit the Board's Web site, www.ncbop.org, and follow the prompts under electronic renewals. An immediate confirmation is available for online renewals with certificates being mailed within approximately three days of the online process. Deborah Stump in the Board office (dstump@ncbop.org) is the "go to" person on this task.

Again this renewal year, the electronic process will be used for renewing Durable Medical Equipment (DME) permits, and the "go to" person for this task is Wendy Watson (wwatson@ncbop.org).

The paper process for renewal is still available for pharmacists and DME permit holders; however, the processing time is expected to take at least three to four weeks for these applications. You may download renewal forms from the Board's Web site at www.ncbop.org at "Downloadable Forms" on the home page. Renewals of permits to operate pharmacies will be handled on a paper basis until a procedure is developed in the future for electronic renewals.

Item 2017 – Pharmacist-Manager Responsible for Tech Registration

Pharmacist-managers are reminded of their responsibility to be sure that all the technicians at their facility have up-to-date registrations. See GS. 90-85.125(A)(b).

Please check the individuals who are assisting in the dispensing of prescriptions under you or other pharmacists at your location. These individuals need to have a pharmacy technician registration and have that registration on display at your pharmacy. If you find individuals who are assisting in the dispensing process and are not registered, please contact the Board office or download the application from the Board's Web site at www.ncbop.org under "Downloadable Forms" without delay to obtain registration materials. Technicians who are registered with the Board will need to **renew** their registration for 2004. The original registration fee or the renewal fee is \$25.

Item 2018 – Top 10

In reviewing Board records of the most frequent surnames of pharmacists, the top 10 names are printed below.

Smith	119	Davis	52
Jones	75	Brown	50
Williams	66	Miller	46
Johnson	62	Moore	43
Patel	53	Thompson	40

It is noteworthy that we now have 53 pharmacists named Patel, a name of East Indian origin that has moved up in the list from number seven to number five since this same information appeared in the Board's October 2001 *Newsletter* (Item 1135), which is further evidence that we are a nation of immigrants.

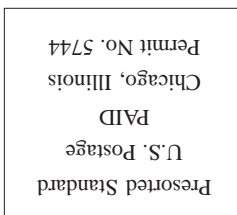
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