

President Stan Haywood called the meeting to order at 9:15 am with Board Members Wallace Nelson, Parker Chesson, Betty Dennis, Joey McLaughlin and Stan Haywood present. Rebecca Chater was not present. Also present were Executive Director Jay Campbell; Board Counsel Clint Pinyan; Director of Investigations Karen Matthew; Financial and Administrative Service Director Gail Brantley; Director of Licensing Debra Stump. Present as visitors were: Betsy Ramsay, CVS; Sally Slusher, NCAP; Lori Setzer, CVS; Karen Hammond, CVS; Deanna Noe, CVS & UNC/SOP; David Catalano, Walgreens; Brenden O'Hara, Walgreens; Robin McDuffie & Ben Murdock, Blackman & Sloop; Marlene Ryno, UNC/SOP; Chip Bolick & Tracy Patterson, NextCare Urgent Care; Gene Minton, Drugco Pharmacies; David Moody, Mutual Drug; Tom Readling, Mutual Drug; Heidi Barefoot, Target Pharmacy; Christine Davis, Cardinal Health NPS; Richard Efird; Andrew Patel, Bi-Lo; Fred Eckel, NCAP; Jennifer Burch, ACP; Dennis Williams, UNC/SOP; Lynn Robbins, Lincoln Community Health Center; Andy Bowman, CU/SOP.

#### Ethics Statement & Welcome

President Stan Haywood read the Ethics Statement regarding any conflicts of interest and/or appearances of conflicts of interest of any Board member. There were no conflicts noted by any Member.

President Haywood welcomed all visitors to the meeting and asked that they introduce themselves to the Board members and state their pharmacy affiliation.

#### Minutes of January 20, 2009 Board Meeting

The members received the January 2009 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

#### December 2008 Financials

Gail Brantley, Financial and Administrative Service Director, presented the January 31, 2009 financial statistics to the Board.

#### Blackman & Sloop Audited Financial Report

Robin Duffie and Ben Murdock of Blackman & Sloop presented the annual financial audit for the Pharmacy Board. Ms. Duffie thanked the Board for the opportunity to present the financial statement and commented on the positive experience with the audit and on how helpful the Board staff was in assisting them. Ms. Duffie and Mr. Murdock proceeded to review the audit with the Board. Auditors commented that the Board should make sure employees were aware of and follow the procedures for the new expense reimbursement policy. The Board thanked Ms. Duffie and Mr. Murdock for their work on the audit.

#### Inquiry from NextCare concerning the number of limited service PA/NP dispensing permits that a pharmacist manager may supervise

Tracy Patterson and Chip Bolick of NextCare appeared before the Board requesting guidance on the number of limited service PA/NP dispensing permits that a pharmacist manager would be allowed to supervise. The Board had previously denied PA/NP dispensing registration for NextCare physician assistants and nurse practitioners because their application did not meet NC Pharmacy Rules .1703 and .1705. After presentation from NextCare and discussion from the Board, it was request that NextCare revise their procedures for their PA/NP dispensing medications and resubmit applications for their PA/NP dispensing registrations with those new procedures.

The Board recessed for a 15 minute break at 10:35 and returned to open session at 11:50.

#### Application of 21 N.C.A.C. 46.1602(c) to reciprocity applicants who have active pharmacy licenses in another state, but have not practiced pharmacy in more than two years

Mr. Campbell and Director of Licensing Debra Stump requested guidance from the Board on reciprocity applicants who have active pharmacy licenses in another state, but have not practiced pharmacy in more than two years. 21 N.C.A.C. 46.1602(c) states: “The Board shall require an applicant for licensure without examination who has not practiced pharmacy within two years prior to application to obtain additional continuing education, practical pharmacy experience, successfully complete one or more parts of the Board's licensure examination, or a combination of the foregoing, as the Board deems necessary to ensure that the applicant can safely and properly practice pharmacy.” Board Policy has been that applicants out of practice up to two years would obtain 10 hours of continuing education for each year out of practice, half of which must be contact and take the Multistate Pharmacy Jurisprudence Exam. Applicants out of practice up to five years would obtain 500 hours of internship, obtain 10 hours of continuing education for each year out of practice, half of which must be contact, and pass the Multistate Jurisprudence Exam. Applicants out of practice more than five years would obtain 1500 hours experience and pass NAPLEX and the Multistate Jurisprudence Exam (MPJE). After discussion, it was the consensus of the Board to continue to apply this Board policy concerning reciprocity applicants.

#### Appointment of Representatives to the CPP Joint Subcommittee

Mr. Campbell stated that the Board would need to reappoint 4 representatives to the Clinical Pharmacist Practitioner (CPP) Joint Subcommittee. It was the consensus of the Board to appoint Board members Dr. Dennis and Mr. McLaughlin, who would then appoint 2 clinical pharmacist practitioners to the remaining seats on the subcommittee.

#### 2009 Pharmacy Leaders' Forum Report

Mr. Campbell stated that it was suggested by Dr. Dennis that the staff would send a survey to the attendees of the 2009 Pharmacy Leaders' forum to obtain ideas for future forum topics and speakers. The Board agreed that a survey would be beneficial to future forums.

#### Records Retention and Disposition Schedule

On a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes, the Board accepted the Retention and Disposition Schedule as policy as presented by the State Government Archives and Records Section.

#### Update on Board Elections

Mr. Campbell stated that Brenden O'Hara and Gene Minton have filed petitions for the Northeastern District seat that will be vacated by Wallace Nelson in May 2010. Mr. Campbell also stated that Robert Beddingfield, Max Gardner Reese, Jr. and Michael Gabriel have filed petitions for the Central District seat that will be vacated by Stan Haywood in May 2010.

Mr. Campbell stated that the Board election software has been purchased and is being tested by Board IT Manager Tom Buedel. It will be ready for the May 2009 Board elections.

#### Update on 2010 NABP District III Meeting Planning

Mr. Campbell stated that Board staff and representatives from the schools of pharmacy would meet on April 27, 2009 to begin coordinating and planning the 2010 NABP/District III meeting.

#### Investigative Statistics

Karen Matthew, Director of Investigations, presented the Investigative Statistics for February 2009. Ms. Matthew also stated that DME committee would hold upcoming elections in May 2009 for medical equipment representatives.

#### Consent Agenda

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

##### Consent Order

##### Letter of No Action

RPh. Wendy Ann Hagwood - license #17799 was subject of a prehearing conference held January 19, 2009, heard by Wallace Nelson, regarding allegations that Ms. Hagwood created prescriptions and dispensed 7 tablets of Concerta 27 mg and 7 capsules of Vyvanse 50mg without proper authorization and below wholesale price.

Recommendation: **Staff Issue Letter of No Action.**

##### Staff Issue Letter of Warning and Staff Issue Letter of Concern

RPh. Brenda Zurek Sleigh - license #06084, RPh. Gail Bartholomew Cox - license #11510, and Kerr Drug - permit #06880 were subjects of a prehearing conference held January 19, 2009, heard by Wallace Nelson, regarding allegations that RPh. Sleigh failed to offer counseling and failed to maintain an adequate and accurate counseling log at Kerr Drug, permit #11510. RPh. Cox was pharmacist manager for all incidents reviewed

during prehearing. Recommendation: **Staff Issue Letter of Warning** to RPh. Sleight and RPh. Cox; **Staff Issue Letter of Concern** to Kerr Drug.

Staff Issue Letter of Caution and Consent Order

Duke University Health System Inc. - permit #00197, Mary Lynne Alexander - license #05815, RPh. Stephen Cannaday Dedrick – license #05815, Robert Thomas Ingram – license #08910, RPh. Mary Miller-Bell – license #08768, Raymond Joseph Smigla – license #13360 were subjects of a prehearing conference held January 19, 2009, heard by Wallace Nelson, concerning 3 investigations cases at Duke University Health System each regarding allegations of dispensing errors. Recommendation: **Staff Issue Letter of Caution** to RPh. Alexander, RPh. Dedrick, RPh. Ingram, RPh. Miller-Bell and RPh. Smigla. **Consent Order of Reprimand** to permit Duke University Health System.

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

Closed Session

On a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into closed session to discuss the possible summary suspension of 1 pharmacist and 1 technician and to discuss a matter of litigation. After closed session the Board recessed for lunch and resumed open session at 1:30pm. When the Board returned to open session, Mr. Haywood stated that technician Darden Jarrell Heslip, tech #20674 and RPh Karen L. McKissick, license #14265 were summarily suspended.

Report of the Ad Hoc Mandatory Counseling Work Group

An ad hoc working group chaired by Roy Pleasants updated the Board on a proposal to require counseling on certain new prescriptions. Mr. Pleasants reviewed a survey of North Carolina pharmacists on their views of mandatory counseling. After discussion from Board members and comments from the audience, it was the consensus of the Board to have an open forum on March 16, 2009 for discussion on possible amendments to Rule .2504 concerning patient counseling.

Open Mike

RPh Richard Efird, license #05621, spoke to the Board concerning the online renewal process and the amount of prescriptions that pharmacists are required by pharmacies to dispense.

There being no further business, the meeting adjourned at 2:55 p.m.

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L. Stan Haywood, President

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R. Joseph McLaughlin, Jr., Vice President

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Wallace E. Nelson

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J. Parker Chesson, Jr.

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Betty H. Dennis

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Rebecca W. Chater