

President Robert (Joey) McLaughlin, Jr. called the meeting to order at 9:00 am with Board Members Betty Dennis, Wallace Nelson, Stan Haywood, and Rebecca Chater 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 Debbie Stump and Director of Operations Kristin Moore. Present as visitors were: Dave Moody, Mutual Drug; Heidi Barefoot, Target Pharmacy; Mary Christine Parks, NCPRN; Cindy Sugg, NCPRN; Danny Seavers, Kerr Drug; Christine Davis, Cardinal Health NPS; Tom Readling, Mutual Drug; David Catalano, Walgreens; Lori Setzer; Lisa Collums, Kerr Drug; Allison Harris, CVS; Yuliqa Chernous, CU SOP; Matthew Ruffin, CU SOP; Scott Goodwyn, CVS; James W Haney, CVS; Jack Watts; Elaine Watts; David R Work, NCBOP Director Emeritus; Lisa Lady; RPh. Robert Broyles; Margaret Graves; Sonny Westmoreland; O'Neal Pack; Gary Simmons; Margaret Randall; Patti Randall Black; Diane Randall Burton; Charles Lee, Polygot Inc.; Michael Allen; RPh Rosy Mahiquez and Fred Eckel, NCAP.

#### Ethics Statement & Welcome

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

#### Minutes of July 2009 Board Meeting

The members received the July 2009 meeting minutes prior to this meeting for review. It was moved by Mr. Haywood and seconded by Mrs. Chater to accept the Minutes as submitted. The motion passed with no dissenting votes.

#### Presentation of NABP Resolution Honoring Bill Randall

Executive Director Jay Campbell presented a Certificate of Resolution from the National Association of Boards of Pharmacy (NABP) honoring former Board member Bill Randall. The resolution was presented to Mr. Randall's widow, Margaret Randall, and daughters, Patti Randall Black and Diane Randall Burton. Mrs. Randall thanked Mr. Campbell and the Board and spoke about Mr. Randall's service and dedication to the profession of pharmacy.

Mr. Stan Haywood left the Board meeting at 9:15 am. Dr. Parker Chesson arrived at the Board meeting at 9:25am.

#### Meducation – Polygot Systems, Inc. – Charles Lee, MD

Dr. Charles Lee, Polygot System Inc., appeared before the Board to demonstrate a web-based computer application to help pharmacists communicate with patients who do not speak English by translating commonly asked questions by pharmacist. The program would also translate medication directions.

Disciplinary Hearing – RPh. George Scott Goodwyn, License #10925

RPh. George Scott Goodwyn, license #10925, appeared before the Board concerning alleged noncompliance with the conditions of his 2005 reinstatement order. Board attorney Clint Pinyan proceeded with the case and stated that Mr. Goodwyn had voluntarily surrendered his pharmacist license February 12, 2005 for removing and consuming hydrocodone without a prescription. Mr. Goodwyn was granted reinstatement of his license by the Board in June 2005 with conditions including: extension of his Pharmacy Recovery Network (PRN) contract, not work on average more than 40 hours per week, no floating work, Mr. Goodwyn's pharmacist supervisor required to submit a quarterly report to PRN concerning Mr. Goodwyn, and approval of employment by Board Executive Director.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes. Open session resumed on a motion Dr. Dennis, seconded by Mr. Nelson with no dissenting votes. Mr. McLaughlin stated that, on a motion from Mr. Nelson, seconded by Dr. Chesson with no dissenting votes, the Board found Mr. Goodwyn to have violated his 2005 Board order. The Board suspended Mr. Goodwyn's license for the duration of his PRN contract. The suspension would be served as a 5 week active suspension with the remaining period stayed until the end of his PRN contract. These and other conditions are spelled out in an order incorporated into these minutes.

Reinstatement Hearing – RPh. Robert R. Broyles, License #11951

RPh. Robert R. Broyles, license #11951, accompanied by his attorney, Douglas Brocker, appeared before the Board in consideration of his reinstatement application. Board Attorney Clint Pinyan proceeded with the case and stated that Mr. Broyles had voluntarily surrendered his license August 5, 2008 for diversion of controlled substances. Mr. Pinyan outlined the stipulations agreed to by Mr. Broyles and Mr. Brocker concerning Mr. Broyles' lengthy history of drug and alcohol abuse, diversion of controlled substances, and 4 arrests for driving under the influence. Mr. Broyles also has a lengthy history with the Board of having his license suspended or surrendered and having it reinstated by the Board after going into treatment for his addictions.

The Board adjourned for lunch at 12:38 am and returned to open session at 1:30 pm.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes. Open session resumed on a motion Dr. Dennis, seconded by Mrs. Chater with no dissenting votes. Mr. McLaughlin stated that, on a motion from Mrs. Chater, seconded by Dr. Chesson on a split decision, that the Board denied Mr. Broyles's request for reinstatement and that his license is indefinitely suspended. Mr. Broyles may not petition for reinstatement for his license until July 1, 2011. Mr. McLaughlin stated that the Board believed Mr. Broyles is on the right path for full recovery but the Board would need a longer time period of recovery before considering reinstatement. A copy of the final order is incorporated into these minutes.

Open Mike Session

Fred Eckel, Executive Director of the North Carolina Association of Pharmacists (NCAP), updated the Board on NCAP's efforts to seek a change in vaccination authorization for pharmacists.

Reinstatement Hearing – RPh. Rosy Mahiquez, License #11133

RPh. Rosy Mahiquez, license #11133, accompanied by attorney Michael Allen, appeared before the Board in consideration of her reinstatement application. Executive Director Jay Campbell proceeded with the case and stated that Ms. Mahiquez had voluntarily surrendered her license December 11, 2006 and had a previous surrendered November 26, 2003 for diversion and substance abuse.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Nelson, seconded by Dr. Dennis with no dissenting votes. Open session resumed on a motion Dr. Dennis, seconded by Dr. Chesson with no dissenting votes. Mr. McLaughlin stated that on a motion from Mrs. Chater, seconded by Dr. Chesson with no dissenting votes the Board would reinstate Ms. Mahiquez pharmacy license with conditions. Ms. Mahiquez license is revoked, stayed indefinitely, with conditions including: completion of her PRN contract, take and pass the MPJE within 3 months of the order, must be supervised by another pharmacist for 90 days once resuming work, work no more that 24 hours per week which may be extended to 40 hours per week at the discretion of PRN or Board Executive Director, unannounced drug screens, no pharmacist manager or preceptor and usual conditions. These conditions and others are spelled out in an order incorporated into these minutes.

Proposed Budget for Fiscal Year 2009 and August 2009 Financials

Gail Brantley, Financial and Administrative Service Director, presented the proposed budget for fiscal year 2009. On a motion from Dr. Chesson, seconded by Mrs. Chater, the Board approved the proposed budget.

Mrs. Brantley also presented the August 31, 2009 financial statistics to the Board.

It was moved by Mrs. Chater, seconded by Dr. Dennis with no dissenting, to authorize Board staff to open an additional investment account with First Citizens Bank and transfer some of Board money to the account.

It was moved by Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, to authorize Executive Director Jay Campbell, Director of Operations Kristin Moore, Financial and Administrative Service Director Gail Brantley and Financial and Human Resource Analyst Rhonda Jones to be the four signatories for the Board investment account.

Mrs. Brantley asked the Board if they were interested in Directors Insurance to contact her and she would email an application to them.

Proposed Rule Implementing SL 2009-458

Mr. Campbell presented to the Board a draft of a proposed rule that would give an extension for renewal and continuing education requirements of licensure to armed service personnel. It was moved by Ms. Chater, seconded by Dr. Dennis with no dissenting votes, to publish the proposed rule and delegate technical editing to Mr. Campbell and Board Attorney Clint Pinyan. Mr. Campbell stated that there would be a public hearing on the proposed rule on December 15, 2009.

DME Subcommittee Election

Karen Matthew, Director of Investigations, presented to the Board the results of the runoff election for the Durable Medical Equipment (DME) Subcommittee election held August 1<sup>st</sup> through August 31<sup>st</sup> 2009. The DME runoff election was as follows:

<u>Candidate</u>	<u>Vote Percentage</u>
William Griffin	55%
Mr. Kight	22.69%
Mr. Noonan	21.85%

Mr. William Griffin received more than 40% of the vote and was determined the winner.

On a motion from Mr. Nelson, seconded by Dr. Chesson with no dissenting votes the Board certified the results of the election.

Investigations/Inspection Report

Karen Matthew, Director of Investigations, presented the investigative statistics for August 2009 and September 2009. Ms. Matthew also gave an update to the Board on a forged letter to a pharmacist claiming to be from Board investigative staff stating falsely that the pharmacist was under investigation.

2010 Pharmacy Leaders' Forum

Mr. Campbell reminded the Board that the upcoming Pharmacy Leaders' Forum would be held February 4-5, 2009 at the Proximity Hotel in Greensboro. He asked the Board members to provide an invitation list to staff at the October Board meeting.

Consent Agenda

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

**Staff Issue Letter of Warning**

RPh. John Caldwell, license #06177 and CVS Pharmacy, permit #06677, were subjects of a prehearing conference held July 20, 2009, heard by Mr. Haywood, regarding allegations that CVS pharmacy and RPh. Caldwell, while acting as pharmacist manager, did not adequately keep controlled substances safe and secure. Also, RPh. Caldwell did not keep an adequate inventory to detect diversion. Recommendation: **Staff Issue a Letter of Warning** to RPh. Caldwell and CVS Pharmacy.

### **Staff Issue Letter of Caution and Consent Order**

RPh. Mary Sentelle, license #05286, RPh. Rebecca Moronti Fire, license #16748, RPh. Robin Sims James, license #17591 and CVS Pharmacy, permit #06548, were subjects of a prehearing conference July 20, 2009, heard by Mr. Haywood, regarding allegations of:

- 1) Improperly dispensing Clonidine 0.1mg to a patient without a proper prescription
- 2) Not displaying current permit
- 3) Not notifying Board of pharmacist manager changes
- 4) Having unapproved technician to pharmacist ratio
- 5) Not adequately supervising technicians

Recommendation: **Staff Issue Letter of Caution** to RPh. Sentelle; **Consent Order of Reprimand** to RPh. Fire; **7 day suspension/ stayed 2 years with conditions** for CVS Pharmacy and RPh. James.

### **Consent Order**

RPh. Sandi Bryant, license #12099, was subject of a prehearing conference held August 26, 2009, heard by Mr. McLaughlin, regarding allegations that, while working at Cain Creek Pharmacy as pharmacist manager, RPh. Bryant did not maintain adequate system of inventory to prevent diversion. RPh. Bryant did not maintain adequate security of controlled substances which resulted in diversion. RPh. Bryant supervised four unregistered technicians. Recommendation: **Consent Order of Reprimand** for RPh Bryant and may not serve as pharmacist manager for 1 year, after 1 year may serve as pharmacist manager with conditions.

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

### **Reciprocity Candidates**

<b>Candidates Licensed by Reciprocity 9/16/2009</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Mechelle	Renee	Akers		FL	9/16/2009
Margaret	Mary	Anderson		GA	9/16/2009
Sanjay	Bhumindra	Bhardwaj		PA	9/16/2009
Meredith	Jean	Brumbaugh		NE	9/16/2009

<b>Candidates Licensed by Reciprocity 9/16/2009</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Beth	Ann	Brutcher		OH	9/16/2009
Catherine		Cadmus		MI	9/16/2009
Michelle		Collinsworth		OH	9/16/2009
Lindsey	Marie	Crisp		MI	9/16/2009
Michael	Anthony	DeCoske		SC	9/16/2009
Paul	Ernest	Dufresne		MA	9/16/2009
Lili	Olga	Duthiers		FL	9/16/2009
Sarah	Elizabeth	Fichuk		MI	9/16/2009
Mukur		Gupta		MI	9/16/2009
Maggie	Afrayem	Hanna		NJ	9/16/2009
Raman		Joshi		FL	9/16/2009
Wael	Mahmoud	Khalifa		IN	9/16/2009
Venkata	Siva Prasad	Kodali		MD	9/16/2009
Barbara	Ann	Koska		TN	9/16/2009
Aaron	Dean	Kropf		KS	9/16/2009
Jennifer	Rose	Lashomb		RI	9/16/2009
Shawn	James	McGee		TN	9/16/2009
Nancy		Mikhail		AR	9/16/2009
Bradley	Clements	Mueller		FL	9/16/2009
William	Joel	Nash		WV	9/16/2009
Raya		Nasim		OH	9/16/2009
Scott	Michael	Niemeyer		IN	9/16/2009
Ankur	Ashokkumar	Parikh		FL	9/16/2009
Zaida	I.	Perez		PR	9/16/2009
Katherine	Lynn	Perry		AL	9/16/2009
Robert	Angelo	Pezzote		MA	9/16/2009
Alain		Ramos		FL	9/16/2009
Andrea	Beth	Seery		FL	9/16/2009
Jordan	Douglas	Smith		KS	9/16/2009
John	Allen	Stahl		AZ	9/16/2009
Christopher	Lee	Strickland		GA	9/16/2009
Cynthia	Robinson	Syster		FL	9/16/2009
Elizabeth	Jane	Thomas		VA	9/16/2009
Amita	B.	Vel		CT	9/16/2009
Kiesha	LaShay	Whitfield		MD	9/16/2009
Sara	Marie	Wilken		CO	9/16/2009

<b>Candidates Licensed by Reciprocity 9/16/2009</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Heather	Claire	Wilson		OR	9/16/2009
Jessica	Sarah	Winkler		OH	9/16/2009
Joseph	Andrew	Woods		TN	9/16/2009
Konjit		Zena		MD	9/16/2009

### **Increase in Pharmacists to Technician Ratio**

1. Target Pharmacy # 08824 Raleigh NC, Margaret Miller Bridger Pharm. Mgr., App. 7/20/2009
2. CVS # 06729 Monroe NC, Shemina Dawood Pharm. Mgr., App. 7/20/2009
3. CVS # 09364 Morrisville NC, Lisa Stephenson Pharm. Mgr., App. 7/20/2009
4. CVS # 07162 Charlotte NC, Ben Joseph Smith Pharm. Mgr., App. 7/20/2009
5. CVS # 06712 Louisburg NC, Jarrett Southall Pharm. Mgr., App. 7/20/2009
6. CVS # 06711 Locust NC, George Anthony Pharm. Mgr. App.7/20/2009
7. CVS # 06812 Wilmington NC, Edmond M. Wellons Pharm. Mgr. App. 8/5/2009
8. CVS # 06747 Brevard NC, Clyde J. Duvall Pharm. Mgr., App. 8/19/2009
9. CVS # 09895 Hendersonville NC Rosemarie Howard Pharm. Mgr., App. 8/19/2009
10. CVS # 06583 Charlotte NC Boska Cuturilo Pharm. Mgr., App. 8/19/2009
11. CVS # 07467 Charlotte NC Lisa Ehele Pharm Mgr., App. 8/19/2009
12. CVS # 06866 Denton NC Kendel Williams Pharm. Mgr., App. 8/19/2009
13. CVS # 08524 Charlotte NC Krisma Gregory Pharm. Mgr., App. 8/19/2009
14. CVS # 07682 Charlotte NC Arlene Kubler Pharm. Mgr., App. 8/19/2009
15. CVS # 06766 Rutherfordton NC Linda McMurray Pharm. Mgr., App. 8/19/2009
16. CVS # 06594 Concord NC Gregory Starnes Pharm. Mgr., App. 8/31/2009
17. CVS # 06767 Salisbury NC Janet Stedronsky Pharm. Mgr., App. 8/31/2009
18. CVS # 06540 Fletcher NC Constance Driskell Pharm Mgr., App. 8/31/2009
19. CVS # 06548 Asheville NC Robin James Pharm Mgr., App. 8/31/2009
20. CVS # 06573 Charlotte NC Crystal Lane Pharm. Mgr., App. 8/31/2009
21. CVS # 09271 Monroe NC Shannon Moore Pharm. Mgr., App. 9/2/2009
22. Hudson Discount Drug # 05657 Melanie Church Cline Pharm. Mgr., App. 9/2/2009
23. CVS # 06572 Charlotte NC Edward Coley Acting-Pharm. Mgr., App. 9/2/2009

### **Closed Session**

On a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes, the Board moved into closed session to discuss the possible summary suspension of two Durable Medical Equipment (DME) permits and one technician. When open session resumed, technician Patricia M. Glatzel, registration #24191, was summarily suspended. States Medical Products, LLC, DME permit #01335 and Enuda Healthsource, Inc., DME permit #00836 were summarily suspended.

There being no further business, on a motion from Dr. Dennis, seconded by Mr. Nelson with no dissenting votes, the meeting adjourned at 6:17 p.m.

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Robert J. McLaughlin, Jr., President

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Betty Dennis., Vice President

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Wallace E. Nelson

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J. Parker Chesson, Jr.

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Stan Haywood

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Rebecca W. Chater