

President Stan Haywood called the meeting to order at 9:00 am with Board Members Wallace Nelson, Parker Chesson, Betty Dennis, Stan Haywood and Joey McLaughlin present. Rebecca Chater joined the meeting shortly after it was called to order. Also present were Executive Director Jay Campbell; Board Counsel Clint Pinyan and Alex Elkan; Director of Investigations Karen Matthew; Director of Licensing Rachel Paris; Board Investigator Holly Price-Hunt; Board Investigator Ken Wilkins; Board Administrative Assistant Missy Betz. Present as visitors were: Paul Peterson, PRN; Heidi Barefoot, Target Pharmacy; Bill Pickard, Campbell University; Lauren Yoder, UNC/SOP; Amy Wigglesworth, UNC/SOP; Emily Heil, UNC/SOP; Buck Martin, UNC/SOP; David Moody, Mutual Drug; Joseph Ponzi, Brooks Pierce Law Firm; Tonya Bell-Prince; Charles Everage; Gray Stewart, GlaxoSmithKline; Drew Higgins, UNC/SOP; Ann Watkins, WSHC Pharmacy; Charles Matheson, WSHC Pharmacy

### 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 members and state their pharmacy affiliation.

### Minutes of September 2008 and October 16, 2008 Board meetings

The members received the September 2008 meeting minutes and the October 16, 2008 meeting minutes prior to this meeting for review. It was moved by Mr. Nelson and seconded by Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

### Disciplinary Hearing – Robert M. Shutty RPh #18077

Clint Pinyan, Board counsel, proceeded with the case and stated that Mr. Shutty had surrendered his license June 5, 2006 for diversion. Mr. Shutty sent a letter to Mr. Campbell in June 2008 requesting a reinstatement hearing. Board counsel sent two notices of hearing to Mr. Shutty in September 2008 by registered mail at the address he provided to Mr. Campbell. The letters were not claimed by Mr. Shutty. Board counsel requested the Board dismiss the reinstatement request without prejudice. Mr. McLaughlin, seconded by Dr. Chesson, moved to accept counsel's request and dismiss the reinstatement without prejudice. The motion passed with no dissenting votes.

A copy of order denying request for hearing can be found elsewhere in the Minutes and are incorporated by reference herein.

### Continuation of Disciplinary Hearing – Tonya Bell-Prince RPh #11705

Tonya Bell-Prince, license #11705, accompanied by her attorney Charles Everage, appeared before the Board for continuation of her disciplinary hearing. Rebecca Chater refused herself in the matter of Ms. Bell-Prince's disciplinary hearing due to her participation in the prehearing conference. Board counsel Alex Elkan proceeded with the hearing and stated that the Board found Ms. Bell-Prince guilty of violating the November 21, 2006 consent order during the July

2008 Board meeting. Paul Peterson, Executive Director of NC Pharmacist Recovery Network, provide testimony on his opinion of appropriate disciplinary action for Ms. Bell-Prince.

After statements from Mr. Elkan, Jay Campbell and Mr. Everage, the Board moved into closed session to deliberate the matter on a motion from Mr. Nelson, seconded by Mr. McLaughlin with no dissenting votes. The Board reconvened into open session on a motion from Mrs. Chater, seconded by Dr. Chesson with no dissenting votes. Mr. Haywood stated that on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board would indefinitely suspend Ms. Bell-Prince's license but would consider a request for reinstatement under conditions that Ms. Bell-Prince show six months documented period of abstinence and comply with other conditions.

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

#### Open Mike Session

Fred Eckel, North Carolina Association of Pharmacist, spoke to the Board on issues regarding the North Carolina Association of Pharmacist (NCAP) and the Vision 2015 task force.

Paul Peterson, NCPRN, spoke to the Board on issues relating to NCPRN. A conference will be held in Pinehurst, NC in November 21, 2008 to focus on family issues with regard to addiction. PRN has also started a search for a additional case counselor.

#### 2009 Leaders' Forum dinner

Mr. Campbell spoke to the Board about options for restaurants to hold the dinner for the 2009 Leaders' Forum. It was the consensus of the Board that staff would choose a restaurant for the dinner.

#### 2010 NABP/District III Meeting

Mr. Campbell spoke to the Board on the resort options that staff has researched for the 2010 NABP/District III Meeting. It was the consensus of the Board that they would review the material and let staff know their preference by the November Board meeting.

#### Council of State Resolution concerning relief to Guard and Reservists

Mr. Campbell received a letter from State Auditor Leslie W. Merritt regarding a resolution that "urges the General Assembly as well as all professional licensing Boards to enact laws and rules consistent with the objectives of offering relief to Guard and Reservist who must maintain professional licenses while on deployment". Mr. Campbell stated that it was already Board's policy to offer relief to service personnel. It was motion by Mr. Nelson, seconded by Dr. Dennis, to continue the practice of offering relief to service personnel and that Mr. Campbell would send a letter to Council of State expressing their appreciation and support of the resolution and stating that it was already the Board's policy.

#### Citizens Advocacy Council (CAC) Meeting, Asheville, October 27- 29, 2008

Mr. Campbell stated that the CAC Meeting will be held October 27 – 29, 2008 in Asheville, NC. Mr. Campbell will attend the meeting and report to the Board on the topics discussed at the meeting.

### Investigative Statistics

Director of Investigation Karen Matthew presented the Investigative Statistics for the month of October. Board counsel Clint Pinyan, Jay Campbell and Ms. Matthew will give a presentation at the District Attorney conference in Kitty Hawk, NC on October 21, 2008.

### Consent Agenda

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

#### Consent Order

#### Staff Letter of No Action

Rite Aid Pharmacy, permit #09676 and RPh. Herbert Hinson, license #07319 were subject of a prehearing conference, held September 15, 2008, heard by Dr. Betty Dennis, regarding allegations that Cefdinir 125 mg/5ml was dispensed without being reconstituted and that no offer to counsel was made which might have led to the discovery of the error. Recommendation: **Staff Issued Letter of No Action** to Rite Aid Pharmacy and to RPh. Hinson

#### Staff Letter of No Action, Staff Letter of Warning and Staff Letter of Caution

RPh. Mark Greenwell, license #10478; RPh. Cheryl Conklin, license #16989; CVS Pharmacy, permit # 06687 and RPh. Matthew Foster, license #15073 were subject of a prehearing conference, held September 15, 2008, heard by Dr. Betty Dennis, regarding allegations that CVS pharmacy employee Kristina Rinaldi performed duties of a technician without being registered with the Board and diverted schedule IV drugs. Recommendation: **Staff Issued Letter of No Action** to RPh. Matthew Foster and CVS, permit #6687; **Staff Issued Letter of Warning** to RPh. Cheryl Conklin, District Pharmacy Supervisor for CVS and **Staff Issued Letter of Caution** to RPh. Mark Greenwell.

#### Staff Letter of Warning

CVS pharmacy, permit #06673, and RPh. Cynthia Swanner, license #15742, were subjects of a prehearing conference, held September 15, 2008, heard by Dr. Betty Dennis, regarding allegations of a dispensing error and violation of technician to pharmacist ratio on July 11, 2008. Recommendation: **Staff Issued Letter of Warning** to CVS pharmacy and RPh. Cynthia Swanner

Goldsboro Drug Company, permit #07370, and RPh. Charles Raynor, license #09435, were subjects of a prehearing conference, held September 15, 2008, heard by Dr. Betty Dennis, regarding allegations of 2 suspicious breaking and entering crimes that occurred

at Goldsboro Drug Company. RPh. Raynor did not submit a DEA 106 to DEA and a NCBOP Drug Disaster and Loss Report to the Board. An audit conducted by investigators revealed shortages of controlled substances which were not taken during the break-ins, which 2 technicians, employed at the pharmacy, admitted diverting. Recommendation: **Staff Issued Letter of Warning** to Goldsboro Drug Company and RPh. Charles Raynor

#### Staff Letter of Warning and Consent Order

Costco Wholesale Corporation, permit #07792, and RPh. Brian D. Antal, license #13388, were subjects of a prehearing conference, held September 15, 2008, heard by Dr. Betty Dennis, regarding allegations that RPh. Antal diverted and dispensed to himself Hydrocodone syrup without a prescription. Costco staff failed to report the loss to the Board or DEA in a timely fashion. Recommendation: **Staff Issued Letter of Warning** to Costco Wholesale Corp and **Consent Order of Reprimand w/ Conditions** to RPh. Antal.

#### Consent Order

RPh Heinz, while RPh Manager of Eckerd Drugs permit #08714, four technicians and nonemployees diverted Schedule III drugs. Heinz reported loss to Eckerd Loss Prevention but withheld name of informant from investigators of SBI & NCBOP. Heinz waived right to formal Board hearing and agreed to **Consent Order of 25 day suspension, 20 days deemed served while on summarily suspension remainder stayed 2 years with usual conditions.**

#### Technician Ratio

- 1) CVS # 6807 Whiteville, NC Lisa Riddle RPh App. 10/09/2008
- 2) Rite Aid # 09758 Salisbury, NC Melinda Konczal RPh App. 10/09/2008
- 3) CVS # 08130 Morrisville, NC Arnold Keith Talley, Jr RPh App. 10/09/2008
- 4) CVS # 06568 Cary, NC Laura Puckett RPh App. 10/09/2008
- 5) CVS # 06772 Sanford, NC Billy Womack RPh App. 10/09/2008
- 6) Jonestown Pharmacy # 08041 Winston-Salem, NC Angelo Vlahos RPh App. 10/09/2008
- 7) Unity Pharmacy # 10144 Pembroke, NC Dawn Brisson RPh App. 10/09/2008
- 8) CVS # 08366 Apex, NC Charles Everett RPh App. 10/09/2008
- 9) Wal-Mart # 07941 Biscoe, NC Johnda Farlow RPh App 10/09/2008
- 10) CVS # 06781 Southport, NC Roger Wiley Cash RPh App. 10/09/2008
- 11) CVS #06549 Asheville, NC Glenda Laws RPh App. 10/09/2008
- 12) CVS # 06805 Weaverville, NC Susan Coates RPh App. 10/09/2008
- 13) Walgreens # 09211 Jacksonville, NC Patricia K. Groom RPh App. 10/09/2008
- 14) CVS # 06622 Fayetteville, NC Charles Shanlever RPh App. 10/09/2008
- 15) Rite Aid # 09600 Charlotte, NC Phyllis Kaperonis RPh App. 10/09/2008
- 16) Rite Aid # 09755 Roxboro, NC Jamie Pergerson RPh App. 10/09/2008
- 17) CVS # 06605 Durham, NC Tyre B Lasitter RPh App. 10/09/2008
- 18) CVS # 06713 Lumberton, NC April Rogers RPh App. 10/09/2008
- 19) Kroger # 07164 Durham, NC Alton Terrence Howes RPh App. 10/09/2008
- 20) Wal-Mart # 08029 Winston-Salem, NC Chris Styers RPh App. 10/09/2008
- 21) Medicine Box of Rutherfordton # 07481 Rutherfordton, NC Laura Smith Hodge RPh App. 10/09/2008

- 22) CVS # 06802 Washington, NC Sharon Parker RPh App. 10/09/2008
- 23) CVS # 06688 Jamestown, NC Paula McKinney RPh App. 10/09/2008
- 24) Rite Aid # 09587 Charlotte, NC Peter D'Apice RPh App. 10/09/2008
- 25) CVS # 06837 Asheville, NC Edward K Frierson RPh App. 10/09/2008
- 26) Rite Aid # 09596 Charlotte, NC Chadwick Baker RPh App. 10/09/2008
- 27) Rite Aid # 09585 Chapel Hill, NC Sara L McGee RPh App.10/09/2008
- 28) Kroger # 06171 Apex, NC Jerrel W. Cobb, Jr. RPh App. 10/09/2008

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

### Financial Statistics

Financial and Administrative Services Director Gail Brantley presented the financial statistics for October 2008.

The Board adjourned for lunch at 11:53am and return to open session at 1:35 pm.

Board member Dr. Parker Chesson was not present for the afternoon session.

### Nuclear Pharmacy Practice Section (NPPS) of the APhA – Nuclear Pharmacy Technicians

Neil Petry, NPPS, appeared before the Board to request an amendment of Rule. 2702, Nuclear Pharmacy Definitions, to allow a Nuclear Pharmacist Technologist to be deemed certified with out being certified by the Pharmacy Technician Certification Board. It was proposed by the Board that Mr. Petry and Mr. Campbell work together on wording for the proposed amendment change and readdress the Board at a later date.

### Request for Board to Approve Technician Dosing of Coumadin- Charles Matheson

Charles Matheson, Winston Salem Health Care Pharmacy, appeared before the Board to request approval of a program where by technicians would dose Warfarin to patients. Mr. Campbell stated that staff viewed this as unallowable under law and would be considered unlicensed practice of medicine. Mr. Haywood stated that the Board would take this matter under advisement and readdress at a later date.

### Closed Session

It was moved by Mrs. Chater, seconded by Dr. Dennis with no dissenting votes, to move into closed session to discuss the possible summary suspension of a technician. When the Board returned to open session, Mr. Haywood stated that technician Misty Dawn Campbell, registration #23742 was summarily suspended:

A copy of the summary suspension can be found elsewhere in the Minutes and incorporated by reference herein.

There being no further business the meeting adjourned at 2:46 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