

President Robert (Joey) McLaughlin, Jr. called the meeting to order at 9:15 am with Board Members Betty Dennis, Wallace Nelson and Stan Haywood 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: Heidi Barefoot, Target Pharmacy; Cindy Sugg, NCPRN; Danny Seavers, Kerr Drug; Christine Davis, Cardinal Health NPS; Tom Readling, Mutual Drug; David Catalano, Walgreens; Gray Stewart, GlaxoSmithKline; Matt Lopatka, GlaxoSmithKline; Sarah Morrison, UNC SOP; Randi Ridgway, Kerr Drug; JJ Peek, Kerr Drug; Mary Olsen, CVS/ UNC SOP; Karen Hammond, CVS.

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 September 2009 and September 30, 2009 Board meetings.

The members received the September 2009 meeting minutes and the September 30, 2009 conference call meeting minutes prior to this meeting for review. It was moved by Mr. Haywood and seconded by Dr. Dennis to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Hearing – Encompass Health Care, Former DME permit #00875

Mr. William McMillian, part owner of Emcompass Health Care, a durable medical equipment (DME) company, appeared before the Board to request reinstatement of a DME permit. Encompass Health Care failed to renew its permit for 2009 and was subsequently closed by the Board. Board attorney Clint Pinyan proceeded with the case and stated that Mr. McMillian did not bring legal counsel with him for the hearing. Mr. Pinyan stated that under rules practicing the governing of law, an individual may not represent a corporation and considering that Encompass Health Care is a corporation, he would advise the Board to continue the matter until Encompass obtain legal counsel. Mr. McMillian understood Mr. Pinyan's objection to the matter being heard but requested that the Board do so anyway. On a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes, the Board moved into closed session to discuss the matter.

Rebecca Chater arrived at the meeting at 9:21am.

On a motion from Mr. Haywood, seconded by Mr. Nelson with no dissenting votes, the Board resumed open session. Mr. McLaughlin stated that it was the consensus of the Board to continue the matter until Encompass Health Care obtains legal counsel.

Parker Chesson arrived at the meeting at 9:45am.

Reinstatement Hearing – RPh. Selwyn Keith Agent, license #18117

RPh. Selwyn Keith Agent, license #18117, accompanied by his attorney, Steve Peterson, appeared before the Board in consideration of reinstatement. Board attorney Clint Pinyan proceeded with the case and stated that Mr. Agent reciprocated his license to North Carolina in March 2006 from California. In February 2009, Board staff charged that Mr. Agent obtained this license by misrepresentation and the Board revoked Mr. Agent's license. The Board also stated that Mr. Agent could not apply for reinstatement for a period of no less than six months from the date of order and would be required to reapply his reciprocity application.

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. Chesson with no dissenting votes. Open session resumed on a motion Dr. Dennis, seconded by Mr. Haywood with no dissenting votes. Mr. McLaughlin stated that, on a motion from Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, the Board would restore Mr. Agent's license.

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

Inquiry Concerning Multi-Med Dose Packaging

Executive Director Jay Campbell presented a letter from Millenium Pharmacy Systems, Inc. concerning a multi-med repackaging system for use in nursing facilities. It was the consensus of the Board that Mr. Campbell draft a letter outlining the concerns the Board has with the system such as medication technicians (or other unlicensed personnel) who typically hand out medication to nursing home patients lack sufficient and knowledge and training to recognize multiple drug products in a single packet, a combination of multi-med packages and changes in medication orders for patients could result in patients being given incorrect (or discontinued) medications and that multi-med packages would not be exempt from Poison Prevention Packaging Act child-resistant enclosure requirements.

Medicine Shoppe Pharmacy, permit #04196, Inquiry Concerning Compounding Facility

Mr. Campbell presented an inquiry from RPh. Steve McLean, Medicine Shoppe Pharmacy, concerning remodeling a compounding facility adjacent to the pharmacy that had been approved by the previous Executive Director David Work. It was the consensus of the Board to approve the facility and directed Mr. Campbell to send a letter stating the Board's approval with the conditions outlined in the letter from Mr. McLean.

Central Filling Question

Executive Director Jay Campbell presented a letter from Bill Connelly, Mannat Phelps & Phillips, LLP, concerning North Carolina's central fill pharmacy regulations, codified at 21 N.C.A.C. 46.1816. It was the consensus of the Board that Mr. Campbell sends a letter stating the answer to the regulation questions along with a copy of the regulation.

Rule Making Update

Mr. Campbell and Mr. Pinyan gave the Board members an update on rule making items. Mr. Pinyan stated that there would be a public hearing on December 15, 2009 for the Armed Services Personnel Rule. Mr. Pinyan also stated there would be a public hearing on the temporary rule for the flu vaccine administration on November 16th and would then go to the Rules Review Commission (RRC) for review.

Mr. Campbell that there would be a draft for the Advanced Tech rule to be presented to the Board at the November 2009 meeting. Mr. Campbell also stated that he is working on a draft for the Drug Donation Repository rule to present to the Board at the November 2009 Board meeting.

Mr. Campbell stated that the Medical Board decided not to take action on the proposed rule for the term "Doctor".

Pharmacy Leaders' Forum, February 4-5, 2010

Mr. Campbell reminded Board members to send a list of invitees to the 2010 Leaders' Forum to staff along with any topic of discussion for the forum.

NABP Symposium, December 3-4, 2009

Mr. Campbell reminded Board members of the NABP Symposium to be held December 3-4, 2009.

Investigations/Inspection Report

Karen Matthew, Director of Investigations, presented the investigative statistics for October 2009.

2009 Financials

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

Open Mike Session

Mike James updated the Board on various legislative issues.

The Board adjourned for lunch at 12:15 am and returned to open session at 1:30 pm

Consent Agenda

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

Staff Issue Letter of Concern

RPh. Ernest John Rabil, license #03394, and CVS Pharmacy, permit #06589, were subjects of a prehearing conference held September 14, 2009, heard by Mr. Haywood, regarding allegations that while RPh. Rabil was pharmacist manager at CVS Pharmacy, two technicians diverted 11,300 tablets of Hydrocodone. One technician continued to work with an inactive technician registration. Recommendation: **Staff Issue Letter of Concern** to RPh. Rabil and CVS Pharmacy

Staff Issue Letter of Warning

RPh. Gail Cox, license #11510, and Kerr Drug, permit #06680, were subjects of a prehearing conference held September 14, 2009, heard by Mr. Haywood, regarding allegations of RPh. Cox committing a dispensing error, excessive number of prescriptions being filled at Kerr Drug to such a rate to pose a danger to the public and inadequately maintain counseling log. Recommendation: **Staff Issue Letter of Warning** to RPh. Cox and Kerr Drug Pharmacy.

Staff Issue Letter of Warning and Consent Order

RPh. Asa Gene Pickens, license #05790, and Technician Christopher W. Rogers, registration #11857, were subjects of a prehearing conference held September 14, 2009, heard by Mr. Haywood, regarding allegations that technician Rogers mislabeled a syringe on a prescription of Axid 15mg and RPh. Pickens verified the syringe without visually checking it. RPh. Pickens also failed to counsel patient properly and allowed technician Rogers to counsel. Recommendation: **Staff Issue a Letter of Warning** to Technician Rogers and **7 day suspension/ stayed 2 years** to RPh. Pickens

Consent Order

RPh. Larry Ross Cloer, license #06115, and U Save It Pharmacy Franklin, permit #10047 were subjects of a prehearing conference held September 14, 2009, heard by Mr. Haywood, regarding allegations of incorrectly dispensing Amitriptyline 100mg tablet on a prescription for Clonidine 0.1mg to a 5 year old patient and unauthorized tech ratio. Recommendation: **7 day suspension/ stayed 2 years** for RPh. Cloer and U Save It Pharmacy Franklin.

Consent Order

Cane Creek Pharmacy, permit #05784, was subject of a prehearing conference held August 26, 2009, heard by Mr. McLaughlin, regarding allegations that Cain Creek Pharmacy did not maintain adequate system of inventory to prevent diversion, did not maintain adequate security of controlled substances which resulted in diversion and employed four unregistered technicians. Recommendation: **30 day suspension/ stayed 5 years with conditions** to Cane Creek Pharmacy.

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

Increase in Pharmacists to Technician Ratio

- 1) CVS Pharmacy # 09052 Charlotte, NC Tam Le Pharm. Mgr. App. 9/21/2009
- 2) CVS Pharmacy # 06764 Roxboro, NC Theodore Michie Pharm. Mgr. App. 9/21/2009
- 3) CVS Pharmacy # 09414 Davidson, NC Judy Alvord Pharm. Mgr. App. 9/21/2009
- 4) CVS Pharmacy #09481 Charlotte, NC James A Caudill Pharm. Mgr. App. 9/21/2009
- 5) CVS Pharmacy # 07465 Charlotte, NC Jenny Kluchurosky Pharm. Mgr. App. 10/5/09
- 6) CVS Pharmacy # 06615 Elizabeth City, NC Donald B Richardson Pharm. Mgr. App. 10/5/2009
- 7) CVS Pharmacy #06824 Winston-Salem, NC Bradley Moss Pharm. Mgr. App. 10/5/2009
- 8) Rock Drug Store, Inc. # 00826 Valdese, NC Loy R Burris Pharm. Mgr. App. 10/5/2009
- 9) Target Pharmacy #09146 Durham, NC Charlotte Luft Pharm. Mgr. App. 10/5/2009
- 10) CVS Pharmacy # 10166 Durham, NC LaWanda Higgins Pharm. Mgr. App. 10/5/2009
- 11) CVS Pharmacy # 07321 Hickory, NC George W. Moore Pharm. Mgr. App. 10/5/2009
- 12) CVS Pharmacy #06662 Greenville, NC Kathleen Anderson Pharm. Mgr. App. 10/5/2009
- 13) CVS Pharmacy # 06609 Durham, NC Shannon T Reed Pharm. Mgr. App. 10/13/2009
- 14) Cane Creek Pharmacy # 05784 Fletcher, NC Derek Altizer Pharm. Mgr. App 10/13/2009
- 15) CVS Pharmacy # 06773 Smithfield, NC Lysie Wokasch Pharm. Mgr. App 10/13/2009
- 16) CVS Pharmacy # 07622 Cary, NC Zahid Latif Pharm. Mgr. App. 10/13/2009
- 17) CVS Pharmacy # 06545 Asheville, NC James P Bartlett Pharm. Mgr. App. 10/13/2009

Disciplinary Hearing – Douglas Scott Hazelgrove, license #07795

RPh. Douglas Scott Hazelgrove, license #07795, accompanied by his attorney Anna Choi, appeared before the Board concerning allegations that while working as pharmacist manager for Neil Medical Group, permit #04428, RPh. Hazelgrove did not keep controlled substances safe and secure to prevent diversion by employees and did not maintain an adequate system of inventory. Board members Dr. Chesson and Mr. Haywood recused themselves from the hearing. Board attorney Alex Elkan proceed with the case and stated the agreed to stipulations to the Board. Mr. Elkan also asked the Board to consider consent orders for RPh. James Rourk, license #11439 and Neil Medical Group, permits #04428 and #04780 that pertain to the case.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes. Open session resumed on a motion Mr. Nelson, seconded by Dr. Dennis with no dissenting votes. Mr. McLaughlin stated that, on a motion from Mr. Nelson, seconded by Ms. Chater with no dissenting votes, the Board would take no action against RPh. Hazelgrove. It was also the consensus of the Board to accept the consent orders for RPh. Rourk and Neil Medical Group, permits #04428 and #04780 as presented.

Repacking Expiration Regulations – Charlotte McMillian

Charlotte McMillian, Broughton Hospital, appeared before the Board to discuss the expiration date on repacked medication in an institution. After discussion, it was the consensus of the Board that Mr. Campbell draft a possible amendment to the repackaging rule for Board members to review.

Request for Modification of Reinstatement Order – Jerome Turchin, license #10421

RPh. Jerome Turchin, license #10421, appeared before the Board to request modification of his November 2005 reinstatement order to allow him to work as a pharmacist manager. RPh. Turchin surrendered his license in February 2005 for obtaining, consuming and dispensing controlled substances without a prescription. His license was reinstated by the Board in November 2005 with conditions that included his not working as a pharmacist manager.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes. Open session resumed on a motion Mrs. Chater, seconded by Dr. Dennis with no dissenting votes. Mr. McLaughlin stated that, on a motion from Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, the Board would deny Mr. Turchin's request for modification of his reinstatement order and that he could not reapply for modification of his order for a period of no less than two years.

Closed Session

On a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes, the Board moved into closed session to discuss the possible summary suspension of a technician. When open session resumed on a motion from Mr. Nelson, seconded by Mrs. Chater with no dissenting votes, technician Justin Christopher Bratton, registration #24268, was summarily suspended.

There being no further business, on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes, the meeting adjourned at 4:19 p.m.

Robert J. McLaughlin, Jr., President

Betty Dennis., Vice President

Wallace E. Nelson

J. Parker Chesson, Jr.

Stan Haywood

Rebecca W. Chater