

President Gene Minton called the meeting to order at 9:00 am with Board Members Dr. Parker Chesson, Carol Yates Day, Robert J. McLaughlin, Lazelle Marks, and Bill Mixon present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigations Karen Matthew, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial Administrative Services Director Gail Brantley. Present as visitors were: Christine Davis, Cardinal Health; Bill Pickard, Campbell University; Tony Mitchum, Walmart; Valanda Nelson, NCPRN; Lisa Collums, Kerr Drug; Brenda Shafer, Quarles & Brandy; Tom Readling, Mutual Drug; Stephanie Bullock, Pharmmerica; Mary Parker, NCAP/DVAMC; Andy Ellen, NCRMA; Rick DeBeneditto, Walgreens; Kaitlyn Taylor, UNC/ESOP; Jagruti (Jay) Patel, Campbell Univ.; Mark Herrell; RPh. Jennifer Herrell; RPh. David Adams; Andrea Gallman, Kerr Drug/Campbell; and Missy Betz; NCBOP.

Ethics Statement & Welcome

President Minton read the Ethics Statement regarding any conflicts of interest and/or appearances of conflicts of interest of any Board member. No conflicts were noted by any Board member.

Minutes of the September 2013 Board Meetings and September 2013 Board Retreat

The members received the September 17, 2013 meeting minutes and the September 19, 2013 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.

Consideration of Reciprocity Candidate – RPh. Jennifer Brown Herrell

RPh. Jennifer Brown Herrell appeared before the Board for review of her reciprocity application. Mrs. Herrell applied to reciprocate her pharmacist license from Alabama. On her reciprocity application, Ms. Herrell stated that her pharmacist licenses in Alabama and Tennessee were disciplined after she developed a substance abuse problem. She voluntarily surrendered her licenses in both states and entered a substance abuse treatment and monitoring program (CORIP) in 2008. In 2009, her Alabama and Tennessee licenses were reinstated with conditions, which included completing the CORIP substance abuse treatment and monitoring program.

After submitting her reciprocity application to North Carolina, Ms. Herrell was evaluated by the NCPRN. Valanda Nelson, Director of NCPRN, duly sworn, stated that Mrs. Herrell's treatment through CORIP has been, in NCPRN's opinion, clinically appropriate and advocates for Mrs. Herrell's licensure in North Carolina with appropriate conditions, which include an eighteen (18) month monitoring program with NCPRN at the completion of the CORIP program in May 2014.

After discussion, on a motion from Mr. Marks, seconded by Mr. Mixon with no dissenting votes, the Board moved to allow Mrs. Herrell to continue with the reciprocity process. If she successfully completes the process, her license will be subject to conditions including entering into an eighteen (18) month treatment program with NCPRN and complying with all of the requirements of the program.

A copy of Order Regarding Reciprocity can be found elsewhere in the Minutes and is incorporated by reference herein.

Petition to Modify License Reinstatement Order – RPh. David Adams, License #07932

RPh. David Adams, license #07932, appeared before the Board to request modification of his April 17, 2007 Order Reinstating License. He requested that the Board lift the restrictions on not serving as a pharmacist manager, not serving as a preceptor, obtaining prior approval of employment from the Board's Executive Director, and not being employed as a pharmacist more than 30 hours per week on average. Mr. Campbell stated that staff does not object to lifting the restrictions.

After presentation of evidence and testimony, on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved to grant the requested modifications to Mr. Adam's Order Reinstating License.

A copy of the Modification of Order Reinstating License can be found elsewhere in the Minutes and is incorporated by reference herein.

Proposed Rulemaking to Implement Section 3, Paragraph (b2), of S.222

S.222 now S.L 2013-152 revises the Controlled Substance Reporting System (CSRS) by requiring, among other things, that the CSRS/Drug Control Unit notify licensing boards when they identify a licensee who may have prescribed or dispensed controlled substance inappropriately. The statute directs licensing boards to set rules for criteria to submit these reports. At the September 19, 2013 Board retreat, Board members directed Mr. Campbell to draft a proposed rule for consideration. Mr. Campbell and Mr. Pinyan presented a draft of a proposed rule. After discussion, on a motion from Dr. Chesson, seconded by Mr. Mixon with no dissenting votes, the Board moved to approve the proposed rule and publish it for notice and comment.

Update on Agency Rule Review Mandated by the 2013 Regulatory Reform Act

The regulatory reform bill, passed the by the North Carolina Legislature, requires periodic review of all rules promulgated by regulatory agencies. Board counsel Clint Pinyan stated that the bill requires review of every rule every ten (10) years to decide if it is still necessary. Rules Review Commission (RRC) will be reviewing every regulation within the next five (5) years. Board counsel and staff will continue to examine Board rules in preparation for the RRC review.

Update on Implementation of H832, Immunization Administration by Pharmacists

House Bill 832 was passed into legislation and allows an "immunizing pharmacist" to administer any CDC recommended vaccine to a patient age 18 or up upon a prescription order. It allows administration of pneumococcal, zoster, Hep B, meningococcol, tetanus booster, TDAP, flu pursuant to standing orders or protocols. The effective date of the law is October 1, 2013. Mary Parker, NCAP, updated the Board on the progress of opening access to the North Carolina immunization registry by pharmacist. Pharmacists must report all administered immunizations except for flu. As of October 15, 2013, 279 pharmacies have accessed and begun using the registry. Through a phased rollout, more are slated to have access in the coming weeks. The

registry has asked that immunizing pharmacists do not report flu vaccines because it may tax the registry at this time. The Board thanked Mary Parker and NCAP for their work on expanding pharmacist immunization authority.

Financial Report

Gail Brantley, Financial and Administrative Services Director, presented the September 2013 financial statistics to the Board.

State Auditors' office conducted a financial audit and a Chapter 93B compliance audit of the Board. Mr. Campbell stated that Board staff met with the State Auditors staff on September 23, 2013 for an audit exit interview. Staff is still waiting on the final report for the Auditor's office.

Investigative Report

Director of Investigations Karen Matthew presented the investigative report for September 2013.

Reports to the Board

Bill Pickard, Campbell University, updated the Board on various issues at the school including the Medical School which open in August 2013.

The Board recessed for a break at 10:15am and resumed open session at 10:45am.

Report on Implementation of Board Meeting Livestreaming

At the September 2013 Board retreat, Board members discussed encouraging more pharmacy students to attend Board meetings. It would benefit many pharmacy students to understand the purpose of the Board and the Board proceedings. Board members directed Mr. Campbell to have staff proceed with developing a URL to live-stream Board meetings. Thomas Buedel, IT Manager, updated the Board on the progress of live-streaming the meetings. He stated that the equipment has been ordered and will be installed in the Board room in the coming weeks.

Board Elections, Spring 2014

The next Board election will be conducted in the spring of 2014 for District Four and District Three Board seats. At the September Board Retreat, Mr. Campbell proposed to Board members that staff host an open forum in those Districts for any pharmacist interested in running for Board office. The forum would explain to a potential candidate the purpose of the Board, expectations of Board members, and answer any questions a potential candidate would have concerning Board office. Board members approved staff to host a forum for the upcoming election. Mr. Campbell stated that staff is already looking at venues to host forums in the Charlotte and Raleigh areas in January 2014.

Report of Federal Compounding Legislative Efforts

Currently there is a new federal compounding bill circulating in the U.S. Congress. Board staff will track the bill's progress.

Consent Agenda

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

Prehearing Conference**Staff Issues Letters of Caution**

RPh. Anne Keesler, License #11062 and BI-LO Pharmacy, Permit #08928 were subjects of a prehearing conference held September 16, 2013, heard by Gene Minton regarding allegations that between May 2010 and August 2012, 24,194 dosage units of various strengths of Hydrocodone and Clonazepam were reported missing from BI-LO pharmacy. Technician Willie Lee Polk, Registration #028381, admitted to diverting various controlled substances from the pharmacy over a three-year period. Recommendation: Staff issues a **Letter of Caution** to permit and RPh. Keesler.

Staff Issues Letters of Concern

RPh. Howard Duckworth, License #06349 and Burke Pharmacy, Permit #05037 were subjects of a prehearing conference held September 16, 2013, heard by Gene Minton, regarding allegations that during an investigation of a complaint made concerning Burke pharmacy shorting a patient's medication for a four month period, Burke Pharmacy did not provide to the Board certain records the Board staff had repeatedly requested, in a timely manner. Recommendations: Staff issues a **Letter of Concern** to permit and RPh. Duckworth.

Consent Order

RPh. Shaileshkumar Patel, License #12235, was subject of a prehearing conference held September 16, 2013, heard by Gene Minton, regarding allegations that between August 2012 and December 2012, while employed by BI-LO pharmacy, RPh. Patel fraudulently created at least five (5) prescriptions for Bidil and Pediderm for family members and created prescription records for those drugs in order to seek manufacturer's rebates for drugs totaling \$780. Recommendation: **Consent Order** with ninety (90) day suspension (fourteen (14) day active with completion of Medicare Part C and D Fraud, Waste, and Abuse Training / seventy-six (76) day stayed 2 years) to RPh. Patel.

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

CPP Candidates

RPh. Maurice D. Alexander, License #21068

RPh. Monica Barber Dillingham, License #14336

RPh. Suzanne C. Harris, License #16978

Increase to Pharmacists to Technician Ratio

1. Walmart Pharmacy Greensboro, Permit #07967, Joseph R Pedaline RPh, App. 9/13/2013
2. CVS Pharmacy Rockwell, Permit # 10870, Corey Elden RPh, App. 9/25/2013
3. Walmart Pharmacy Eden, Permit # 07955, Robert E Garren RPh, App. 9/26/2013

Closed Session

On a motion from Mr. Mixon, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. When open session resumed on a motion from Mr. McLaughlin, seconded by Mr. Mixon, with no dissenting votes, Mr. Minton stated that technician Joseph Kevin Dougherty, registration #33674 was summarily suspended.

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

There being no further business, the meeting adjourned at 11:00am.

Gene Minton, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Robert J. McLaughlin, Jr

Carol Yates Day

William A. Mixon