

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 later in the morning. Also present were Executive Director Jay Campbell; Board Counsel Clint Pinyan, Abby Soles and Joseph Ponzi; Director of Investigations Karen Matthew; Former Director of Licensing Rachel Paris; Director of Licensing Debbie Stump, Board Investigator Holly Price-Hunt; Board Investigator Jason Smith; Board Investigator Krystal Brashear; Present as visitors were: Paul Peterson, PRN; Heidi Barefoot, Target Pharmacy; Bill Pickard, Campbell University; David Work, Executive Director Emeritus; Julia Khalil, Pharmacy Intern; Bill Mixon, The Compounding 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. Mr. Haywood read a thank you note from the family of former Board Member William Randall acknowledging the donation made by the Board in Mr. Randall's memory.

#### Disciplinary Hearing – Request for Reinstatement Jo Ann Cain RPh #11321

JoAnn Cain appeared before the Board to petition for reinstatement of her pharmacist license. Abby Soles, Board counsel, proceeded with the case and stated that Mrs. Cain entered the Pavilion Center for substance abuse in May 2006 for 3 weeks. While at the Pavilion Center, Mrs. Cain entered into a contract with the Pharmacist Recovery Network (PRN). During her contract with PRN she submitted 5 diluted drug tests in 2006. In January 2007, Mrs. Cain entered into a Consent Order stayed suspension with the Board. One condition of the Consent Order was that Mrs. Cain would abide by all requirements of her PRN Contract. In June 2007, Ms. Cain submitted 3 positive drug tests, which was a violation of the PRN contract, and voluntarily surrendered her license.

After testimony from Executive Director PRN Paul Peterson, Mrs. Jo Ann Cain and Board Executive Director Jay Campbell, Ms. Soles stated that Board staff neither supports nor opposes Ms. Cain's request for reinstatement. On a motion from Mr. Nelson, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into closed session to deliberate the matter. On a motion from Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, the Board returned to open session. Mr. Haywood stated that on a motion from Dr. Chesson, seconded by Mr. Nelson with a split decision, the Board would reinstate Ms. Cain's pharmacist license with conditions, one condition being that any violation of the reinstatement order would cause immediate indefinite suspension of license.

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

#### Disciplinary Hearing – Desiree Hensley – Tech # 12395

Clint Pinyan, Board counsel, proceeded with the case and stated that Ms. Hensley's technician registration was summarily suspended April 15, 2008 for her alleged role in unauthorized dispensing of controlled substance. Ms. Hensley contacted the Board to request reinstatement of her technician registration. She received notice of the hearing but was not present. Ms. Hensley instead sent a letter outlining her position and reasons for requesting reinstatement. Mr. Pinyan presented 3 depositions from witnesses to the alleged unauthorized dispensing. Board staff requested the Board deny Ms. Hensley's request for reinstatement and permanently revoke her registration. On a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes, the Board denied Ms. Hensley's request for reinstatement and permanently revoked her technician registration.

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

#### Disciplinary Hearing – Richard Van Kennerly – RPh. License #06137

Richard Van Kennerly appeared before the Board in consideration of reinstatement of his pharmacist license. Abby Soles, Board counsel, proceed with the case and stated that Mr. Kennerly was originally licensed with the Board in April 1974. His license was revoked with an indefinite suspension in April 1988 for drinking while on duty and admitting to diversion of controlled substances. Mr. Kennerly entered into a PRN contract in 1988. He entered into a second PRN contract in 1991, the indefinite suspension of his license was stayed by the Board and he was allowed to return to the practice of pharmacy. In 1994, the Board allowed him to return to work as a pharmacy manager. In September 1994, his license was revoked for drinking on duty and diversion of controlled substance for personal use without a prescription. Mr. Kennerly did not work in pharmacy from 1994 to 2004. In May 2004, Mr. Kennerly appeared before the Board to request permission to work as a pharmacy technician. The Board agreed to allow Mr. Kennerly to work as a technician with the condition that he enters into another PRN contract. Ms. Soles stated that Board staff neither supports nor opposes Mr. Kennerly's request for reinstatement.

After presentation of evidence and testimony from Executive Director PRN Paul Peterson, Richard Kennerly, Mr. Jimmy Bowkin, Suzie Hinson and Executive Director Jay Campbell, the Board moved into closed session to deliberate the matter, on a motion from Mr. McLaughlin, seconded by Ms. Chater with no dissenting votes. Open session resumed, on a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes. Mr. Haywood stated on a motion from Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, that the Board would reinstate Mr. Kennerly's license with conditions including that Mr. Kennerly take and pass the Multistate Pharmacy Jurisprudence Exam (MPJE), the North American Pharmacy Licensure Examination (NAPLEX) and enter into a new indefinite PRN contract.

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

The Board recessed for a break at 11:20 and resumed open session at 11:32.

#### Disciplinary Hearing – Rohitkumar S. Patel – RPh. License #09077

Rohitkumar S Patel appeared before the Board to petition for reinstatement of his pharmacist license. Joseph Ponzi, Board counsel, proceeded with the case and stated that Mr. Patel reported to work at a hospital in Gaston County on January 31, 2007 severely impaired. He was taken to the emergency room

where his blood alcohol content registered a .371. Mr. Patel surrendered his license on May 16, 2007. On September 12, 2007, Mr. Patel entered into a contract with the Pharmacist Recovery Network (PRN). Mr. Patel had trouble complying with his PRN contract because of contradictions with his cultural and religious beliefs. In January 2008, Mr. Patel traveled to India for three months for addiction counseling.

After presentation of evidence and testimony from Paul Peterson and Rohitkumar S. Patel, the Board adjourned for lunch at 1:06pm, after lunch the Board would convene directly in closed session to deliberate the matter. When open session resumed, Mr. Haywood stated that, on a Motion from Dr. Chesson, seconded by Dr. Dennis with a split decision, the Board would grant Mr. Patel's request for reinstatement with conditions, including that he enter into a new PRN contract and take and pass the MPJE before being reinstated.

#### Further Board Business.

Mr. Campbell stated that a mandatory counseling task force meeting would be held at the Board office on Wednesday, December 10<sup>th</sup>, from 1:00pm until 3:00pm.

Mr. Nelson also requested that staff add advance technician programs to the agenda for the 2009 Pharmacy Leaders' Forum.

The meeting adjourned at 4:05pm and would continue November 17, 2008 at 9:00am.

#### Tuesday, November 18, 2008 Meeting continued from November 17, 2008

President Stan Haywood called the meeting to order at 9:00 am with Board Members Wallace Nelson, Parker Chesson, Betty Dennis, Stan Haywood, Rebecca Chater and Joey McLaughlin present. Also present were Executive Director Jay Campbell; Board Counsel Clint Pinyan, Abby Soles and Joseph Ponzi; Director of Investigations Karen Matthew; Former Director of Licensing Rachel Paris; Director of Licensing Debbie Stump, Board Investigator Holly Price-Hunt; Board Investigator Jason Smith; Board Investigator Krystal Brashear; Present as visitors were: Paul Peterson, PRN; Heidi Barefoot, Target Pharmacy; Bill Pickard, Campbell University; David Work, Executive Director Emeritus; Julia Khalil, Pharmacy Intern; Bill Mixon, The Compounding 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.

#### Minutes of October Board meetings

The members received the October 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 Applicant – Annette Owens

Mrs. Annette Owens appeared before the Board in consideration of her reciprocity application from Kentucky. Mr. Campbell stated that Ms. Owens indicated on her reciprocity questionnaire that in 2004 her Kentucky pharmacist license was suspended for 6 months because Mrs. Owens pleaded guilty to embezzlement of \$67,000 from her employer. Mrs. Owens was duly sworn and testified on her charges, how she has since turned her life around, received psychiatric treatment and her reasons for reciprocity. Mr. Campbell stated that staff had no objection to the reciprocity application but would like the same conditions placed on her license as the Kentucky Board mandated in her reinstatement in Kentucky. On a motion from Mr. Nelson, seconded by Mrs. Chater with no dissenting votes, the Board moved into closed session to deliberate the matter. When open session resumed, Mr. Haywood stated that on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes, the Board approved Mrs. Owens application for reciprocity with conditions.

Consideration of Reciprocity Applicant – Eric Hegwood

Mr. Eric Hegwood appeared before the Board in consideration of his reciprocity application from Georgia. Mr. Campbell stated that Mr. Hegwood indicated on his reciprocity questionnaire that his Georgia Intern license was disciplined in 1999 for diversion of controlled substance while a student at Mercer University. Mr. Hegwood entered into St. Jude treatment facility for 11 months and participated in 4 years of aftercare at Ridgeview Institute in Georgia. Mr. Hegwood's intern license was reinstated with conditions in 2000. Mr. Hegwood is currently licensed as a pharmacist in Georgia with no restrictions. Mr. Hegwood spoke on his recovery process and his reasons for seeking licensure in North Carolina. Mr. Campbell stated that staff had no objection to Mr. Hegwood's application for reciprocity. On a motion for Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, the Board approved Mr. Hegwood's application for reciprocity.

Consideration of Permit Application – Portland Professional Pharmacy Associates

Clint Pinyan, Board counsel, proceeded with the case and stated that Portland Professional Pharmacy Associates (dba Ascend Specialty) participates in specialty compounding for fertility drugs for doctor provided prescriptions. The company, under previous ownership, had been shipping drugs into North Carolina without a permit since August 2001. In February 2008, FXC Solutions bought out the subsidiary of Portland Professional Associates and discovered the error and immediately applied for an out-of-state permit. The company stopped shipments into North Carolina but a few shipments were mistakenly sent. Mr. Pinyan presented a proposed Consent Order that Portland Professional Pharmacy Associates agreed to that would allow them to be permitted but would also give them an indefinite suspension stayed for 10 years. On a motion from Mr. Nelson, seconded by Mr. McLaughlin with no dissenting votes, the Board moved into closed session to deliberate the matter. When open session resumed, Mr. Haywood stated that on a motion from Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, the Board would accept the proposed consent order.

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

Status of Consent Order – RPh. Pushpesh Bhandari – license # 12972

Jay Campbell stated that in June 2008, Mr. Bhandari entered into a consent order with the Board for failure to complete the required controlled substance inventory after becoming pharmacist manager. A condition of the order required that Mr. Bhandari take and pass the MPJE within 90 days of the order. Mr. Bhandari did not take and pass the MPJE until October 22, 2008, beyond the required 90 days. Mr. Bhandari stated his reasons for the delay in taking the MPJE. On a motion from Mr. McLaughlin, seconded by Mr. Nelson with no dissenting votes, the Board moved into closed session to deliberate the matter. When open session resumed on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes, Mr. Haywood stated that on a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes, the Board would suspended Mr. Bhandari's license for 3 business days.

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

The Board adjourned for a fifteen minute break at 11:45 am. When the Board reconvened Mr. Haywood excused himself from the Vanceboro Hearing because he presided over the Prehearing Conference. Vice-President Joey McLaughlin presided during the Vanceboro Pharmacy disciplinary hearing.

#### Disciplinary Hearing – Vanceboro Pharmacy, permit #03631

RPh. James M. Morton, license #06962, appeared before the Board, accompanied by his attorney Mr. Odes Stroupe, pursuant to a October 29, 2008 Notice of Hearing. Joseph A. Ponzi, Board Counsel, proceeded with the case. Melissa Cummings, Board Investigator, was duly sworn and gave testimony concerning an investigation into diversions of controlled substances at Vanceboro Pharmacy by technician Julie Harris and the shortages of controlled substances discovered during the audit she conducted on Vanceboro Pharmacy. Mr. Morton was duly sworn and testified on security measures in place at Vanceboro Pharmacy. Mr. Morton also testified that he disagreed with the results of the audit because of discrepancies in the computer program used to inventory drugs.

After presentation of evidence and testimony of witnesses Melissa Cummings, James Morton, and Director of Investigation Karen Matthew, the Board moved into closed session to deliberate the matter, on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes. After returning to open session on a motion from Dr. Dennis, seconded by Mrs. Chater 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 suspend Vanceboro Pharmacy permit 12 days stayed for 5 years with conditions. Mr. McLaughlin further stated conditions of the order were that Vanceboro Pharmacy submits a written policy and procedure governing security measures to Board Executive Director, annual inventory on controlled substances, maintain a perpetual inventory on controlled substances to be randomly inspected by Board investigators and quarterly audits of controlled substances. Mr. McLaughlin also stated that the Board would suspend Mr. Morton's license for 12 days, 5 days active suspension, remaining 7 days stayed for 5 years. Mr. Morton would also be required to take and pass the Multistate Pharmacy Jurisprudence Exam (MPJE) within one year of the order.

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

Open Mike Session

Mike James updated the Board on various legislative issues.

The Board recessed for lunch at 1:38 pm and returned to open session at 2:30.

2010 NABP/District III Meeting Location

After discussion from the Board, it was the consensus that the Board would hold the 2010 NABP/District III Meeting at the Grove Park Inn, Asheville NC.

Request for Order Modification – Christopher Breese – License #19095

Mr. Christopher Breese, accompanied by his attorney Mr. Mike Allen, appeared before the Board to request modification of his July 2007 reinstatement order. Mr. Allen stated that Mr. Breese request that the restriction on working as a pharmacist manager and preceptor be lifted. Jay Campbell stated that staff had no objection to modification of the order. After discussion from the Board and testimony from Mr. Breese and NC PRN Executive Director Paul Peterson, it was moved by Mr. McLaughlin, seconded by Dr. Dennis with no dissenting votes, to modify the July 2007 reinstatement order to allow Mr. Breese to work as pharmacist manager and preceptor.

Director of Licensing, Rachel Paris – Retirement

Jay Campbell stated that this was the last Board meeting for Director of Licensing, Rachel Paris. Mrs. Paris would retire December 31, 2008. Mr. Campbell also stated that Mrs. Paris has been a dedicated employ of the Board for 30 years and would be sorely missed. Mrs. Paris stated that it has been a privilege to work for the Board. The Board members congratulated Mrs. Paris on her retirement and expressed their appreciation of her dedicated service.

DME Committee – appointment of 2 new members

After discussion from Board members, it was the consensus of the Board to appoint Mr. McLaughlin and Dr. Betty Dennis to the DME committee.

Invitee List for 2009 Pharmacy Leaders' Forum

After discussion from Board members, it was the consensus of the Board that the invitation list for the 2009 Pharmacy Leaders' Forum would consist of 15 guests from the Board, 15 guests from NCAP and 5 guests from each of the three schools of pharmacy. Mr. Campbell requested that Board members send him their preferred guest list before the Thanksgiving holiday.

November 2008 Financials

Jay Campbell presented the financial statistics to the Board.

November 2008 Investigative Statistics

Karen Matthew, Director of Investigations, presented the Investigative Statistics for November 2008. Ms. Matthew stated that there was now a drug diversion card and a drug disposal card, created by intern Emily Heil, available on the Board website.

### 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

RPh. Sheila Shehan, license #09745, and Medicine Box Pharmacy, permit #08199, were subjects of a prehearing conference held October 20, 2008, heard by Mr. Joey McLaughlin, regarding allegations that Hydrocodone and Methlphenidate were diverted by technician Ryan Farr whose technician registration was summary suspended April 2008. Recommendation: **Staff Issued Letter of No Action** to RPh. Shehan and Medicine Box Pharmacy.

RPh. Susan Barch, license #14809, was subject of a prehearing conference held October 20, 2008, heard by Mr. Joey McLaughlin, regarding allegation of a dispensing error. Recommendation: **Staff Issued Letter of No Action** to RPh. Barch.

##### Staff Issue Letter of Caution

RPh. George William Moore, license #05430, was subject of a prehearing conference held October 20, 2008, heard by Mr. Joey McLaughlin, regarding allegations of a dispensing error. Recommendation: **Staff Issued Letter of Caution**.

RPh. Fonda Deaton, license #07345, was subject of a prehearing conference held October 20, 2008, heard by Mr. Joey McLaughlin, regarding allegations that RPh. Fonda dispensed two fraudulent prescriptions and improperly re-entering a third prescription without a valid renewal for family members: Recommendation: **Staff Issued Letter of Caution**

##### Staff Issue Letter of Warning and Staff Issue Letter of No Action

RPh. Steven Gluck, license #07636, RPh. Sandra White, license #06307 and Wal-Mart Pharmacy, permit #08029 were subjects of a prehearing conference held October 20, 2008, heard Mr. Joey McLaughlin, regarding allegations of a dispensing error by RPh. White, which was verified by RPh. Gluck. Recommendation: **Staff Issued Letter of Warning** to RPh. Gluck and RPh. White; **Staff Issued Letter of No Action** to Wal-Mart Pharmacy.

#### Consent Order

CVS Pharmacy, permit #06780, was subject of a prehearing conference 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: **Consent Order of Reprimand** to CVS pharmacy.

**Reciprocity Candidates**

<b>Candidates Licensed by Reciprocity 11/19/2008</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
John	Patrick	Banahan		MA	11/19/2008
Roberta	Mary	Barron		MA	11/19/2008
Joseph	Bruce	Burnside		TX	11/19/2008
Jamie	Lynn	Camp		PA	11/19/2008
Reena	Sharad Kumar	Chauhan		MI	11/19/2008
Sharad	Kumar	Chauhan		MI	11/19/2008
Kathryn	Elizabeth	Davis		FL	11/19/2008
Sarika		Dewaikar		OH	11/19/2008
Kimberly	Ann	Elliot		OH	11/19/2008
Lourdes	Maria	Ferrer		PR	11/19/2008
Geraldine		Figueredo		FL	11/19/2008
Jayne	Ellen	Gayman		NE	11/19/2008
Madhavi		Gavini		MI	11/19/2008
Karen	Lee	Geisler		PA	11/19/2008
Maribeth	Kaufmann	Greene		FL	11/19/2008
Ryan	Joshua	Healey		SC	11/19/2008
James	Robert	Hobeck		OH	11/19/2008
Jennifer	Elizabeth	Huber		PA	11/19/2008
Ying	Li	Huffman		SC	11/19/2008
Ranarda	Mishea	Jones		SC	11/19/2008
Robert	George	Kloo	Jr.	PA	11/19/2008
Adam	Daniel	Landers		GA	11/19/2008
Jin	K.	Lee		MI	11/19/2008
Susan	Ann	Lingenfelter		OH	11/19/2008
Smitha	Reddy	Mekala		FL	11/19/2008
Brian	Eric	Miller		PA	11/19/2008
Cheryl	Ann	Miller		PA	11/19/2008
Chinyere	Ijeoma	Ndukuba		MS	11/19/2008
Katherine	Sue	O'Dell		IN	11/19/2008
Sara	Ann	Pferdehirt		PA	11/19/2008
Regina	Suffi	Porter		SC	11/19/2008
Laura	Lee	Raymo		NY	11/19/2008
Annie	Elizabeth	Rick		DC	11/19/2008

<b>Candidates Licensed by Reciprocity 11/19/2008</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Migdalia		Rodriguez		PR	11/19/2008
Kelly	Laurene	Scolaro		AL	11/19/2008
Steven	Donald	Sherman		VA	11/19/2008
Sarah	Jacqueline	Sianis		PA	11/19/2008
Collin	Bond	Sinclair		LA	11/19/2008
Jennifer	Anne	Sippel-Tompkins		FL	11/19/2008
Ben	Joseph	Smith		LA	11/19/2008
Mary	O	Slevin		IL	11/19/2008
Danny	Ray	Soles		FL	11/19/2008
Xiomara	Elena	Spence		PR	11/19/2008
Dawn	Marie	Stodola		WI	11/19/2008
Katrina	C.	Trelease		NY	11/19/2008
Kenneth	Ray	Turner		GA	11/19/2008
Judith	Daye	Wagner		MD	11/19/2008
Gayla	M.	Waller		AL	11/19/2008
Monika	Annette	Wiltshire		NY	11/19/2008
Teklu	Abraham	Woldemichael		NJ	11/19/2008
Christina	Soyeun	Won		NY	11/19/2008

### **Technician Ratio**

- 1) Walgreens # 09988 Cape Carteret, NC Hunter Brown Pharm. Mgr. App 10/29/08
- 2) Seven Lakes Prescription Shoppe # 07289 West End, NC Joseph Barrett III Pharm. Mgr. App 10/29/08
- 3) CVS # 06722 Indian Trail, NC Bryce Fox Pharm. Mgr. App 10/29/08
- 4) Kerr # 06530 Kinston, NC Joseph Pike III Pharm. Mgr. App 10/29/08
- 5) Rite Aid # 09630 Denver, NC Gina Benson Pharm. Mgr. App 10/29/08
- 6) CVS # 06745 Oxford, NC Erica F Winfield Pharm. Mgr. App 10/29/08
- 7) Walgreens # 09227 Charlotte, NC Barbara Lynn Gilbride Pharm. Mgr. App 10/29/08
- 8) CVS # 06813 Wilmington NC Leighann I Walters Pharm. Mgr. App 10/29/08
- 9) Walgreens # 09430 Mocksville, NC R. G. Cline Pharm. Mgr App 10/29/08

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

It was moved by Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, to move into closed session to discuss the possible summary suspension of three technicians. When the Board returned to open session, Mr. Haywood stated that technicians Robert James Rudock, registration #16044, Ginger White, registration #09837, and Amanda Lynn Gotthardt, registration #10253, were 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 3:09 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