

President Robert (Joey) McLaughlin, Jr. called the meeting to order at 9:05 am with Board Members Betty Dennis, Wallace Nelson, Rebecca Chater and Stan Haywood present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Assistant Director of Investigations Josh Kohler, Board Investigator Krystal Brashears, Financial and Administrative Service Director Gail Brantley, Director of Licensing Debbie Stump, IT Manager Thomas Buedel, Administrative Assistant Constance Manion, Permit Specialist Wendy Watson, Financial and Human Resources Analyst Rhonda Jones and Director of Operations Kristin Moore. Present as visitors were: Heidi Barefoot, Target Pharmacy; Cindy Sugg, NCPRN; Christine Davis, Cardinal Health NPS; David Catalano, Walgreens; Gray Stewart, GlaxoSmithKline; Sarah Morrison, UNC SOP; Karen Hammond, CVS; David Moody, Mutual Drug; Andy Bowman, Campbell SOP; Pam Joyner, UNC Eshelman SOP; Sharon Ellison, Duke Univ. Hospital; Sam Shin, UNC SOP; RPh. Annette Murray; RPh. Robert Levy; RPh. Davar Khossravi; Dana Petri, intern/ UNC SOP.

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 the October 2009 Board Meeting

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

Consideration of Reciprocity Candidate – RPh. Robert Levy

RPh. Robert Levy appeared before the Board in consideration of his reciprocity application. Mr. Campbell proceeded with the case and stated that Mr. Levy was denied reciprocity by the Board in May 2007 for answering falsely on his application concerning a disciplinary action by the Florida Board of Pharmacy. Mr. Levy resubmitted his reciprocity application in 2009. He was complete and forthcoming on his application about his previous disciplinary history at this time. Mr. Campbell stated that staff had no objection to Mr. Levy's reciprocity application. On a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes, the Board approved Mr. Levy's application for reciprocity.

Consideration of Reciprocity Candidate – RPh. Davar Khossravi

RPh. Davar Khossravi appeared before the Board in consideration of his reciprocity application. Mr. Campbell proceeded with the case and stated that Mr. Khossravi has not practiced retail pharmacy for sometime and has asked for a variance from Board policy about additional internship hours. Mr. Khossravi spoke on his experience with industrial pharmacy. On a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes, the Board moved into

closed session to deliberate the matter. On a motion from Dr. Dennis, seconded by Ms. Chater with no dissenting votes, the Board resumed open session. Mr. McLaughlin stated that on a motion from Mr. Nelson, seconded by Dr. Dennis on a split decision, the Board requires that Mr. Khossvari obtain 640 hours of internship to reciprocate his license. Mr. McLaughlin also stated that Mr. Khossvari could not work as a pharmacist manager for six months after he obtains his pharmacist license.

Parker Chesson arrived at the meeting at 9:30am.

Consideration of Internship Hours from Canada – RPh. Annette Murray

RPh. Annette Murray appeared before the Board in consideration of credit for internship hours from Canada. Ms. Murray spoke to the Board concerning her pharmacy work history in Canada. On a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the Board moved to accept Ms. Murray's internship hours from Canada.

Investigations/Inspection Report

Josh Kohler, Assistant Director of Investigations, presented the investigative statistics for November 2009.

Mr. Campbell stated that the Board will hold prehearing conferences on January 18, 2010 to be heard by Mr. Haywood. Mr. Campbell requested that Mr. Haywood also hear issues from the CE audit held in September 2009.

2009 Financials

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

The Board recessed from 10:15am until 10:25 am.

Proposed Rulemaking: Advanced Pharmacy Technician

Mr. Campbell presented a draft of a proposed rule for Advanced Pharmacy Technician. The proposed rule would allow for an Advanced Pharmacy Technician category for inpatient acute-care hospital facilities under specified conditions including being a certified technician and holding an associate's degree in pharmacy technology conferred by a North Carolina community college or an associate's degree in pharmacy technology accredited by the American Society of Health System Pharmacists. On a motion from Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, the Board approved the proposed draft with a few changes in language proposed by Board members and directed Mr. Campbell to submit it to the NC Register for publication.

Adoption of Temporary Rule Governing Pharmacist Administration of Seasonal Flu and H1N1 to Patients Aged 14 to 18 Years

Board Attorney Clint Pinyan informed the Board that the emergency rule governing pharmacist administration of seasonal flu and H1N1 vaccines to patients aged 14 to 18 is in effect. To extend the rule beyond December 9th 2009, a temporary rule will need to take effect that will extend the rule 270 days. A public hearing was held November 16, 2009 for the temporary rule. The Rule Reviews Commission (RRC) suggested some wording changes to the rule which was presented to the Board. It was moved by Dr. Dennis, seconded by Mr. Nelson with no dissenting votes, to accept the proposed rule wording changes and publish it for review.

Mr. Campbell stated that the draft for the proposed Drug Donation rule would be presented at the January 2010 Board meeting.

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

Mr. William McMillian and Mr. Joseph Sugar, owners of Emcompass Health Care, a durable medical equipment (DME) company, accompanied by their attorney Jim Wilson, 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 Encompass continued to provide DME products from April 2009 until September 14, 2009 without an active DME permit.

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. When open session resumed, Mr. McLaughlin stated that on a motion from Dr. Chesson, seconded by Dr. Dennis with no dissenting votes, the Board would deny Encompass Health Care's application and that Encompass Health Care and/or their owners may not reapply for a DME permit until July 1, 2010.

Open Mike Session

Pam Joyner, UNC Eshelmen School of Pharmacy, updated the Board on accreditation issues at the school. Ms. Joyner stated that a ninth month had been added to the advance practice experience for the fourth year students for 2011 in response to the new accreditation standards.

Andy Bowman, Campbell University School of Pharmacy, updated the Board on accreditation at the school. Mr. Bowman also stated that the school would now be called Campbell University College of Pharmacy.

The Board adjourned for lunch at 1:05 pm and returned to open session at 1:50 pm.

Request for Modification of Reinstatement Order – RPh. Rohit Patel, license #09077

RPh. Rohit Patel, license #09077, appeared before the Board to request modification of his November 2008 reinstatement application to lift his restriction on working no more than 40 hours a week and not working as pharmacist manager. Mr. Patel surrendered his license in May 2007 for substance abuse problems. Mr. Patel, duly sworn, gave the Board an update on his

recovery process. Mr. Campbell stated that Mr. Patel has made good progress in his recovery but Board staff felt it was too soon to lift the restrictions.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mr. Nelson with no dissenting votes. On a motion from Dr. Chesson, seconded by Mr. Nelson with no dissenting votes, the Board resumed open session. Mr. McLaughlin stated that on a motion from Mr. Haywood, seconded by Mr. Nelson with no dissenting votes, the Board would deny Mr. Patel's request at this time but applauded him on his recovery effort.

Request for Modification of Reinstatement Order – RPh. Cheryl Ryan, license #12745

RPh. Cheryl Ryan, license #12745, appeared before the Board to request modification of her reinstatement application to lift the restriction of not working as a pharmacist manager. Ms. Ryan surrendered her license in January 2005 for substance abuse problems. The Board reinstated her license with conditions in May 2005. Mr. Campbell stated that Board staff had no objection to lifting the pharmacist manager restriction.

After presentation of evidence and testimony, the Board moved to lift the restriction on working as a pharmacist manager on a motion from Mr. Haywood, seconded by Dr. Dennis with no dissenting votes.

Reinstatement Hearing – RPh. Matthew Thompson, license #12699

RPh. Matthew Thompson, license #12699, appeared before the Board to request reinstatement of his pharmacist license. Mr. Thompson had voluntarily surrendered his license October 2, 2008 for substance abuse problems. Mr. Thompson, duly sworn, gave testimony on his recovery process. Mr. Campbell stated that Board staff had no objection with reinstatement with conditions.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes. On a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the Board resumed open session. Mr. McLaughlin stated that on a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes, the Board would reinstate Mr. Thompson's license with a revocation stayed indefinitely with conditions including not working as pharmacist manager, no more than 30 hours per work week without approval of Board Executive Director and PRN, and new five year PRN contract.

Disciplinary/Reinstatement Hearing – Technician Joanne Joseph, registration #04163

Technician Joanne Joseph, registration #04163, appeared before the Board to request reinstatement of her technician registration. Board attorney Joey Ponzi proceeded with the case and stated that Ms. Joseph registration was summarily suspended July 22, 2009 for dispensing diazepam without a prescription for her father under an assumed name. Ms. Joseph, duly sworn, apologized to the Board and stated that it was a very bad error in judgment.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Dennis, seconded by Mr. Haywood with no dissenting votes. Open session resumed on a motion from Mr. Nelson, seconded by Mr. Haywood with no dissenting votes. Mr. McLaughlin stated that on a motion from Dr. Dennis, seconded by Mrs. Chater with no dissenting votes the Board would reinstate Ms. Joseph's registration with a suspension stayed indefinitely with conditions.

Consent Agenda

Mr. Haywood requested to pull the Increase in Pharmacist to Technician Ratio for the consent agenda for discussion. After discussion the Board requested to put technician ratio on the topics for the Leaders' Forum. Following a review of the consent agenda, it was moved by Mr. Haywood, seconded by Ms. Chater, to approve the consent agenda as presented. The motion carried with no dissenting votes. The following items were approved.

Consent Agenda

Staff Issue Letter of Warning

Rite Aid Pharmacy, permit #09684, was subject of a prehearing conference held October 26, 2009, heard by Mr. McLaughlin, regarding allegations of technicians diverting 7,255 dosage units of Alprazolam and having no pharmacist manager present January 5, 2008 until April 14, 2009. Recommendation: **Staff Issue Letter of Warning** to Rite Aid Pharmacy.

Staff Issue Letter of Caution

Rite Aid Pharmacy, permit #09565, was subject of a prehearing conference held October 26, 2009, heard by Mr. McLaughlin, regarding allegations that between June 14, 2008 and December 29, 2008, the pharmacy operated without a pharmacist manager. Recommendation: **Staff Issue Letter of Caution** to Rite Aid Pharmacy.

Staff Issue Letter of Caution and No Action

RPh. Louis Utsey, license #06714, and Rite Aid Pharmacy, permit #09555, were subjects of a prehearing conference held October 26, 2009, heard by Mr. McLaughlin, regarding allegations that while RPh. Utley was pharmacist manager at Rite Aid Pharmacy, 2 technicians and a cashier diverted 6300 dosage units of Hydrocodone, 200 units of Suboxone and 2100 dosage units of Zolpidem. Recommendation: **Staff Issue Letter of Caution** to RPh. Utley and **No Action** to Rite Aid Pharmacy

Staff Issue Letter of Warning

RPh. Ellen Kay Hawk, license #17135, and Kerr Drug Pharmacy, permit #06501 were subjects of a prehearing conference held October 26, 2009 regarding allegations that RPh. Hawk made a dispensing error for a prescription for a pediatric patient while working at Kerr Drug. Recommendation: **Staff Issue Letter of Warning** to RPh. Hawk and Kerr Drug.

Increase in Pharmacists to Technician Ratio

- 1) Kerr Drug # 07753 Raleigh NC Amy Persons, Pharm. Mgr. App. 11/05/2009
- 2) CVS Pharmacy # 06704 Clemmons NC Jo Anna Crawford, Pharm. Mgr. App. 11/05/2009
- 3) CVS Pharmacy # 06829 Winston-Salem NC Linda Joye, Pharm. Mgr. App. 11/05/2009
- 4) CVS Pharmacy # 06649 Greensboro NC Susan D Murphy, Pharm. Mgr. App. 11/05/2009
- 5) CVS Pharmacy # 06748 Raeford NC Mohamed Emam, Pharm. Mgr. App. 11/05/2009
- 6) CVS Pharmacy # 06546 Asheville NC Mark Lenzen, Pharm. Mgr. App. 11/05/2009
- 7) Kroger Pharmacy # 08094 Fuquay Varina NC Ronald M Parker, Pharm. Mgr. App. 11/05/2009
- 8) CVS Pharmacy # 07683 Durham NC Nate Burrell, Pharm. Mgr. App. 11/05/2009

Reciprocity Candidates**Candidates Licensed by Reciprocity 11/18/2009 – 12/1/2009**

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Mya	Nichelle	Wilson		FL	11/18/2009
Daniel	Paul	Blakeley		MO	11/18/2009
Thomas	Lawrence	Clary		NY	11/18/2009
Dawn	Marie	Delaney-Swain		NJ	11/18/2009
David	Robert	Engstrom		NV	11/18/2009
Justin	Daniel	Fought		WV	11/18/2009
Joseph	William	Giangiaco		NY	11/18/2009
Justin	Paul	Haroldson		WI	11/18/2009
James	Deane	Hartsock		FL	11/18/2009
Christine		Henning		NJ	11/18/2009
Donnie	Ray	Hicks		FL	11/18/2009
Marijo		Hinsberg		MA	11/18/2009
Renee	Rimer	Jarnigan		SC	11/18/2009
James	Stewart	Kaner		MN	11/18/2009
Chad	Michael	Knarr		PA	11/18/2009
Bindiya	D.	Kothari		MI	11/18/2009
Bryan	Michael	Kull		PA	11/18/2009
Rebecca	Jo	Lovan		TN	11/18/2009
Jay	Stuart	McCarley		OH	11/18/2009
Daniel	Roy	Mims		AL	11/18/2009
Regine	Marie	Mohomed		FL	11/18/2009
Nappaye		Myers		RI	11/18/2009
Lindsay	Marie	Newton		IL	11/18/2009
Trang	Dai	Nguyen		MN	11/18/2009
Kurt	Michael	Reinhart		DE	11/18/2009

Candidates Licensed by Reciprocity 11/18/2009 – 12/1/2009

FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Baochau	Nguyen	Salvador		AL	11/18/2009
Julie	Shontelle	Setliff		VA	11/18/2009
Christopher	Michael	Snow		MD	11/18/2009
Leanne	S.	St. Ledger		FL	11/18/2009
Gayle	Leigh	Tucci		PA	11/18/2009
Mark	Allen	Vanourny		IA	11/18/2009
Lakshmi	Siri	Vasist		OH	11/18/2009
Ian	William	Doig		VT	12/1/2009

CPP Applicants

RPh. Lauren Brogdon McKnight, license #19767

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 technicians. When open session resumed on a motion from Mrs. Chater, seconded by Dr. Chesson with no dissenting votes, technicians Barbara Kay Philyaw, registration #04347 and Lou Ann Hardison, registration #04328 were summarily suspended.

There being no further business, on a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the meeting adjourned at 5:00 p.m.

Robert J. McLaughlin, Jr., President

Betty Dennis., Vice President

Wallace E. Nelson

J. Parker Chesson, Jr.

Stan Haywood

Rebecca W. Chater