

President Gene Minton called the meeting to order at 9:00 am with Board Members Dr. Parker Chesson, E. Lazelle Marks, Carol Yates Day, Robert J. McLaughlin, and Bill Mixon present. Also present were Executive Director Jay Campbell, Director of Investigations Karen Matthew, Director of Operations Kristin Moore, and Director of Licensing Deborah Stump. Present as visitors were: Cindy Clark, NCPRN; Tom Reading, NC Mutual; David Catalano, Walgreens; Brenda Shafer, Quarles & Brady, LLP; Nydia Mancini, Campbell Univ./ Kerr Drug; Callie Ernst; Wingate Univ.; Stephanie Bullock, Pharmerica; Reed Fountain, Young Moore; RPh. Tom Norkus; Patrick Brown, UNC/Mutual Drugs; Jerry Gravitt, Campbell Univ./Walgreens; Michelle Sivak, Mutual Drug; Fred Eckel, NCAP; Maya Wai, UNC/Triangle Rx; Phil Wickizer, Express Scripts; Rich Palambo, Express Scripts; Jennifer Funkhouser, Student; Maciej Szymczyk, Student; RPh. John D. Outten; Wanda Andrews, NCBOP; Jason Smith, NCBOP; and Krystal Brashears, 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 November 2012 Board Meetings

The members received the November 20th, 2012 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded by Mr. Mixon to accept the Minutes as submitted. The motion passed with no dissenting votes.

Update on the Progress of the Pharmacy Compounding Working Group

At the November 2012 Board meeting, the Board approved appointed a working group and charged it to review North Carolina compounding laws and enforcement. The Board also retained Barney Barnhardt to facilitate the group and Rob Patchett to do legal research. Mr. Campbell stated that the Compounding Working Group has met two times since the November 2012 Board meeting. The group is not yet ready to present a report to the Board on their recommendations and will meet again in February for further discussion.

Report from December 19, 2012 FDA Intergovernmental Meeting on Pharmacy Compounding

Mr. Campbell attended an intergovernmental meeting on pharmacy compounding in Washington, DC on December 19th, 2012. It is clear from the meeting that Food and Drug Administration (FDA) is interested in redrawing and better defining the line between manufacturing and compounding of prescription drugs.

All state boards of pharmacy were required to provide ten years of data on disciplinary actions pertaining to compounding pharmacy to two congressional committees on December 7th, 2012. The NC Board was able to provide the required data to the committees.

Mr. Campbell also updated the Board on meetings with the NC Nursing Board, NC Medical Board, and Pharmacy Board on expanding pharmacists' vaccination authority. There was a positive exchange of views and the Boards are finding common ground on the issue.

Disciplinary Hearing – RPh. Thomas J. Norkus, License #08600

RPh. Thomas J. Norkus, license #08600, appeared before the Board, accompanied by his attorney, Reed Fountain, Young Moore, PA, concerning a disciplinary matter.

The Board adjourned for a break at 11:00am and resumed open session at 11:05am.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Open session resumed on a motion from Dr. Chesson, seconded by Mr. Mixon with no dissenting votes. Mr. Minton stated that on a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board would suspend Mr. Norkus's pharmacist license for 12 months stayed for 5 years with an active 7 day suspension, effective immediately, with conditions including not acting as pharmacist manager or preceptor.

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

The Board adjourned for lunch at 12:00am and resumed open session at 1:00pm.

Reinstatement Hearing – RPh. Patrick Hale, License #06896

RPh. Patrick Hale, license #06896, appeared before the Board to petition for reinstatement of his license to practice pharmacy. Mr. Hale voluntarily surrendered his license September 8, 2011, after diverting medication from his employer for personal use.

After presentation of evidence and testimony, the Board moved into close session to deliberate the matter on a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes. The Board resumed open session on a motion from Mr. Marks, seconded by Mrs. Day with no dissenting votes. Mr. Minton stated that on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes the Board accepted Mr. Hales request for reinstatement with appropriate conditions.

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

Amendment to Hospital/LTC Rules: Report of January 14, 2013 Public Hearing; Decision on Adoption

A public hearing was held Monday, January 14, 2013 for the amendments to Hospital/Long Term Care Rules that were approved by the Board at the annual retreat. Mr. Campbell stated that the Board received no written comments on the proposed amendments during the public comment period and two speakers presented themselves at the public hearing to ask clarifying questions. Both supported the proposed amendments. After discussion, on a motion from Mr. McLaughlin, seconded by Dr. Chesson, the Board voted 5 -1 to adopt the proposed rule changes and send them to the Rules Review Commission.

2013 MALTAGON Meeting Programming – September 29th – October 2nd, 2013, Asheville, NC

The NC Board of Pharmacy will host the 2013 MALTAGON meeting in Asheville, NC, September 29th – October 2nd. Mr. Campbell requested Board members send their ideas on programming items for the meeting.

DEA Publishes Proposed Rule to Govern Controlled Substance Take-Back Programs

Jennifer Funkhouser, NCBOP intern, gave a report on proposed rules by the DEA to govern controlled substance take-back programs. The rules will govern three methods of take-back programs: take-back events, mail back programs, and collection receptacles. Police departments would be the only ones permitted to hold Take-back events. Police departments, manufactures, and pharmacies would be permitted to have mail-back programs and collection receptacles. More information about the DEA's proposal is available on the Board website

Presentation of Audited Financial Report for FY 2011-2012

Sandy Newell, Furr & Newell, presented the annual financial audit for the Pharmacy Board. On a motion from Mr. Marks, seconded by Mr. Mixon with no dissenting votes, the Board accepted the audit report as presented.

December 31, 2012 Finances

Gail Brantley, Financial and Administrative Services Director, presented the December 2012 financial statistics to the Board.

Dr. Chesson left the meeting at 2:08pm.

Investigative Statistics

Director of Investigations Karen Matthew presented the investigative report for January 2012 - December 2012.

Reports to the Board

No one from NCAP, NCPRN, or BOP Committees spoke during the Reports to the Board agenda session.

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 Warning and No Action

RPh. James Arnold Haxby, License #17444, and CVS Pharmacy, Permit #10905, were subjects of a prehearing conference held November 19, 2012, heard by Mr. Minton, regarding allegations of not keeping an adequate system of inventory and security to prevent diversion of Hydrocodone by two technicians. Recommendation: **Staff issues a Letter of No Action** to RPh. Haxby and a **Letter of Warning** to permit.

Staff Issues a Letter of Warning

RPh. Heidi Rouse Aber, License #14938 was subject of a prehearing conference held November 19, 2012, heard by Mr. Minton, regarding allegations that RPh. Aber did not report a 2011 criminal charge of Driving Under the Influence when renewing her 2012 pharmacist license as required for renewal. Recommendation: **Staff issues a Letter of Warning** to RPh. Aber.

Consent Order

Franklin Pharmacy, LLC, Permit #10974, waived formal hearing and agreed to consent order of reprimand regarding disciplinary actions by the Alabama Board of Pharmacy.

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

Reciprocity Candidates

Candidates Licensed by Reciprocity 1/16/2013					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Kristina	Maria	Barone		SC	1/16/2013
James		Carter		NY	1/16/2013
Darin	Lamar	Elliott		AL	1/16/2013
David	A.	Ezzi		MA	1/16/2013
Andrew	Scott	Farmer		MD	1/16/2013
Krystal	Amanda	Flowers		TN	1/16/2013
Daniel		Gonzalez		FL	1/16/2013
Larry	Brian	Grant		SC	1/16/2013
Kristen	Mae	Hammond		WV	1/16/2013
Mayme	Virginia	Hopkins		WV	1/16/2013
Andrew	Walter	Kostechka		OR	1/16/2013
Jaehwa		Lee		GA	1/16/2013
Wayne	Scott	Linder		FL	1/16/2013
Mark	Stevenson	Lyons		MI	1/16/2013
Madhavi		Manduru-Rao		NJ	1/16/2013
Denisse	Gomez	Marez		TX	1/16/2013
Wanda	Matthews	Melanson		CO	1/16/2013
Jonathan	Edward	Mills		WV	1/16/2013

Candidates Licensed by Reciprocity 1/16/2013					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Darrell	Steven	Miller		AL	1/16/2013
Phillip	Sterling	Owen		TN	1/16/2013
Esther	Jane	Park		IN	1/16/2013
Rebecca	Linn	Ragan		KS	1/16/2013
Tanya	Renee	Riley		LA	1/16/2013
Jeffrey	Dean	Sawyer		MN	1/16/2013
Andrea	Meyer	Schmidt		SD	1/16/2013
Crystal	Chapman	Watts		SC	1/16/2013

CPP Candidates

RPh. Eric Chow, License #21820
 RPh. Cathy H. Huie, License #13958
 RPh. James W. Johnson, License #10224
 RPh. Kimberly P. Lewis, License #19290
 RPh. Julianne Fine Parrish, License #13872
 RPh. Patria Smith, License #20347
 RPh. John C. Williamson, License #13169
 RPh. Tasha Woodall, License #21996

Increase in Pharmacist to Technician Ratio

1. CVS Pharmacy Elizabeth City, Permit # 10710, Richard Cole Hooser RPh,
App. 12/3/2012
2. Health Options Pharmacy Hudson, Permit # 10975, John Wilson Hayes RPh,
App. 12/11/2012
3. Andrews Pharmacy Winston-Salem, Permit # 10226, Michael Gray Blakenship RPh,
App. 12/11/2012
4. Yadkin Valley Pharmacy Yadkinville, Permit # 09030, Jeremy B Howell RPh,
App. 12/21/2012
5. Asheville Compounding Pharmacy Asheville, Permit # 05382, John Boff RPh,
App. 12/21/2012
6. Wal-Mart Pharmacy Tarboro, Permit # 08017, Amy Soderstrom RPh,
App. 12/21/2012
7. CVS Pharmacy Hickory, Permit # 10716, Andrew Dale Stoker RPh,
App. 12/21/2012
8. IPS Pharmacy Jacksonville, Permit # 10355, Renee M Marchand RPh,
App. 12/21/2012
9. Wal-Mart Pharmacy Roanoke Rapids, Permit # 08002, Nettie W Edwards RPh,
App. 1/7/2013

10. CVS Pharmacy Fletcher, Permit # 10762, Constance S Driskell RPh,
App. 1/7/2013

Closed Session

On a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension and consent order. Open session resumed on a motion from Mr. Mixon, seconded by Mrs. Day with no dissenting votes. Mr. Minton stated that technician Ariel Lennette Milan, registration #30282, was summarily suspended. Mr. Minton also stated that the Board approved the consent order for RPh. Christy Amos Parker, license #17705 in which RPh. Parker will not practice pharmacy in North Carolina or otherwise provide pharmacy services to North Carolina residents.

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

There being no further business, the meeting adjourned at 2:30pm.

Gene Minton, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Robert J. McLaughlin, Jr

Carol Yates Day

William A. Mixon