

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; Valanda Nelson, NCPRN; Cindy Clark, NCPRN; Brenda Shafer, Quarles & Brandy; Tom Readling, Mutual Drug; RPh. Jeff Khleif, EliteRx; Fred Eckel, NCAP; Brad Marshburn, Walgreens; Gunar Stowers, Robinhood Family Pharmacy; Stephanie Hedrick, PPD, Inc.; David Catalano, Walgreens; Grishma Ajmesa, Campbell Univ.; David Moody, Mutual; Katelyn Byers, UNC-ESOP; Tyler Swan, UNC-ESOP; Eric B. Mobley, UNC-ESOP; Andy Ellen, NCRMA; Jennifer Burch, Central Compounding Center; Bill Pickard, Campbell Univ.; Misty Rager, CVS Caremark; Kathy L. Doub, Novant Health; Chris Keller, UNC-ESOP; Art Minton, Village Pharmacy of Wake Forest; Matt Kelm, Duke/OCBOH; Danny Barnes, Triangle Compounding; Joy Reed, Div. Public Health; Scott Proescholbell, Div. of Public Health; Steve Dedrick, UNC-ESOP; Colleen Bridger, Orange Cty Health Dept.; Stephanie Bullock, Pharmerica; Danny Barnes, Triangle Compounding Pharmacy; Walt Neil, Neil's Compounding; Doug Yoch, Stanley Apothecary; Jerry Beamer, Andrews Apothecary; Christian Clemens, Stewart Compounding Pharmacy; Craig Stewart, Stewart Compounding Pharmacy; Heidi Barefoot, Target; Missy Betz, NCBOP; and Wendy Watson, 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.

Public Hearing on Proposed Adoption of Rule 21 NCAC 46.3501 – Reports from the Controlled Substance Reporting System

S.L. 2013-152 was passed into law which makes a number of amendments to the Controlled Substance Reporting System statute. Section three (3) of S.L. 2013-152 requires licensing Board to pass rules setting conditions under which it will receive CSRS reports from the Drug Control Unit on licensees or permits with possible infractions concerning controlled substances.

The Board held a public hearing concerning proposed adoption of Rule 21 NCAC 46.3501 which set standards by which CSRS may submit reports to the Board. Prior to the hearing, Board staff received one written comment in support of the rule. Fred Eckel, NCAP Interim Executive Director, spoke to the Board in favor of the rule with a suggestion that it be re-evaluated in two (2) years to set more possible reporting criteria.

Minutes of the November 2013 Meeting

The members received the November 19, 2013 meeting minutes prior to this meeting for review. It was moved by Mr. Marks and seconded by Dr. Chesson to accept the minutes as submitted. The motion passed with no dissenting votes.

Consideration of Adoption of Rule 21 NCAC 46.3501 – Report from the Controlled Substance Reporting System

Board staff requested the Board consider adoption of 21 NCAC 46.3501. After discussion, on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes, the Board moved to adopt the proposed rule as presented and send it to the Rules Review Commission.

Consideration of Out-of-State Pharmacy Permit, Elite Rx, Birmingham, Alabama

RPh. Jeffery Khleif, pharmacist manager for Elite Rx, Birmingham AL, appeared before the Board in consideration of Elite Rx's out-of-state pharmacy permit application. Elite Rx submitted an out-of-state pharmacy application in which they stated on the pharmacy service affidavit that they were in progress of receiving PCAB accreditation. When contacted by Board staff, PCAB stated that Elite Rx had not submitted an application and was not in progress of receiving accreditation. RPh. Khleif, duly sworn, stated that they were accumulating information to start the PCAB application process. He also stated it was not Elite Rx's intent to deceive the Board about the accreditation progress. When RPh. Khleif was questioned on the reason why one of Elite Rx's pharmacists', Stephen Newton, license was under probation by the Alabama Board, he stated that he did not know the reasons for the suspension. Mr. Campbell stated that it was staff's recommendation to deny Elite Rx's application for out-of-state permit application.

On a motion from Mr. Mixon, seconded by Mr. Marks with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Mr. Marks, seconded by Mr. Mixon with no dissenting votes. Mr. Minton stated that on a motion from Dr. Chesson, seconded by Mr. Mixon with no dissenting votes, the Board moved to deny Elite Rx's out-of-state permit application.

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

Request for Modification of Reinstatement Order – RPH. Gunar Stowers, License #15741

RPh. Gunar Stowers, license #15741, appeared before the Board to request modification of his January 17, 2006 Order Reinstating License. He requested that the Board lift the restrictions on obtaining prior approval of employment from the Board's Executive Director and not serving as a preceptor. 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 Mr. Marks with no dissenting votes, the Board moved to grant the requested modifications.

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

Revocation of Pharmacy Technician Registration Due to Non-Compliance with a Child Support Order – Dellanee Bruce, Registration #13787

In June 2013, Board staff received notification from North Carolina Child Support Enforcement, NCDHHS, that Technician Dellanee Bruce, registration #13787, was delinquent in her child

support obligations. At that time, Ms. Bruce's technician registration was inactive due to non-renewal. Board staff sent notice, via certified mail, to Ms. Bruce that, per general statute G.S. 110-142.1, she would not be able to reinstate her technician registration unless Board received notice from DHHS that she was compliant with her child support obligations. The letter was returned unclaimed. Ms. Bruce was able to reinstate her registration by the Board's on-line system on October 31, 2013. Board staff sent a new notice, by certified mail, of intent to revoke her license after having confirmed her mailing address with Ms. Bruce by phone conversation. The letter was signed for at Ms. Bruce's address. Board staff received no notification from DHHS that she is now compliant with her child support order and has received no communication from Ms. Bruce.

On a motion from Dr. Chesson, seconded by Mr. Mixon with no dissenting votes, the Board moved to revoke Technician Dellanee Bruce's registration.

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

Report on Passage of the Federal Drug Quality and Security Act Governing Compounding Pharmacy

Mr. Campbell presented a PowerPoint presentation on the new Federal Drug Quality and Security Act Governing Compounding Pharmacy.

The Board recessed at 10:45am and resumed open session at 11:00am.

Report on Implementation of Amended Rules Governing Automated Dispensing Devices

Mr. Campbell updated the Board on the amended rules regarding Governing of Automated Dispensing Devices. The amended rules were accepted by the Rules Review Commission and took effect December 1, 2013.

Timeline for the Program Evaluation Division (PED) of Occupational Licensing Boards

Mr. Campbell updated the Board on the timeline for the Program Evaluation Division study on occupation licensing boards. PED will notify and conduct entrance conference(s) with licensing boards in May 2014. During June through October 2014, the PED will collect data and conduct site visits of the boards. A draft report of their findings will be submitted in November 2014 with the final report to JLPEOC and Administrative Procedures Oversight to be presented in December 2014.

Update on Spring 2014 Board Member Elections

The next Board election will be conducted in the spring of 2014 for District Four and District Three Board seats. The deadline for nominations is March 15, 2014.

At the September Board Retreat, Board members approved staff hosting 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. Mr. Campbell stated that staff has hosted a forum on Thursday, January 16, 2014 at The McKimmon Center in Raleigh. Mr. Campbell stated that there were a few people in attendance. Staff will host another forum on Thursday, January 30, 2014 at 7:00pm at the Embassy Suites – Charlotte/Concord.

Planning for Possible Dates – 2014 Pharmacy Leaders' Forum

Board staff is in the process of planning for the 2014 Pharmacy Leaders' Forum. Mr. Campbell inquired whether Board members would like to keep the forum in September and whether they would like to continue to hold it at the Proximity Hotel in Greensboro. It was the consensus of the Board to keep the meeting at the Proximity and hold it in September 2014. Mr. Campbell requested that Board members send staff a list of possible dates in September for the meeting.

Investigations Department Report

Karen Matthew, Director of Investigations, gave the investigative report for January 1, 2013 – December 31, 2013. She stated that Board received one hundred (100) fewer complaints compared to pass years.

Mr. Campbell announced that Ms. Matthew would be retiring from the Board effective January 31, 2014. Mr. Campbell and Board members thanked her for her exemplary service to the Board and wished her well on her future endeavors.

Mr. Campbell also announced the hiring of three new field personnel. Melinda Smith, Olivia Cuthrell, and Nathan Smith were hired as Investigators/Inspectors for territories in the eastern part of state.

The Board has also hired Melissa Cummings as Senior Investigator/Training Coordinator/Field Supervisor. Ms. Cummings previously worked at the Board as an investigator before working as an agent for DEA.

Ellen Vick was also hired as a case review officer for the Board. Ms. Vick's background as a pharmacist and lawyer has already been an enormous benefit to staff.

Mr. Campbell stated that investigative staff has done a tremendous job with inspection since November 1, 2013. They have inspected over 900 pharmacies since the first of November.

Consideration of Consent Order Modifying Summary Order for Stewart Pharmaceuticals, Inc. Permit #5373

Clint Pinyan, Board counsel, presented a proposed consent order to lift, in part, Stewart Pharmaceuticals, Inc., permit #05373, March 11, 2013 Summary Order Limiting and Conditioning Permit, pending final hearing. The order prohibited Stewart Pharmaceuticals from engaging in any sterile compounding and from dispensing, shipping, mailing or delivering sterile compounded products.

After discussion, on a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes, the Board moved to accept the consent order as presented.

A copy of the Consent Order Terminating in Part the Summary Order Limiting and Condition Permit can be found elsewhere in the Minutes and is incorporated by reference herein.

Reports to the Board

Mike James, NC Mutual, updated the Board on various legislative issues.

The Board adjourned for lunch at 12:25pm and resumed open session at 1:30pm

Request to Consider Amendments to Rules in 21 C.F.R Section .2400 – Dispensing in Health Departments – To Allow Registered Nurses To Dispense Naloxone – Steve Dedrick, Matt Kelm Consent Agenda

Matthew Kelm, PharmD, MHA; Joy Reed, EdD, RN, FAAN; Steve Dedrick, UNC-ESOP; Colleen Bridger, Orange County Health Dept; and Scott Proescholbell, Division of Public Health presented a PowerPoint presentation to recommend two changes to the rules in NCAC 46 .2400 Medication Dispensing in Health Departments to allow registered nurses to begin dispensing naloxone in health departments.

After discussion, on a motion from Mr. Mixon, seconded by Mrs. Day with no dissenting votes, the Board moved to grant a .2510 waiver to allow nurses to dispense naloxone in health departments and directed staff to draft a proposed amendment to rule .2400.

Petition of Reinstatement of License #08926, Steven D. Samples

RPh. Steven D. Samples, license #08926, appeared before the Board in consideration of his request to reinstate his pharmacist license. Mr. Samples surrendered his license April 1, 2010 after diverting controlled substances for personal use. He then entered into a treatment program with North Carolina Pharmacist Recover Network (NCPRN). Mr. Samples, duly sworn, testified on his treatment and recovery progress. Cindy Clark, NCPRN, duly sworn, testified that NCPRN supports Mr. Samples request for reinstatement with conditions.

On a motion from Mr. Mixon, seconded by Mr. Marks with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed, on a motion from Dr. Chesson, seconded by Mrs. Day with no dissenting votes. Mr. Minton stated that on a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes, the Board moved to reinstate Mr. Samples' pharmacist license with conditions.

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

Petition of Reinstatement of License #16693, Wayne A. Woodbury

RPh. Wayne A. Woodbury, license #16693, appeared before the Board in consideration of his request to reinstatement of his pharmacist license. Mr. Woodbury's license lapsed in March 2009

for non-renewal. He filed an application to reinstate his license in which he indicated he had been convicted of driving under the influence in February 2009. In May 2009, he entered into a treatment and monitoring contract with NCPRN. On May 12, 2009, Mr. Woodbury appeared before the Board to request reinstatement. The Board denied his reinstatement request after NCPRN was not able to advocate for his return to practice. Mr. Woodbury, duly sworn, testified on his subsequent treatment programs and his recovery progress. Valanda Nelson, NCPRN, duly sworn, stated that NCPRN supports his request for reinstatement of his license with conditions.

On a motion from Mr. McLaughlin, seconded by Mr. Marks with no dissenting votes, the Board approved Mr. Woodbury's request for reinstatement with conditions.

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

Financial Report

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

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

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. McLaughlin, seconded by Mr. Minton 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 No Action

RPh. Sarah Wright, license #21858; RPh. Michael Drummond, license #17415; and Walgreen Pharmacy, permit #08403, were subjects of a prehearing conference held November 18, 2014, heard by Mr. McLaughlin, regarding allegations that on or about August 31, 2012, a prescription for T3 (Liothyronine)/T4(levothyroxine) 30mcg/175mcg was dispensed without any active ingredients by Walgreen Pharmacy, under supervision of RPh. Sarah Wright as pharmacist-manager. The investigation determined that RPh. Michael Drummond compounded the capsules, and tests revealed the presence of possibly only the T4, and not the T3. Recommendation: **Staff issues a Letters of No Action** to RPh. Wright, RPh. Drummond, and permit.

RPh. Julie Pollard, license #12638, and Walmart Pharmacy, permit #07987, were subjects of a prehearing conference held November 18, 2013, heard by Mr. McLaughlin, regarding allegations that on March 17, 2011, Wal-Mart Pharmacy dispensed SMX-TMP 800-

160mg to a patient whose allergy to sulfa medications was noted on his patient profile. RPh. Julie Pollard was the dispensing pharmacist. The investigation determined that the medication was dispensed after the pharmacy computer system displayed a warning about the medication. Recommendation: **Staff issues a Letter of No Action** to RPh. Pollard and permit.

Reciprocity Candidates

Candidates Licensed by Reciprocity 1/13/2014					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Mercedes	Demetria	Boykin		AL	1/13/2014
Stacy	Ivin	Burke		GA	1/13/2014
Lori	Ann	Chiaro		PA	1/13/2014
Cassandra	Lea	Clevenger		MD	1/13/2014
Shannon	Lin	Cornell		SC	1/13/2014
Shaina	Nicole	Dunaway		MS	1/13/2014
Amy	Lynn	Ehlers		AZ	1/13/2014
Matthew	Andrew	Forster		NV	1/13/2014
Sidney	Dean	Goehring		RI	1/13/2014
Katherine	R.	Hinton		AL	1/13/2014
Laura	Ann	Hokanson		PA	1/13/2014
Richard	Sterling	Hyatt		PA	1/13/2014
Charlotte	Berry	Johnson		MS	1/13/2014
Ramamohana	Reddy	Jonnala		FL	1/13/2014
Jamie	Hull	Kalafchi		TX	1/13/2014
Phillip		Loscalzo		PA	1/13/2014
Michelle	Lynn	McIntyre		PA	1/13/2014
Vindhya		Meda		SC	1/13/2014
Laura	Hillary	Nackman		VA	1/13/2014
Vu	Hong	Nguyen		VA	1/13/2014
Umeshbhai	Arvindbhai	Patel		MI	1/13/2014
Deepa	Pranay	Pattani		NJ	1/13/2014
Bryan	Lewis	Piccirillo		OH	1/13/2014
Beth Ann		Planiczki		PA	1/13/2014
Marquel	Saunders	Price		VA	1/13/2014
Oluremi	Tokunbo	Sokale		TX	1/13/2014
Danya		Tan		MD	1/13/2014
Charles	Brent	Thompson		TN	1/13/2014
Jigar	Shrikant	Trivedi		AL	1/13/2014
Prapti		Trivedi		NJ	1/13/2014

Candidates Licensed by Reciprocity 1/13/2014					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Linda	Marie	Zillweger		IL	1/13/2014

Increase to Pharmacists to Technician Ratio

1. Hospital Drive Pharmacy Permit # 03539- Spruce Pine, Robert G Proffitt RPh, app. 12/30/2013
2. Ingles Pharmacy Permit # 08411- Weaverville, Hanna W. Hardin RPh, app. 12/30/2013
3. Rite Aid Permit # 09740- Raleigh, Sandra Zweigart RPh, app. 12/30/2013
4. CVS Pharmacy Permit # 10783- Advance, J. Matthew Parker RPh, app. 12/30/2013
5. Target Pharmacy Permit # 07004-Charlotte, Ali Mehrize RPh, app. 12/30/2013
6. CVS Pharmacy Permit # 10850-Kill Devil Hills, Melissa A Herring RPh, app. 12/30/2013
7. Walmart Pharmacy Permit # 11121-Snow Hill, Christina A Hohenwarter RPh, app. 12/30/2013
8. Bakersville Pharmacy Permit # 10587- Bakersville, Jordon T Baker RPh, app. 12/30/2013
9. Walgreens Pharmacy Permit # 08178-Cary, Jacob Matthews RPh, app. 12/30/2013
10. Vedic Pharmacy Permit # 10528-Durham, Vipul Patel RPh, app. 12/30/2013
11. Mitchell's Discount Drug Inc. Store #2 Permit # 04073-Eden, William R Mize RPh, app. 12/30/2013
12. Pittsboro Discount Drug Permit # 08947-Pittsboro, Gregory Vassie RPh, app. 12/30/2013
13. Walmart Pharmacy Permit # 07976- Kannapolis, Julie A Evers RPh, app. 12/30/2013
14. Walmart Pharmacy Permit # 07966- Greensboro, Heather C Tucker RPh, app. 12/30/2013
15. Target Pharmacy Permit # 09267-Charlotte, Sheri L Zallar RPh, app. 12/30/2013
16. Target Pharmacy Permit # 08301-Raleigh, Jenna C Barringer Heath RPh, app. 12/30/2013
17. The Village Pharmacy Permit # 05266- Blowing Rock, Richard B Barker RPh, app. 12/30/2013
18. Realo Discount Drug of Onslow # 2-Jacksonville, Pamela J Leach RPh, app. 12/30/2013
19. Cost Wise Pharmacy Permit # 10253-Williamston, W E Hemingway Jr RPh, app. 12/30/2013
20. Hillcrest Convalescent Center, Inc Permit # 02265-Durham, Leonidas Harris Hollingsworth RPh, app. 12/30/2013
21. Target Pharmacy Permit # 05992-Huntersville, Reshma Patel RPh, app. 12/30/2013
22. Melanie's Hometown Pharmacy Permit # 10690- Hudson, Melanie Church Cline RPh, app. 12/30/2013
23. Freedom Hill Community Health Ctr. Pharmacy Permit # 09911-Princeville, Jonathan Eric Owens RPh, app 1/9/2014
24. Kerr Drug Permit # 11718-Plymouth, Richard C Hooser RPh, app. 1/9/2014
25. Target Pharmacy Permit # 09396-Wilson, Leah Proctor RPh, app. 1/9/2014

26. CVS Pharmacy Permit # 10422- Charlotte, Christopher Bell RPh, app. 1/9/2014

CPP Applicants

RPh. Caroline Howard, License #20367

RPh. Keving Scott Reudinger, License #22134

RPh. Suzanne J. Francart, License #21888

Closed Session

There were no closed session items for discussion.

There being no further business, the meeting adjourned at 3:00pm.

Gene Minton, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Robert J. McLaughlin, Jr

Carol Yates Day

William A. Mixon