

President Gene Minton called the meeting to order at 9:00 am with Board Members Dr. Parker Chesson, 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 Readling, NC Mutual; David Catalano, Walgreens; April Sorrentino, Target; Lisa Collums, Kerr Drug; Marshal Carter, Campbell University; Heather Armstrong, Campbell University; Chassy Dreger, UNC; Rebecca Childress, UNC; Genny Brewer, UNC; Rich DeBeneditto, Walgreens; Stephanie Bullock, Pharmerica; Trista Pachan, UNC/ESOP; Tony Mitchum, Walmart; Christine Davis, Cardinal Health; Claire Anderson, NCBOP Intern; Bill Pickard, NCBOP; and Ken Wilkins, 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 January 2013 Board Meetings

The members received the January 15, 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.

#### Reciprocity Candidate – RPh. Joseph Larry Custer

RPh. Joseph Larry Custer appeared before the Board in consideration of his reciprocity application for pharmacist licensure from Ohio. Mr. Campbell proceeded with the case and stated that Mr. Custer had answered “no” to the question on his NABP reciprocity application and NC Board reciprocity questionnaire that asked if he had ever been disciplined by a Board of pharmacy when he in fact had been discipline by the Ohio Board of Pharmacy in 1986 for purchasing and selling prescription medications that were drug samples.

Mr. Marks arrives at the meeting at 9:00am.

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. Mr. Marks abstained from deliberation. Open session resumed on a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes. Mr. Minton stated that the Board denied Mr. Custer reciprocity application. He may reapply for reciprocity in one year.

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

#### Reinstatement Request – RPh. Kirk Smith, License # 05586

The Board conducted a hearing regarding RPh. Kirk Smith, license #05586, reinstatement application. Mr. Smith was properly noticed of the hearing, but was not present. Mr. Smith’s pharmacist license lapsed in 1972 for non-renewal. Board Counsel D.J. O’Brien, Brooks Pierce,

proceeded with the case and stated that Mr. Smith was convicted of a felony for conspiracy to engage in financial transactions to avoid a reporting requirement to federal government and using proceeds of illegal drugs.

After presentation of evidence, Mr. O'Brien stated that staff opposes reinstatement of Mr. Smith's pharmacist license. On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board denied Mr. Smith's reinstatement request.

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

#### Reinstatement Request – RPh. Karen Bencuya, License #10042

RPh. Karen Bencuya, license #10042, appeared before the Board to request reinstatement of her pharmacist license. Mrs. Bencuya voluntarily surrendered her license January 25, 2012 after diverting hydrocodone for personal use. Subsequently, Mrs. Bencuya entered into a contract with NCPRN and was sent to a treatment center for evaluation. She was found not to meet the diagnostic criteria for substance dependency or abuse. Cindy Clark, Interim Executive Director of NCPRN, duly sworn, testified that NCPRN advocates for Ms. Bencuya return to the practice of pharmacy with conditions.

After presentation of evidence and testimony, the Board moved into close session to deliberate the matter on a motion from Mr. Mixon, seconded by Mrs. Day with no dissenting votes. When open session, Mr. Minton stated that the Board approved Ms. Bencuya reinstatement request with conditions.

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

The Board recessed for a break at 10:41am and resumed open session at 11:00am

#### Request for Modification of Reinstatement Order – RPh. Genny Brewer, License #16013

RPh. Genny Brewer, license #16013, appeared before the Board to request modification of her reinstatement order. Ms. Brewer requested that the Board lift the restriction on serving as a preceptor. Cindy Clark, Interim Executive Director of NCPRN, stated that NCPRN advocates for lifting the restriction.

On a motion from Mr. Mixon, seconded by Mr. McLaughlin with no dissenting votes, the Board voted to lift the restriction on serving as a preceptor.

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

#### Reports to the Board

No one from Retail Merchants, ACP, or NC Mutual spoke during the Reports to the Board agenda session.

Council of Licensure, Enforcement and Regulation (“CLEAR”) Board Member Training Program, April 26, 2013, North Carolina Board of Nursing

Council of Licensure, Enforcement and Regulation (CLEAR) will hold a regional meeting at the Nursing Board on April 26, 2013. CLEAR has programs geared toward serving members of state Boards that includes programming on educational issues that transcend all licensing boards. Board members may contact staff for registration.

Revocation of Registration for Non-Payment of Child Support – Tech. Kimberly Jackson, Registration #32596

The Department of Health and Human Services, DHHS, notified the Board that technician Kimberly Jackson, registration #32596, is noncompliant with a child support order. As required by North Carolina law, Board staff sent a certified letter to Ms. Jackson stating that if she did not produce evidence from DHHS that she is in compliance with the order, the Board would revoke her technician registration. To date, there has been no communication from Ms. Jackson or DHHS that she is now compliant with her child-support obligations.

On a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved to revoke Ms. Jackson’s technician registration.

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

General Assembly Bills that could affect the NCBOP – S32, S33, S37

Mr. Campbell updated the Board on three proposed Senate Bills to NC General Assembly.

S32 would require periodic review of rules and implements rule sunset provisions.

S33 would require occupational licensing boards to consider certain factors before denying licenses to applicants with criminal records.

S37 would conduct a study in the feasibility of establishing a single state agency for occupational licensing board administration, and study whether some occupational licensing boards should be combined or eliminated.

Report on Progress of the Pharmacy Compounding Working Group

Board staff provided compounding regulation information to a North Carolina General Assembly research attorney.

The Compounding Working Group is moving forward with review of the current compounding regulations.

NABP 109<sup>th</sup> Annual Meeting – May 18-21, 2013, St. Louis, MO

The NABP Annual meeting will be held May 18-21, 2013 in St. Louis, MO. NABP will provide a travel grant for a Board delegate. Any Board member wishing to attend should contact Stacie Mason at the Board office for registration.

#### 2013 SEI Filing Reminder

Mr. Campbell reminded Board members to submit their Statements of Economic Interest forms by April 15<sup>th</sup>, 2013.

#### Financial and Performance Audit to be Conducted by Office of the State Auditor Beginning Monday, February 25<sup>th</sup>

The State Auditor's office will conduct an audit of the Board in March 2013. The Audit office will conduct a financial audit and a Chapter 93B compliance audit. The audit should last for three weeks.

#### Financial Report

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

#### Lists of Pharmacists Licensed by Examination 2010 - 2012

Debbie Stump, Executive Director of Licensing, presented a list of pharmacist licensed by examination between 2010 and 2012.

A copy of the List of Pharmacists Licensed by Examination can be found elsewhere in the Minutes and is incorporated by reference herein.

#### Consent Agenda

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

#### **Prehearing Conference**

#### **Consent Order**

Medco Health Solutions of Columbus West, Ltd. was subject of a prehearing conference held January 14, 2013, heard by Mrs. Day, regarding allegations of a dispensing error. Recommendation: **Staff Issue a Letter of Warning** to permit.

#### **CPP Candidates**

RPh. Courtney Hines, License #21799  
RPh. Caroline Howard, License #20367

RPh. Heidi Mack, License #20656  
RPh. Danielle Raymer, License #13565  
RPh. Jolynn Session, License #13076

**Increase in Pharmacist to Technician Ratio**

1. Walgreens Pharmacy Chapel Hill, Permit # 11223 Eric Montijo RPh, App. 1/29/2013
2. CVS Pharmacy Winston-Salem, Permit # 10805 Ahunna Freeman RPh, App. 1/29/2013
3. Center Pharmacy Fayetteville, Permit # 10290, Rebecca Miller Brady RPh, App. 1/29/2013
4. Walgreens Pharmacy Hickory, Permit # 10360, David Goble RPh, App. 1/29/2013
5. Old Main Pharmacy Pembroke, Permit # 11213, Justin Daniel RPh, App. 2/6/2013
6. Faulkner's Drugs Monroe, Permit # 28112, David Jamison RPh, App. 2/6/2013

Investigative Statistics

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

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

Introduction of NCPRN Executive Director Valanda Nelson

Scott Carrera, NCPRN Board member, introduced the new Executive Director of NCPRN Valanda Nelson. Ms. Nelson will begin as work at NCPRN on March 4<sup>th</sup>, 2013. Mr. Campbell thanked Cindy Clark for her outstanding job as Interim Executive Director for NCPRN.

Presentation on Container Integrity – Ned Milenkovich, Rexam

Ned Milenkovich and David Sanford, Rexam, gave a presentation on prescription container integrity to the Board.

Closed Session

On a motion from Mr. McLaughlin, seconded by Mr. Mixon with no dissenting votes, the Board moved into closed session to discuss a possible summary suspension. Open session resumed on a motion from Mr. Mixon, seconded by Dr. Chesson with no dissenting votes. Mr. Minton stated that technician Jennifer Brandon, registration #33470, was summarily suspended.

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

There being no further business, the meeting adjourned at 1:20pm.

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Gene Minton, President

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E. Lazelle Marks, Vice-President

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J. Parker Chesson, Jr.

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Robert J. McLaughlin, Jr

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Carol Yates Day

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William A. Mixon