

President Rebecca Chater called the meeting to order at 9:00 am with Board Members Dr. Betty Dennis, Dr. Parker Chesson, Robert J. McLaughlin, Jr., Gene Minton, and E. Lazelle Marks present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigation Karen Matthew, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Cindy Clark, NCPRN; Tom Reading, NC Mutual; April Sloan, Target; David Catalano, Walgreens; Danny Seavers, Kerr Drug; Lisa Collums, Kerr Drug; Beth Malcolm, CU/SOP; Susan Wiggins, CU/SOP; RPh. Stephen J. Fu; RPh. Gunar Stowers; Bliss Stowers; Mohn Shrestha, CU; Amanda Rouse, CU/PPA; Kristin Johnson, UNC/SOP; Julie Kennerly, UNC/SOP; RPh. Ryan Mills; David Moody, NC Mutual; Brooke Goulding, NC Mutual student; RPh. Elizabeth Lloyd; Brenda Maloney, Quarles & Brady; Juanita Perkins; Heather Wilson, Bi-Lo; Lori Keyser, Omicare; Tom Currin, NCBOP; Darlene Molett, CVS; Welsey Allen, CVS – UNC/SOP; Jeremy Evans, CVS; Josh Valgardson, UNC/SOP; Jonathan More, Walgreens - CU/SOP; Tony Mitchum, Wal-Mart; Neil Johnson, Parata; Josh Horne, Parata; Lori Setzer, CVS; Melinda Zimmerman, Broughton Hospital; Dr. Jan Overman, Forsyth Tech; Jean Middleswarth, Forsyth Tech; Sarah Clement, Forsyth Tech; Kathryn Montanya, Nuvant – Forsyth Tech; Stacy Walton, Novant Health; Ron Lyerly, Novant Health; Kathy Doub, Novant Health; Shelia May, Guilford Tech; Tonya Welch, Guilford Tech; Suzanne Rohrbaugh, Davidson County Community College; Carol Day, Duke Univ. Medical Center; Paul Bush, Duke Hospital; Rowell Daniels, UNC Hospital; Fred Eckel, NCAP; Jerry McKee, Comm Care Network of NC; Beth Williams, WFUBMC; and Daisy Payne, intern/student WUSOP.

Ethics Statement & Welcome

President Chater 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 Board member.

President Chater welcomed all visitors to the meeting.

Minutes of the February 2011 Board Meetings

The members received the February 15, 2011 meeting minutes prior to this meeting for review. It was moved by Mr. McLaughlin and seconded Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Request – Ryan Mills, License #19259

Ryan Scott Mills, license #19259, appeared before the Board to request reinstatement of his license to practice pharmacy. Mr. Mills voluntarily surrendered his license December 21, 2009 for substance abuse and doctor-and pharmacy-shopping to obtain controlled substances for personal use. He was charged with a felony violation of the North Carolina Controlled Substance Act and received a deferred prosecution agreement whereby these charges will be dismissed if he complies with certain conditions for a period of 24 months. Cindy Clark, NCPRN, duly sworn, testified on Mr. Mills' recovery and stated that NCPRN advocates for his reinstatement with conditions.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Marks, seconded by Dr. Chesson with no dissenting votes. When open session resumed, Mrs. Chater stated that on a motion from Dr. Dennis, seconded by Dr. Chesson, and by split vote, the Board would reinstate Mr. Mills' pharmacist license with conditions.

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

Consideration of Technician Registration – Heather Nicole Wilson

Heather Nicole Wilson appeared before the Board in consideration of her technician registration application. On her application, Ms Wilson disclosed a 2007 misdemeanor simple possession of marijuana conviction. Ms. Wilson, duly sworn, testified on the circumstances of the conviction and that she has had no other convictions since 2007. On a motion from Mr. McLaughlin, seconded by Mr. Minton with no dissenting votes, the Board voted to allow Ms. Wilson to proceed with her technician application.

Consideration of Reinstatement Request – RPh. Elizabeth Dalmas Lloyd, License #17989

Elizabeth Dalmas Lloyd, license #17989, appeared before the Board to request reinstatement of her pharmacist license. Ms. Lloyd voluntarily surrendered her license November 5, 2009 for diverting controlled substance for herself and family members. She was charged with two counts of felony embezzlement of controlled substance but those charges were dismissed August 2010 after compliance with a 3 month deferred prosecution agreement. Ms. Lloyd, duly sworn, testified on her recovery process. Cindy Clark, NCPRN, duly sworn, testified on Mr. Lloyd's recovery and stated that NCPRN advocates for her reinstatement with appropriate 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 Dr. Chesson with no dissenting votes. Open session resumed on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater stated that on a motion from Mr. Minton, seconded Dr. Dennis with no dissenting votes, the Board would reinstate Mrs. Lloyd's pharmacist license with conditions.

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

Consideration of Permit Application – Gunar Stowers, License #15741

Gunar Stowers, license #15741, appeared before the Board to discuss a pharmacy permit application. Mr. Stowers' pharmacist license was reinstated in 2006 after voluntarily surrendering his license in 2005 for substance abuse. At the November 2010 Board meeting, the Board lifted two restrictions on Mr. Stower's reinstatement order to allow him to work as a pharmacist manager and to allow him to work more than forty (40) hours per week. Mr. Stowers voluntarily extended his NCPRN contract to assure the health and safety of the public. Cindy Clark, NCPRN, stated that NCPRN advocates for Mr. Stowers. On a motion from Mr. Minton,

seconded by Dr. Chesson with no dissenting votes, the Board moved to allow Mr. Stowers to proceed with the permit application.

Investigative Statistics

Karen Matthew, Director of Investigation, presented the investigative statistics for February 2011.

Open Mike

Daisy Payne, Wingate University School of Pharmacy intern, presented a PowerPoint presentation on USP proposed labeling changes for prescription medications. Ms. Payne also updated the Board on a Senate Bill to add 3,4-methylenedioxypryovalerone (MDPV) to Schedule I controlled substance list.

Fred Eckel, NCAP, updated the Board on Senate Bill 246 which would allow pharmacist to administer all vaccinations to patients 14 years old and older and by prescription for patients 7 to 14 years of age.

The Board adjourned for lunch at 12:05pm and resumed open session at 1:00pm.

Consideration of Modification of Consent Order – RPh. William Roberson, License #07379

William R. Roberson, license #07379, accompanied by his attorney Patrice Walker, appeared before the Board to request a modification of his 2007 Consent Order of Discipline. Clint Pinyan, Board counsel, proceed with the case and stated that Mr. Roberson entered a Motion to Amend Consent Order of Discipline on February 16, 2011 to allow him to work more than forty (40) hours per week and to remove the condition that requires him to receive prior approval of employment from the Board Executive Director.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes. Open session resumed on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater stated that on a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes, the Board would allow the requested modification of Mr. Roberson's Consent Order.

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

Legislative Update

Senator Purcell introduced Senate Bill S 112 that would disapprove 21 NCAC 46.1418, Supervision of Unit Dose Medical Systems. The bill has been referred to Senate Health Care Committee. The Board heard comments from a number of pharmacists and community college representatives concerning S 112. The Board will continue to monitor the bill.

Questions Concerning Pharmacy Manager Hours

Rule .2502, Responsibility of Pharmacist Manager states that the pharmacist manager must be “present for at least one-half the hours that a pharmacy is open or 32 hours per week, which ever is less.” Mr. Campbell presented a question received by staff concerning pharmacist manager hours when the pharmacist manager works full time one week and is off the next week. After discussion, it was the consensus of the Board that the hours were permissible under the rule but that it does not relieve the pharmacist manager of any responsibility on the week that he/she is not working.

Possible Task Force to Suggest Revisions to Long Term Care and Hospital Rules

Mr. Campbell stated that he is receiving more and more questions concerning Board rules governing health-care facility pharmacies. After discussion, it was the consensus of the Board to form a task force consisting of Wallace Nelson, Betty Dennis, and Joey McLaughlin to review these rules and recommend any appropriate changes.

2011 Renewal Report

Debbie Stump, Director of Licensing, updated the Board on 2011 renewals for pharmacist, technicians, pharmacies, DME's, dispensing physicians, and PA/NP's.

Board Election Update

Director of Operations Kristin Moore updated the Board Members on the elections for the Northern and Western District Board seats currently held by Dr. Dennis and Mrs. Chater. The elections will be held beginning in April 2011 and running through May 15, 2011.

Financials

Rhonda Jones, Financial and Human Resources Analyst, presented the February 2011 financial statistics to the Board. On a motion from Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the Board moved to adjust the 2010 – 2011 budget to show the mortgage payoff.

Reinstatement Request Ginny McQueen, License #14483

Ginny McQueen, license #14483, appeared before the Board to request reinstatement of her license. Ms. McQueen was selected for the 2009 Continuing Education (CE) Audit. Board staff sent several certified letters requesting the appropriate CE documents but Ms. McQueen did not respond. She did not renew her license for 2010. Ms. McQueen explained the circumstances of why she did not comply with the audit or renew her license.

Dr. Chesson left the meeting at 2:50pm.

On a motion from Mr. Minton, seconded by Dr. Dennis with no dissenting votes, the Board moved to approve her reinstatement application with proof of continuing education compliance.

Consent Agenda

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

Prehearing Conferences

Staff Issues Letters of No Action

RPh. Melanie C. Cline, license #16803, and RPh. Leslie M. Davis, license #11231, were subjects of a prehearing conference held February 14, 2011, heard by Mr. McLaughlin, regarding allegations of a dispensing error, dispensing prescriptions at such a rate to pose a danger to the public health and safety, and one pharmacist supervising more than two technicians without approval from the Board. Recommendation: **Staff Issues Letters of No Action** to RPh. Cline and RPh. Davis.

Staff Issues Letters of No Action and Warning

RPh. Gary M. Hartley, license #05826; RPh. Jonathan D. Reece, license #09739; and Health Options, LLC, permit #06691 were subjects of a prehearing conference held February 14, 2011, heard by Mr. McLaughlin, regarding allegations of not maintaining an adequate system of inventory or security to prevent diversion of controlled substance by unregistered technician. Pharmacist in charge RPh. Hartley failed to report the diversion in a timely manner. Recommendation: **Staff Issues a Letter of No Action** to RPh. Reece. **Staff Issues Letters of Warning** to RPh. Hartley and permit.

Staff Issues Letters of Warning

RPh. Albert J. Rachide, license #06925, and Pink Hill Pharmacy, permit #04576 were subjects of a prehearing conference held February 14, 2011, heard by Mr. McLaughlin, regarding allegations of not maintaining an adequate system of inventory or security to prevent diversion of controlled substances. Investigation also determined that pharmacy staff and non-pharmacy staff had improper access to the pharmacy. Recommendation: **Staff Issues Letters of Warning** to RPh. Rachide and permit.

Increase in Pharmacist to Technician Ratio

- 1.) Walmart Pharmacy Greensboro Permit # 09166, Darnell Hubert Williams III RPh, App. 2/14/2011
- 2.) Kmart Pharmacy Thomasville Permit # 09884, Krisalyn K Gleaton RPh, App. 2/14/2011
- 3.) Winyah Pharmacy of the Piedmont Charlotte Permit # 10351, Molly Thompson RPh, App. 2/14/2011
- 4.) Walmart Pharmacy Charlotte Permit # 09147, Shenouda Mourgan RPh, App. 2/18/2011
- 5.) Rite Aid Pharmacy Wilson Permit # 09789, Jerry Lynn Beamon RPh, App. 2/18/2011
- 6.) CVS Pharmacy Asheville Permit # 10760, Mark Lenzen RPh, App. 2/18/2011

- 7.) Walmart Pharmacy Washington Permit # 08021, Sri Siva Prasad Doddapaneni RPh, App. 2/18/2011
- 8.) CVS Pharmacy Brevard Permit # 10758, Clyde J Duvall RPh, App. 2/18/2011
- 9.) NHRMC Outpatient/Employee Pharmacy Permit # 08495, Jennifer A Buxton RPh, App. 3/1/2011
- 10.) CVS Pharmacy Matthews Permit # 09403, Michael Quermbach RPh, App. 3/1/2011
- 11.) Medical Village Pharmacy Laurinburg Permit # 08294, James E Herring Jr RPh, App. 3/8/2011
- 12.) Wake Med Health and Hospitals Permit #01805, Valerie Barlow RPh. App. 3/9/2011

Reciprocity Candidates

Candidates Licensed by Reciprocity 11/21/06-01/15/07					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Daniel		Bucciarelli		WV	3/16/2011
Constance	Martelia	Cunningham		GA	3/16/2011
Kandiss	Michelle	Dukes		TX	3/16/2011
Kaye	Marie	Dunham		VA	3/16/2011
Salma	Mohammed	Habeeb		IL	3/16/2011
Philip	Hunter	Heimforth		MI	3/16/2011
Meghan	Pigott	Hollis		MS	3/16/2011
Melissa	Ann	Jackson		LA	3/16/2011
Loida	E	Johnston		IN	3/16/2011
Shiang-Tyng		Lee		FL	3/16/2011
Brett	M	Lindeman		NY	3/16/2011
John		Lupo		NY	3/16/2011
Michael	Brent	Magnet		MI	3/16/2011
Renee	Marie	Marchand		IL	3/16/2011
Sandra	Pauline	Menard		MA	3/16/2011
Laura	Anne	Olson		AZ	3/16/2011
Kuldip	R	Patel		OH	3/16/2011
Shilpa		Patel		MA	3/16/2011
Anna	Casey	Peoples		TX	3/16/2011
David	Christopher	Reynolds		FL	3/16/2011
Kathleen	Ann	Rohan		PA	3/16/2011
Adrienne	Lucretia	Sanders		SC	3/16/2011
Prina	D	Shah		SC	3/16/2011
Arif	Ayub	Siddique		MI	3/16/2011
Charlene	Linette	Smalls		FL	3/16/2011
Jeremiah	Billy	Smith		KY	3/16/2011
Rufus	Mixon	Spears	Jr	GA	3/16/2011
Jennifer	Janelle	Steele		SC	3/16/2011

Candidates Licensed by Reciprocity 11/21/06-01/15/07					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Xin		Wang		SC	3/16/2011
Lloyd	Keith	Ford		GA	3/31/2011

CPP Applicants

RPh. Scott Kaczvorski, License #18497

There being no further business, on a motion from Mr. McLaughlin, seconded by Dr. Dennis with no dissenting votes, the meeting adjourned at 3:00 pm.

Rebecca W. Chater, President

Betty Dennis., Vice President

Gene Minton

J. Parker Chesson, Jr.

Lazelle Marks

Robert J. McLaughlin, Jr.