

President Dr. Betty Dennis called the meeting to order at 9:00 am with Board Members Robert J. McLaughlin Jr., Dr. Parker Chesson, Rebecca Chater, E. Lazelle Marks, and Gene Minton present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Director of Investigation Karen Matthew, Director of Operations Kristin Moore, Director of Licensing Deborah Stump, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Bill Mixon, NCBOP Board Member-Elect; Carol Day, NCBOP Board Member-Elect; Brenda Shafer, Quarles & Brady; Mary Christine Parks, NCPRN; Tom Readling, NC Mutual; Lori Setzer, CVS Pharmacy; David Moody, Mutual Drug; Tony Mitchum, Cardinal Health; Christine Davis, Cardinal Health; David Catalano, Walgreens; April Sloan, Target; Bill Pickard, Campbell University; RPh. Dan Nguyen; Bryan Porterfield, UNC/ESOP; Tarra Palyok, Walgreens; Al Carter, Walgreens; Brad Marshburn, Walgreens; Morgan Surles, Campbell Univ. Student; Mike Jamp, Mutual Drug; and Dave Lebauugn, UNC/ESOP.

### Ethics Statement & Welcome

President Dennis 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 Dennis welcomed all visitors to the meeting.

### Minutes of the February 2012 Board Meetings

The members received the February 21, 2012 meeting minutes prior to this meeting for review. It was moved by Mr. Minton and seconded by Mr. McLaughlin to accept the Minutes as submitted. The motion passed with no dissenting votes.

### Consideration of Reciprocity Candidate – Dan V. Nguyen

RPh. Dan V. Nguyen appeared before the Board in consideration of his reciprocity application. Mr. Nguyen submitted an application to reciprocate his license from Washington State to North Carolina. On the application he admitted that he was disciplined in 1999 by the Washington Board of Pharmacy for failure to counsel in 1997 and 1995. Conditions of his order included submitting additional continuing education to the Washington Board and report to the Board if he was residing in another state. The Washington Board suspended Mr. Nguyen license in 2001 for failing to meeting the conditions of his 1999 order. Mr. Nguyen submitted a request to reinstate his license to the Washington Board which was granted in 2004.

After presentation of evidence and testimony, the Board moved into close session to deliberate the matter on motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes. Open session resumed on a motion Mr. Minton, seconded by Mr. McLaughlin with no dissenting votes. Dr. Dennis stated that on a motion from Dr. Chesson, seconded by Mrs. Chater on a split vote, the Board approved Mr. Nguyen application for reciprocity.

### Walgreens Pharmacy Store/Process Layout Review

Al Carter, Tarra Playok, and Brad Marshburn, Walgreens, presented a video on the new design for Walgreens stores that will be implemented in the coming year.

### Multiple Re-Takes of NAPLEX and MPJE

Mr. Campbell stated that staff has again become aware of an exam candidate who has requested to take the NAPLEX for the 8<sup>th</sup> time in four years and another who has requested to take the NAPLEX for the 7<sup>th</sup> time. NC Board of Pharmacy rules do not limit the number of times a candidate may take a licensure exam. Mr. Campbell asked the Board if it wishes to consider a policy concerning candidates who request to take licensure exams multiple times. After discussion, it was the consensus of the Board to consider a policy change concerning multiple retakes of licensing exams at the April 2012 Board meeting.

### Creation of CPP Advisory Committee

At the February 20, 2012, Board members directed Mr. Campbell to draft a specific proposal for the CPP Advisory Committee. The committee would review CPP applications and make recommendations to the Board. Mr. Campbell presented three proposals for the committee. On a motion from Mrs. Chater, seconded by Mr. McLaughlin with no dissenting votes, the Board approved the first proposal where staff would make recommendations for members of the CPP Advisory Committee.

### Report on Implementation of Controlled Substance ID Check Statute

Staff has continued to receive questions regarding the S.L. 2011-349, Photo Identification Prior to Dispensing Certain Controlled Substances. Staff is continually updating the Board's website FAQ's on the photo id requirement as needed.

### Awareness of Grey-Market Wholesaling of "Shortage" Drugs

Mr. Campbell informed Board members of the problem of grey market wholesaling of "shortage" drugs. He stated that some pharmacy permits are being obtained to purchase critical access prescription drugs that are in short supply. Instead of selling these drugs to patients, they are funneling them to wholesalers who then sell them to other pharmacies at extensive mark-up prices. Mr. Campbell stated that staff will continue to cooperate with all government agencies investigating this problem.

### Statement of Economic Interest Filing Deadline

The deadline to file the Board members' Statement of Economic Interest is April 15, 2012.

### Investigative Statistics

Director of Investigations Karen Matthew presented the investigative statistics for March 2012.

### Financials

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

2012 NABP Annual Meeting – Reminder

Mr. Campbell reminded Board members that the 2012 NABP Annual Meeting would be held May 19 – 22, 2012 in Philadelphia, PA.

Open Mike

Mike James updated the Board on various legislative issues.

Consent Agenda

Following a review of the consent agenda, it was moved by Mr. McLaughlin, seconded by Dr. Chesson to approve the consent agenda as presented. Mr. Minton recused himself in the matter of the technician ratio increases. The motion carried with no dissenting votes. The following items were approved.

**Prehearing Conference****Staff Issued Letters of No Action and Caution**

RPh. David F. Miller, license #10517; RPh. Amber L. Schmolke, license #20729; and CVS Pharmacy, permit #09415, were subject of a prehearing conference held February 20, 2012, heard by Dr. Chesson, regarding allegations that a patient was not warned of drug interaction between Azathioprine and Allopurinol and DUR (Drug Utilization Review) alerts were disregarded by dispensing pharmacist. Recommendation: **Staff Issues Letter of No Action** to RPh. Miller and **Staff Issues Letter of Caution** to RPh. Schmolke and permit.

**Staff Issued Letter of Warning and Consent Order**

RPh. Jaymie C. Ramirez, license #19113, and Rite Aid Pharmacy, permit #09571, were subjects of a prehearing conference held February 20, 2012, heard by Dr. Chesson, regarding allegations that RPh. Rameriz renewed Rite Aid pharmacy permit for 2011 under the previous pharmacist managers name and did not report to the Board that he was the new pharmacist manager for over a year. Recommendation: **Staff Issues Letter of Warning** to RPh. Rameriz and **Consent Order of Reprimand** to permit.

**Staff Issued Letters of No Action and Consent Order**

RPh. James A. Caudill, license #12109; RPh. David L. Eller, license #13010; and CVS Pharmacy, permit #10862, were subjects of a prehearing conference held February 20, 2012, heard by Dr. Chesson, regarding allegations that while the pharmacy was without a pharmacist manager for longer than 30 days, a technician diverted medications. Recommendation: **Staff Issues Letters of No Action** to RPh. Caudill and RPh. Eller. **Consent Order of Reprimand** to permit.

**Consent Orders**

RPh. Cynthia A. Fisher, license #17782, and Fisher Rx Direct, LLC, permit #09970, were subjects of a prehearing conference held February 20, 2012, heard by Dr. Chesson, regarding allegations that RPh. Fisher while working as pharmacist manager and owner, did not adequately supervise technicians and generally abdicated responsibilities to Technician Fisher (mother and part owner) who diverted medications to sell. RPh. Fishers also filled out-of-state prescriptions that should have reasonably been known to be invalid, kept expired medication where they could be access by employees instead of disposing of them, and did not perform biennial inventory that would have discovered diversion. Recommendation: **Indefinite Suspension stayed 2 years with active thirty day suspension** to RPh. Fisher and **7 day suspension stayed 2 years** to permit.

RPh. Rashmi Kanjia, license #17942 waived formal hearing and agreed to consent order reinstating license with 2 year suspension, stayed indefinitely with conditions.

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

### Reciprocity Candidates

Candidates Licensed by Reciprocity 3/20/2012					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Hala		Aljumaily		PA	3/20/2012
Christy	Rayne	Beane		TN	3/20/2012
Elizabeth	Clark	Benedetti		TN	3/20/2012
Ralph	Lewis	Curdie		PA	3/20/2012
Thomas	Martin	Dembowiak		WI	3/20/2012
Jane	Joan	Devries		MS	3/20/2012
Melanie	Jane	Dukes		SC	3/20/2012
Michele	Celestine	Hromyak		PA	3/20/2012
Ann	Marie	Ittenbach		SC	3/20/2012
Umapathi		Jagarlamudi		NJ	3/20/2012
Maria	Cook	Kenny		IL	3/20/2012
Billy	Joel	King		TN	3/20/2012
Veronica	Manning	Lewis		FL	3/20/2012
Tricia	Christine	Lorenzi		PA	3/20/2012
Nancy	Maria	Liquori		FL	3/20/2012
Lauren	Therese	Linkenauger		VA	3/20/2012
James	Grae	MacDonald		NV	3/20/2012
Natalie	Ella	Marshburn		OR	3/20/2012
Robyn	Elizabeth	Mays		IN	3/20/2012
Clarence	Lee	Middleton		SC	3/20/2012
Melissa	Mull	Murfin		FL	3/20/2012

<b>Candidates Licensed by Reciprocity 3/20/2012</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Victoria	Motunrayo	Olagbemiro		GA	3/20/2012
William	Leonard	Parker		VA	3/20/2012
Sreedhar		Pingili		MI	3/20/2012
Monica	Lynn	Pipes		GA	3/20/2012
Carissa	Forrester	Poston		VA	3/20/2012
Manuel	A	Santos		MA	3/20/2012
Derek	A.	Sapone		VA	3/20/2012
Candice	Chantracy	Tatum		GA	3/20/2012
Mary	Corbin	Thomas		VA	3/20/2012
Diane	G.	Walter		PA	3/20/2012
Scott	Allen	Wyne		WV	3/20/2012

### **CPP Candidates**

Carrie Elizabeth Mitchell Chou, License #20724  
Marguerite Lane Conger, License #20318

### **Increase in Pharmacist to Technician Ratio**

- 1.) Walgreens Pharmacy Asheville Permit # 09379, Shawn Harless Adkins RPh, App. 2/15/2012
- 2.) Dilworth Drug Charlotte Permit # 10074, Joshua H Rimany RPh, App. 2/23/2012
- 3.) Hickory Family Pharmacy Hickory Permit # 04183, Jonas C Moretz RPh, App. 2/23/2012
- 4.) Walmart Pharmacy Mebane Permit # 09219, Laura Lowe Everett RPh, App. 2/23/2012
- 5.) Target Pharmacy Charlotte Permit # 09267, Sheri L Zallar RPh, App. 2/23/2012
- 6.) Omnicare of Southern Pines Southern Pines Permit # 09371, Kristy Inge RPh, App. 2/23/2012
- 7.) Kerr Drug Beulaville Permit # 06518, Owen Wayne Houston RPh, App. 3/1/2012
- 8.) Drugco Disco Pharmacy Ahoskie Permit # 07755, Justin Daniel Spengeman RPh, App. 3/1/2012

### **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 litigation matter. Open session resumed on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes.

There being no further business, on a motion from Mr. McLaughlin, seconded by Mrs. Chater with no dissenting votes, the meeting adjourned at 11:23am.

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Betty Dennis, President

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Gene Minton., Vice President

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Rebecca Chater

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J. Parker Chesson, Jr.

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E. Lazelle Marks

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Robert J. McLaughlin, Jr.