

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, Financial and Administrative Services Director Gail Brantley, and Director of Licensing Deborah Stump. Present as visitors were: Cindy Clark, NCPRN; Valanda Nelson, NCPRN; Tom Readling, NC Mutual; Rich DeBenedetto, Walgreens; Stephanie Bullock, Pharmerica; Christine Davis, Cardinal Health; Brenda Shaffer, Quarles & Brady; Tony Mitchum, Wal-Mart; Mike King, Publix Pharmacy; Rob Patchett, NCBOP; John Kessler, SecondStory Health; Robyn Sayner, UNC/ESOP; Karen Keating, UNC/ESOP; Amanda Leister, Campbell Univ.; Zeb Barnhardt, NCBOP-PCWG; Jana Sarwar, UNC/ESOP; Taifa Peaks, Creighton Univ. SOP; and Naomi Win, UNC/ESOP.

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.

The Board held a moment of silence to honor the victims of the Boston Marathon bombing.

Minutes of the March 2013 Board Meetings

The members received the March 19, 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.

Request for Modification of Reinstatement Order – RPh. Jerome Turchin, License #10421

RPh. Jerome Turchin, license #10421, was scheduled for a hearing to consider his request for modification of his 2005 reinstatement order at the March 2013 meeting. Mr. Turchin was not present at the March meeting. It was the consensus of the Board to continue the hearing until the April 2013 Board meeting. Mr. Turchin did not attend the April 2013 meeting. Staff asked that the Board deny Mr. Turchin's request for modification without prejudice. On a motion from Mr. Marks, seconded by Mrs. Day with no dissenting votes, the Board denied Mr. Turchin's modification request without prejudice.

Report on Progress of the Pharmacy Compounding Working Group

Zeb Barnhardt, Pharmacy Compounding Working Group Facilitator, and Rob Patchet, Board Representative for the working group, presented the recommendations of the group concerning regulations governing pharmacy compounding with specific focus on sterile compounding practices.

Mr. Campbell updated the Board on steps that staff has already taken concerning oversight of compounding pharmacy regulations including additional compounding training for investigative staff.

After discussion it was the consensus of the Board to publish the group's recommendations on the Board's website for comment. The report and recommendations are attached to these minutes and incorporated into them.

Further Consideration of Potential Amendments to Board Rules Governing Automated Dispensing Devices

Wallace Nelson and Cecil Davis, members of the Hospital/LTC Working Group, presented the working group's recommendation to consolidate the rules on automated dispensing devices at the March 2013 meeting. After discussion it was the consensus of the Board to take the matter under advisement and revisit it at the April 2013 meeting.

After further discussion at the April 2013 meeting, on a motion from Mr. McLaughlin, seconded by Dr. Chesson on a 5 to 1 split vote, the Board moved to accept the recommendation of the Hospital/LTC Working Group concerning consolidation of the automated dispensing devices rules and publish them for notice and comment.

Update on Legislative Actions Potentially Affecting Pharmacy Practice And/Or the Board of Pharmacy

Executive Director Jay Campbell presented a PowerPoint presentation to the Board that updated the Board on potential legislation that could impact pharmacy.

S.B.10 – Proposed elimination of obsolete boards and reorganization of boards and Commissions.

S.B. 33/H.B 167 – Proposes that boards must consider certain criteria before denying licensure if candidate has criminal conviction.

S.B. 37/H.B. 166 – Proposes a study to evaluate structure, organization, and operation of independent licensing boards.

S.B 32 – Proposes periodic review and expiration of rules for licensing boards. Under the proposal unless rules are readopted and approved, a permanent rule would expire on December 31, 2018 for rules under Title 21.

S.B 20 – Proposes limited immunity for drug-related offenses to individuals reporting need for or requiring medical assistance for opioid overdose.

H.B. 29 – Would make it unlawful to possess pseudophedrine by persons previously charged with possession/manufacturing of methamphetamines.

H.B. 173 – Proposes several revisions of the Controlled Substance Reporting System (CSRS) including elimination of the reporting exception for dispensing physicians. It would also exempt the requirement for reporting by veterinarians.

S.B. 206 – Proposes requiring prescribers to check CSRS for 12 months period prior to prescribing or dispensing controlled substances to any patients.

S.B. 286 – Would also propose requiring prescribers to check CSRS for 12 months period prior to prescribing or dispensing controlled substances to any patients. It would also impose criminal penalties on prescribers and dispensers for failure to check CSRS.

S.B. 253 – Propose giving direct access to CSRS to sheriff, sheriff deputies, and other law enforcement agencies.

S.500/ H.832 – Allows an “immunizing pharmacist” to administer any CDC recommended vaccine to a patient age 18 or older upon prescription from prescriber. Also allows administration of pneumococcal, zoster, Hep B, meningococcol, tetanus booster, TDAP, flu pursuant to standing orders or protocols.

H.675 – Allows certified technicians to register with the Board of Pharmacy independent of specific technician employment and makes clear that PTCB certification satisfies statutory training requirements. Also adds additional procedural protections for pharmacies being audited and places a six-month “expiration date” on Schedule II prescriptions.

H.657 – Would schedule pseudoephedrine as a Schedule III controlled substance under NC law.

Mr. Campbell reported that the Board’s concerns with S.206, S.286, and S.253 were communicated to the sponsors by letter as directed by the Board in March. Mr. Campbell received no response to the letter.

The Board recessed for a break at 10:15am and resumed open session at 10:45am.

Planning for 2013 Pharmacy Leaders’ Forum, September 20, 2013

The Board will host the 2013 Pharmacy Leaders’ Forum September 20, 2013 at the Proximity Hotel in Greensboro, NC. Mr. Campbell stated that the forum planning group has met to discuss preparations for the upcoming meeting. He requested that Board members send invitation suggestions to staff.

2013 NABP Annual Meeting

The NABP Annual meeting will be held May 18-21, 2013 in St. Louis, MO. Mr. Mixon will be the Board’s voting delegate for the meeting.

Financial Report

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

Report on Visit from State Auditor

Mr. Campbell stated that the audit conducted by the State Auditors' office has been completed. The Audit office conducted a financial audit and a Chapter 93B compliance audit of the Board. Staff hopes to have the final report from the State Auditor's office by the May 2013 Board meeting.

Investigative Statistics

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

Reports to the Board

Valanda Nelson, Executive Director NCPRN, updated the Board on various issues at NCPRN including their recent financial audit.

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 Issued Letter of Warning

AmeriPharm, Inc dba MedVantx Pharmacy Services, Permit #09483, was subject of a prehearing conference held March 18, 2013, heard by Dr. Chesson, regarding allegations that on at least ten occasions between 2007 and November 2012, AmeriPharm, Inc. d/b/a MedVantx Pharmacy Services unlawfully shipped drugs into North Carolina that were compounded by Pharmacy Specialties, Inc. Sioux Falls, SD, which is not permitted by the Board. Recommendation: **Staff Issued Letter of Warning** to permit.

Increase in Pharmacist to Technician Ratio

- 1.) Alamance Regional Medical Center Inc.- Burlington Permit # 04663, Sandra Faucette RPh App. by full Board 3/19/2013
- 2.) Food Lion Pharmacy – Raleigh Permit # 07597, Meredith Kraine RPh App. 4/12/2013
- 3.) Kerr Drug – Greensboro Permit # 07251, Sarah K Walker RPh App. 4/12/2013
- 4.) Kerr Drug – Four Oaks Permit # 06528, Julie S Markovich RPh App. 4/12/2013
- 5.) Walgreens Pharmacy – Rockingham # 10315 Cynthia Ann Fetzner RPh App. 4/12/2013

The Board recessed for lunch at 11:00am and resumed open session at 1:00pm.

Pseudoephedrine Control and Prescription Status - John Emerson, State Director, High Intensity Drug Trafficking Area

John Emerson, High Intensity Drug Trafficking Area State Director, spoke to the Board concerning pseudoephedrine restrictions and the possible legislation to reclassify the drug as a

Schedule III which would require a prescription from a medical provider. Pseudoephedrine is an ingredient necessary to make d-methamphetamine (meth).

There being no further business, the meeting adjourned at 1:26pm.

Gene Minton, President

E. Lazelle Marks, Vice-President

J. Parker Chesson, Jr.

Robert J. McLaughlin, Jr

Carol Yates Day

William A. Mixon