

President Andy Bowman called the meeting to order at 9:00 am with Board Members Mischelle Corbin, Ashley Duggins, Wallace Nelson, Chris Sain, and Keith Vance in attendance. Executive Director Jay Campbell was also present.

In attendance with the Board and Mr. Campbell were Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Accounting Manager JP Brown, Director of Investigations Gray Fullwood, Director of Licensing Missy Betz, Director of Operations Kristin Moore, Enforcement Manager Cindy Parham, Information Technology Administrator Antoine Pryor, and Administrative Assistant Leslie Wilson.

Present as visitors were Jason Foil, Michael Foil, Joey McLaughlin, Lauren Paul, Amanda Lingerfelt, William Wesley Hickman, Karen Cieslak, Christine Hatu, Brian Moore, Jade Davis, Karen Harrell-Tosto, and Jada Adams.

#### Ethics Statement & Welcome

President Bowman read the Ethics Statement regarding conflicts of interest. No conflicts were noted by Board members.

#### Closed Session.

The Board went into closed session to discuss a personnel matter. The Board reconvened in open session at 9:30 am. President Bowman reported that the Board had completed its annual performance review of Executive Director Campbell.

#### Public Hearing, Proposed Amendments to 21 NCAC 46.2504

On March 13, 2024, the Board published proposed amendments to 21 NCAC 46.2504 Patient Counseling for notice and comment.

The principal purpose of the amendment is to clarify the rule. The existing rule addresses patient history information requirements, drug utilization reviews, offers to counsel and counseling in a non-chronological and circuitous fashion. The amended rule would address these topics in a sequential work-flow order. It further would clarify how the rule operates, and may differ, in different practice settings. Substantively, the amendment would provide for initial general counseling to take place through recorded technological means, in cases where that is appropriate.

There were no written comments received during the comment period, and no member of the public spoke during the public hearing. Dr. Bowman moved to close the public meeting. Dr. Duggins seconded. The motion passed with no dissenting votes. The comment period remains open through June 14, 2024.

Financial Reports (*Brown*)

Accounting Manager JP Brown presented the monthly financial report. The members received the report prior to this meeting. The members reviewed and had no questions.

Licensing Report (*Betz*)

Director of Licensing Missy Betz presented the 2024 Renewal-May Update. Effective 4/1/2024, the renewal period ended for pharmacies and DMEs. She stated the percentages closely resembled the results of 2023. Any permit that was not renewed was moved to closed status. Inspection staff have begun visiting non-renewing permits to ensure their closure.

Investigations and Inspections Report (*Fullwood*)

Director of Investigations Fullwood presented the investigations report and current caseload.

Operations Report (*Moore, Pryor*)

Director of Operations Kristin Moore announced the launch of much anticipated new NCBOP website will be June 12, 2024. She thanked Information Technology Administrator Antoine Pryor for his intensive work on the project and his patience in teaching her the software. She also thanked Ms. Betz and the Enforcement Department for their help in editing the FAQs. Mr. Campbell commended everyone's hard work on the project and emphasized the amount of work it entailed. Dr. Vance suggested the schools should be advised of the launch to prepare the students and Mr. Campbell agreed that it would be a good idea to do so.

Annual DHHS Controlled Substance Reporting System Report (*Campbell*)

The North Carolina Department of Health and Human Services produces a report on the Controlled Substance Reporting System annually. Mr. Campbell presented the 2024 report (which covers 2023 data).

Some of his take-aways: Total controlled substance prescriptions decreased 3.3% from 2022 to 2023. Schedule II controlled substances are most dispensed (46% of total CS dispensed). Mecklenburg and Chowan Counties have the smallest CS prescription per patient ratio. Mitchell and Swain have the highest. DHHS reports a 61% increase in the number of active CSRS users from 2022 to 2023.

Committee Reports

Budget & Finance Committee – *Duggins, Corbin, Sain* (members); *Campbell, Jones, Brown* (staff) Met to review and recommend proposed FY2024-25 budget and review Board's investment accounts.

Health-System Rules Review – *Nelson, Sain* (members); *Campbell, Pinyan, Stefanyk, Wiesner* (staff). The Committee convened its working group during the Board's April workday. The committee continued discussion of a wide range of issues and recommended amendments to Board rules governing health-system satellite locations and emergency department dispensing.

Opioid Settlement – *Corbin, Vance, Nelson* (members); *Campbell* (staff). The committee met during the Board's April workday to discuss staff-to-staff discussions among the NCACC, Board, and NCAP. The committee instructed staff to continue liaising with NCACC and NCAP. NCACC has a significant event in August 2024 keyed to the opioid settlement funds and their uses.

### Consideration of Meeting Minutes

The members received the April 2024 meeting minutes for review prior to the meeting. Mr. Campbell reminded the Board they approved the March 2024 meeting minutes during the April 2024 Special Session. Dr. Duggins moved to approve and Ms. Corbin seconded. The motion passed unanimously.

### Election of Board Officers for FY2024-2025

Each May, the Board selects its officers for the coming year. Consistent with last year's process, the newly elected president will solicit input from all members on their committee and other appointment interests. The president will make those appointments at the July 2024 meeting.

Dr. Bowman nominated Dr. Sain for President. On a motion from Ms. Corbin, seconded by Dr. Vance with no dissenting votes, the nominations were closed. By unanimous vote, Dr. Sain was elected as Board President for 2024-2025.

Dr. Duggins nominated Ms. Corbin as Vice-President. With no other nominees, on a motion from Dr. Duggins, seconded by Dr. Sain with no dissenting votes, the nominations were closed. By unanimous vote Ms. Corbin was elected Board Vice-President for 2024-2025.

Dr. Bowman thanked the Board for the opportunity to serve as President. The Board, along with Mr. Campbell, in turn thanked Dr. Bowman for his service. Dr. Sain then assumed his duties as Board President.

### Hearings

Disciplinary Matter, Pharmacist License #17392, Keith Hersey  
Pharmacy License #14206, JJ Bug LLC d/b/a/ Hersey Pharmacy (*Pinyan*)

Ms. Corbin presided over a pre-hearing conference on this matter and therefore recused herself. The hearing involves disciplinary matters for Keith Hersey, RPh and his pharmacy, JJ Bug LLC d/b/a Hersey Pharmacy. They were represented by Mr. Keith Bishop.

Mr. Pinyon presented documentary evidence. Testimony was heard from Enforcement Manager Cindy Parham, former Director of Investigations Loretta Wiesner, Dr. Carrie Blanchard of DHSS and Board of Nursing Investigator Daci Williams. Mr. Bishop cross-examined each of them. The meeting broke for lunch and reconvened at 12:45 pm.

President Sain declared recess from the hearing for purposes of conducting other necessary Board business. The hearing would resume at a later date to be determined.

The Board took break and reconvened at 3pm.

#### Selection of Candidate to Fulfill Remainder of Board Term

With the resignation of Board Member Dr. Bowman, as directed by the Pharmacy Practice Act, the Board held an election to select a new member.

At the February 2024 Board meeting, Board staff was directed to communicate through the website and e-mail that staff would take nominations for the Southeastern District Board seat through close of business April 26, 2024. Each candidate was required to submit the following: (1) a letter of interest and any written materials it wished the Board to consider; and (2) the signatures of ten (10) licensed pharmacists who reside in the Southeastern District supporting the candidate.

Board staff received nominations from candidates. Board staff reviewed each candidate's timely submission and confirmed that all qualifications were met. The candidates appeared on the ballot as follows:

Jennifer Buxton, Jason Foil, Karen Harrell-Tosto, Wes Hickman, Amanda Lingerfelt, Joey McLaughlin, Brian Moore and Jack Pate.

Mr. Campbell updated the Board and the audience on the law and procedures for the election as approved by the Board at its April meeting. Per N.C. Gen. Stat. § 90-85.7(a), the remaining pharmacist members of the Board are required to elect a replacement pharmacist member to fill the unexpired term. Because the voting is limited by statute to "pharmacist members," the public member may not vote on the replacement. All

candidates were invited to appear at today's meeting. Each candidate was allowed a five (5) minute presentation to the Board members.

Mr. Campbell stated after the candidates' speeches, the four pharmacist members of the Board will cast ballots. (Outgoing Board Member Dr. Bowman would not be eligible to vote.) Each member will mark the name of one (1) candidate. If one candidate receives a majority of the votes (three (3)) that candidate is the winner. If no candidate receives a majority of the votes, a second balloting will occur with Members casting their vote only for candidates who received votes in the first balloting. This process would repeat, as necessary, through five (5) ballots. If a candidate receives a majority (three (3)) votes on any of the first five ballots, that candidate is the winner. If, after Members have cast five (5) ballots, no candidate receives a majority (three (3)) votes, on each subsequent ballot, the candidate who receives the most votes is the winner.

Board members cast their ballots for the Election.

#### 1st Round of Ballots

Dr. Duggins voted for Joey McLaughlin.

Dr. Vance voted for Jason Foil.

Dr. Sain voted for Joey McLaughlin.

Mr. Nelson voted for Joey McLaughlin.

Mr. Campbell stated that by a majority vote of 3 to 1, Joey McLaughlin was elected as the new Board member for the Southeastern District. Dr. Sain stated that it was a hard decision. All the candidates were well qualified for the position, and he hoped they would run again in the next election. The members congratulated Mr. McLaughlin on his election and thanked all candidates for their interest and presentations.

Mr. Campbell will coordinate with Mr. McLaughlin, the Ethics Commission, and the Governor's Boards and Commissions office to finalize Mr. McLaughlin's commissioning.

#### FY2024-25 Budget

The members received the FY2024-25 Budget as recommended by the Budget & Finance Committee prior to this meeting. The members reviewed the proposed budget. Dr. Bowman moved to approve the budget as proposed by the Budget & Finance Committee. Mr. Nelson seconded. The motion passed with no dissenting votes.

#### Rulemaking

#### Proposed Amendments to 21 NCAC 46.1401 Registrations and Permits

The Health System Rule Review Working Group reached broad consensus that the “satellite” health-system permitting rule, Rule 1401(c), in its current form has outlived its usefulness. The group agreed that the rule is difficult to apply, particularly as health systems have evolved to provide a wider range of pharmacy services and support over a broader geographical footprint – both themselves and through various joint ventures. As well, the satellite permitting “exceptions” in .1401(c) make it difficult for Board staff to know and track with certainty all facilities that provide pharmacy services and inspect them appropriately.

The group recommended amending Rule .1401 to replace the “satellite” provisions with a requirement for a separate pharmacy permit for dispensing areas that are not located at the same address or on a contiguous health-system campus or that dispense drugs for a patient’s use outside of the health care facility.

The group agreed that limited service permit availability for “extramural” health system pharmacies would accomplish greater clarity, traceability, and accountability – and, owing to the flexibility in pharmacist-manager designation and oversight duties associated with limited service permits, would not create significant administrative costs. The proposed amendment to Rule .1401 implementing the group’s recommendations (as well as cleaning up antiquated language) was given to the Board. Board staff recommends publication for notice and comment.

#### Proposed Amendments to 21 NCAC 46.1415 Medication in Health Care Facility Emergency Departments

Board Rule .1415 limits dispensing from an emergency department, when the health-system’s pharmacy is not open, to “not more than a 24 hour supply or the smallest commercially-available quantity.” The Health System Rule Review working group agreed that this limitation often jeopardizes patient care. Particularly in rural areas of the state, patients discharged from an emergency department on a weekend may have difficulty finding a pharmacy within reasonable traveling distance and that is open to provide services.

The group recommended that the rule be amended to allow an emergency department to dispense a drug quantity that is sufficient to bridge the patient to community (or other) pharmacy care. The group agreed that a “not more than a seven-day supply” limit would be sufficient.

A proposed amendment to Rule .1415 implementing the group’s recommendations was provided to the Board. Board staff recommends publication for notice and comment. Dr. Bowman moved that both Rule .1401 and Rule .1415 be published for notice and comment. Dr. Duggins seconded. There were no dissenting votes.

Consent Agenda

In the interest of time, the Board moved ahead to the Consent Agenda. The following items were approved with a motion by Mr. Nelson, seconded by Dr. Bowman, with no dissenting votes.

Consent Order Reinstating License with Conditions: Pharmacist Daniel Wayne Phillips, License #25176

Consent Order Reinstating License with Conditions: Pharmacist David James Didonato, License #14814

Consent Order Reinstating License with Conditions: Pharmacist Rebecca Ann Harper Otto, License #21261

## Reciprocity Candidates

License Number	First Name	Last Name	License Type	License Status	Licensed Date	Licensure Method
32935	Candice	Sullivan	Pharmacist	Active	2024-03-13	Reciprocity
32934	Barbara	Rankins	Pharmacist	Active	2024-03-13	Reciprocity
32936	Ji Na	Lee	Pharmacist	Active	2024-03-14	Reciprocity
32937	Taylor	Ramsey	Pharmacist	Active	2024-03-15	Reciprocity
32939	Thomas	Ledbetter	Pharmacist	Active	2024-03-18	Reciprocity
32938	Alexandra	Culver	Pharmacist	Active	2024-03-18	Reciprocity
32941	Brittany	Sheppard	Pharmacist	Active	2024-03-20	Reciprocity
32942	Rachana	Patel	Pharmacist	Active	2024-03-21	Reciprocity
32944	Eileen	Luu	Pharmacist	Active	2024-03-22	Reciprocity
32943	Rodica	Dedu	Pharmacist	Active	2024-03-22	Reciprocity
32945	Christina	Nunez	Pharmacist	Active	2024-03-26	Reciprocity
32950	Mackenzie	Warner	Pharmacist	Active	2024-04-02	Reciprocity
32949	Hannah	Boren	Pharmacist	Active	2024-04-02	Reciprocity
32953	Shakhzoda	Ismatullayeva	Pharmacist	Active	2024-04-04	Reciprocity

32954	Christina	Agudo	Pharmacist	Active	2024-04-04	Reciprocity
32952	Lauren	Blondell	Pharmacist	Active	2024-04-04	Reciprocity
32955	Andrea	Puerto	Pharmacist	Active	2024-04-04	Reciprocity
32956	Khaai	Le	Pharmacist	Active	2024-04-05	Reciprocity
32958	Hannah	Whittemore	Pharmacist	Active	2024-04-09	Reciprocity
32959	Sulbha	Pai	Pharmacist	Active	2024-04-09	Reciprocity
32962	Rene	Effoe	Pharmacist	Active	2024-04-11	Reciprocity
32965	Edward	Hackim	Pharmacist	Active	2024-04-15	Reciprocity
32966	Melissa	Kurtz	Pharmacist	Active	2024-04-15	Reciprocity
32967	Jeffrey	Cambridge	Pharmacist	Active	2024-04-16	Reciprocity
32968	Roshan	Patel	Pharmacist	Active	2024-04-16	Reciprocity
32970	Tyler	Porvaznik	Pharmacist	Active	2024-04-17	Reciprocity
32969	Vy	Nguyen	Pharmacist	Active	2024-04-17	Reciprocity
32971	Leigh	Odom	Pharmacist	Active	2024-04-19	Reciprocity
32972	Rima	Jani	Pharmacist	Active	2024-04-22	Reciprocity
32973	Taylor	Nicosia	Pharmacist	Active	2024-04-23	Reciprocity
32974	Brittany	Steiner	Pharmacist	Active	2024-04-25	Reciprocity
32977	Trinh	Nguyen	Pharmacist	Active	2024-04-29	Reciprocity
32978	Kelley	Switzer	Pharmacist	Active	2024-04-29	Reciprocity
32980	Melissa	George	Pharmacist	Active	2024-04-30	Reciprocity
32979	Theresa	Garland	Pharmacist	Active	2024-04-30	Reciprocity
32981	Jennifer	Avellone	Pharmacist	Active	2024-05-01	Reciprocity
32982	Michael	Mast	Pharmacist	Active	2024-05-01	Reciprocity
32984	Athanasia	Kafentzis	Pharmacist	Active	2024-05-02	Reciprocity



32986	Trista	Simone	Pharmacist	Active	2024-05-02	Reciprocity
32987	Kyle	Kirkpatrick	Pharmacist	Active	2024-05-03	Reciprocity
32988	Nicole	Pearson	Pharmacist	Active	2024-05-03	Reciprocity
32991	Kuan	Sturgill	Pharmacist	Active	2024-05-06	Reciprocity
32990	Laurie	Bui	Pharmacist	Active	2024-05-06	Reciprocity
32994	Alexa	Kupper	Pharmacist	Active	2024-05-08	Reciprocity
32996	Athena	Tate	Pharmacist	Active	2024-05-09	Reciprocity
32995	Somashaker	Masuram	Pharmacist	Active	2024-05-09	Reciprocity
32997	Jenny	Zhou	Pharmacist	Active	2024-05-09	Reciprocity
32999	Haneen	Ottallah	Pharmacist	Active	2024-05-10	Reciprocity
33002	Maria	Baxter	Pharmacist	Active	2024-05-10	Reciprocity
32998	Minh	Le	Pharmacist	Active	2024-05-10	Reciprocity
33003	Huy	Vo	Pharmacist	Active	2024-05-13	Reciprocity
33004	Bernard	Weintraub	Pharmacist	Active	2024-05-13	Reciprocity
33005	David	Kavish	Pharmacist	Active	2024-05-14	Reciprocity
33006	Robin	Klinger	Pharmacist	Active	2024-05-15	Reciprocity
33009	Rebecca	Lee	Pharmacist	Active	2024-05-17	Reciprocity
33008	Connor	Allen	Pharmacist	Active	2024-05-17	Reciprocity
33011	Laura	Le	Pharmacist	Active	2024-05-21	Reciprocity
33013	Mark	Pulver	Pharmacist	Active	2024-05-21	Reciprocity
33010	Charlotte	Furdui	Pharmacist	Active	2024-05-21	Reciprocity
33012	Jessica	Oxendine	Pharmacist	Active	2024-05-21	Reciprocity

## CPP Candidates

License Number	First Name	Last Name	License Type	License Status	Licensed Date
700525	Tory	Grooms	Clinical Pharmacist Practitioner	Active	2024-03-20
700526	Kelly	Hubbard	Clinical Pharmacist Practitioner	Active	2024-03-25
700527	Vaishali	Patel	Clinical Pharmacist Practitioner	Active	2024-04-11
700528	Eleanor	White	Clinical Pharmacist Practitioner	Active	2024-05-03
700530	Lindsay	Celauro	Clinical Pharmacist Practitioner	Active	2024-05-14
700529	Madeline	Pryor	Clinical Pharmacist Practitioner	Active	2024-05-14
700531	Carmen	Echols	Clinical Pharmacist Practitioner	Active	2024-05-16
700532	Alisha	Vora	Clinical Pharmacist Practitioner	Active	2024-05-17

## Increase in Pharmacist : Technician Ratio

License Number	License Type	Process Type	Status	Complete Date	PT Ratio
15358	Pharmacy	PT Ratio Change	Complete	18-Mar-24	1:4
14803	Pharmacy	PT Ratio Change	Complete	20-Mar-24	1:5
13674	Pharmacy	PT Ratio Change	Complete	28-Mar-24	1:5
15316	Pharmacy	PT Ratio Change	Complete	02-Apr-24	1:5
13097	Pharmacy	PT Ratio Change	Complete	02-Apr-24	1:5
13872	Pharmacy	PT Ratio Change	Complete	11-Apr-24	1:3
12440	Pharmacy	PT Ratio Change	Complete	12-Apr-24	1:5
10827	Pharmacy	PT Ratio Change	Complete	15-Apr-24	1:4
11098	Pharmacy	PT Ratio Change	Complete	17-Apr-24	1:4

13400	Pharmacy	PT Ratio Change	Complete	29-Apr-24	1:5
13741	Pharmacy	PT Ratio Change	Complete	29-Apr-24	1:5
13192	Pharmacy	PT Ratio Change	Complete	06-May-24	1:4
13133	Pharmacy	PT Ratio Change	Complete	15-May-24	1:5
11503	Pharmacy	PT Ratio Change	Complete	20-May-24	1:5

### Rulemaking (cont'd)

#### Amendment to 21 NCAC 46.2201.

This proposed amendment to the continuing education requirement would allow pharmacists to carry over up to five surplus CE credits for one year. The proposed amendment reinserts language contained in Rule .2201 prior to its last amendment in 2018. Board staff has received one comment on the proposed amendment from Bill Mixon, who fully supports the change.

The comment period closed on April 1, 2024. The rule is eligible for action by the Board, and staff recommends adoption. Dr. Bowman moved to adopt the amendment. Dr. Vance seconded. The vote was unanimous.

#### Proposed New Rule 21 NCAC 46.2516

Proposed new rule .2516 would: (a) Confirm the pharmacist-managers statutory responsibility and authority to cease some or all of a pharmacy's operations when the PM determines that doing so is necessary to ensure safe delivery of prescription drugs and/or ensure that adequate qualified personnel are in place to properly render pharmaceutical services. (b) Require that the PM post conspicuous notice of the closure, anticipated resumption of services, notify the Board of the closure, and arrange for the transfer of any prescriptions at the patient's request during the time of the closure, and conspicuously notify the public of the transfer option and process.

The Board held a public hearing on proposed Rule .2516 on March 12. One member of the public – Andy Ellen, CEO, North Carolina Retail Merchants Association – appeared and provided verbal comments. He followed up with written comments. The comment period closed on April 1, 2024. Mr. Ellen's comments were provided to the Board, as was a memo from Board staff reviewing and responding to those comments. Also provided was a modified version of proposed Rule .2516 reflecting staff

recommendations. Board staff recommends adopting this modified version of Rule .2516. The modifications are not, in Board staff's opinion, substantial changes that would require re-publication.

Dr. Duggins moved to adopt the Emergency Closure Rule. Dr. Vance seconded. There were no dissenting votes.

#### Legislative Update

The legislature is currently in the short session. Mr. Campbell reported on various bills and topics still alive from the long session that could be taken up during the short session.

#### MALTAGON Annual Meeting, September 8-11, Rogers, AR

Any member not registered for MALTAGON and wishes to attend, contact Cindy Parham or Leslie Wilson.

#### Recognition of Pharmacists Continuously Licensed for 60 Years During July Board Meeting

Mr. Campbell reminded the Board that pharmacists licensed for 60 years will be honored at the next meeting.

Mr. Campbell informed the Board he would poll them by email for suggested dates for today's hearing continuance.

#### Closed Session

On a motion from Mr. Wallace, seconded by Dr. Vance, passed unanimously, the Board moved into closed session to discuss possible summary suspensions. Mr. Campbell noted that after closed session, there would not be any more items on the agenda.

When open session resumed on a motion from Dr. Bowman, seconded by Dr. Vance, passed unanimously, President Sain stated that the Board summarily suspended Technician Registration No. 18690 issued to Paige Barrett, Technician Registration No. 70047 issued to Jaymerson Lockley, and Technician Registration No. 52057 Ellena Brown.

#### Adjournment

Dr. Bowman moved to adjourn. Dr. Vance seconded. The motion passed unanimously.

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Dr. Chris Sain, President

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Mischelle Corbin, Vice President

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Dr. Ashley Duggins

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Joey McLaughlin

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Wallace Nelson

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Dr. Keith Vance