

President Gene Minton called the meeting to order at 9:00 am with Board Members Bill Mixon, Stan Haywood, Keith Vance, Robert Graves, and Andy Bowman present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Director of Licensing Debbie Stump, Director of Finance and Human Resources Rhonda Jones, Accounting Manager Krystal Smith, Director of Finance and Human Resources Rhonda Jones, and Director of Operations Kristin Moore. Present as visitors were: Joey McLaughlin, Realo Drugs; Penny Shelton, NCAP; Brent Slaughter, NC Mutual Drug; Kaiyynn Brunson, NC Mutual Drug; Patrick Brown, NC Mutual Drug; Matthew Harding, NC Mutual Drug; Joseph Jordan, NCPHP; Coy Privette, Roadrunner Pharmacy; Ronnie Willard, Wal-Mart; Kathryn Ray, Harris Teeter; Ouita Gatton, Kroger Rx; Tera Jones, CU; Scott Sexton, Kroger Rx; Daijha Copeland, UNC/ESOP; Grayson Hall, UNC/ESOP/Realo Drug; Tajhia Whyhan, UNC/Realo; Larissa Madden, UNC/Realo; McKelvey Bump, UNC/Realo; Missy Betz, NCBOP; and Christie Cutbush, NCBOP.

Ethics Statement & Welcome

President Minton read the Ethics Statement regarding conflicts of interest and/or appearances of conflicts of interest of any Board member. No conflicts were noted by Board members.

Mr. Minton asked the audience to introduce themselves to the Board members.

Consideration of Minutes of the June 2017 Meeting Minutes

The members received the June 20, 2017 meeting minutes prior to this meeting for review. It was moved by Dr. Bowman, seconded by Mr. Mixon, to approve the minutes as presented. The motion passed with no dissenting votes.

Petition to Vacate Disciplinary Order, Abdulfattah Budayr, License #13189

Board counsel Clint Pinyan stated that RPh. Abdulfattah Budayr, license #13189, submitted a petition to vacate his September 18, 2001 Consent Order of discipline. Mr. Budayr did not appear, having executed a signed waiver of his right to appear and provided documents for the member's consideration. Mr. Pinyan likewise submitted documents (copies of which were provided to Mr. Budayr) for the member's consideration.

After discussion, the Board stated they would deliberate the matter during closed session.

Report on June 26, 2017 Continuing Education Event

On June 27, Joe Rannazzisi – formerly the chief policy officer at the Drug Enforcement Administration – conducted a two-hour continuing education course at the Friday Center on June 26, 2017, that was sponsored by the Board. The course focused on corresponding responsibility and productive strategies that pharmacists can employ to positively impact opioid abuse without jeopardizing legitimate patient care.

Mr. Campbell stated that over 1000 pharmacists participated in the course either in person or via the web. Over 600 attendees have claimed continuing education credit to date. He stated the feedback on the course has so far been very positive.

Mr. Campbell stated that he is researching whether the course could be made available as an on-demand, website-hosted course.

Mr. Minton asked Mr. Campbell to update the Board of the new law – Strengthen Opioid Misuse Prevention (STOP) Act. Mr. Campbell stated it is a mixture of various provisions intended to improve North Carolina's response to the opioid abuse public health crisis. The bill was passed into law and signed by the Governor. Mr. Campbell presented a draft FAQ to place on the Board's website that explains the law's provisions and how it will affect pharmacists and pharmacies in North Carolina.

After discussion, it was the consensus of the Board to approve the draft FAQ with the addition of a timeline of when certain requirements of the law will go into effect.

Update on Implementation of 21 NCAC 46.1615, e-Profile Numbers

Mr. Campbell updated the Board on implementation of new Board rule 21 NCAC 46.1615, e-Profile Numbers, which requires all pharmacists, technicians, pharmacies, and DME's to obtain an e-Profile number and report it to the Board. Both pharmacists and technicians will be required to have an e-Profile number to renew their license/registration for 2018. Instructions to obtain or recover an e-Profile number will be posted on the Board website and on the renewal application.

An NABP e-Profile log-on system for facilities has not been implemented to date. Facilities will not be required to have an e-Profile number for the 2018 renewal. This requirement will be phased in prior to the 2019 renewal season.

Financials

Krystal Smith, Account Manager, presented the June 2017 financial report to the Board.

The Board adjourned for a break at 9:55am and resumed open session at 10:15am.

Update on Decennial Rules Review Process

North Carolina law requires each agency to undertake a periodic review of each of the rules that it has passed. At the May 2017 Board meeting, Board approved the report and response documents regarding the comments received from the initial classification publication of the Board's rules and instructed Board counsel Clint Pinyan to submit them to the Rules Review Committee.

Mr. Pinyan stated that he has put in a request to the Rules Review Committee to review the report in September 2017 ahead of the original deadline of June 2018. The Rules Review Committee is considering the request.

DEA Issues Statement on Transfer of Controlled Substance Prescriptions

At the June 2017 Board meeting, Board staff stated that they have been contacted by pharmacies that believe that federal law prohibits a pharmacy from transferring a Schedule III, IV, or V controlled substance prescription that was placed on file at the pharmacy, but never filled. The asserted basis is 21 CFR 1306.25, which discusses transfers of these prescriptions for “refill purposes.” Mr. Campbell stated that staff has placed information on the Board website that the Board of Pharmacy has never taken the position that such transfers will subject a pharmacy to discipline. Nor is Board staff aware of any DEA action taken against a pharmacy for transferring a valid Schedule III, IV, or V prescription to the pharmacy of the patient’s choice for purposes of initial fill. Mr. Campbell stated that he would update the Board once he received further clarification from DEA.

Board staff has received a response from DEA regarding their position on transfers of Schedule III, IV, or V controlled substance prescriptions. DEA stated that “An unfilled prescription for any schedule of a controlled substance that is transmitted to a pharmacy in written, facsimile, or verbal form, but is not filled (or is “put on file”), cannot be transferred. But an electronically transmitted prescription for any schedule of a controlled substance that has not been filled can be “forwarded” from the originally receiving pharmacy to another.”

After discussion, Mr. Campbell stated that, with Board’s approval, he would update the guidance posted on the Board’s website. It was the consensus of the Board to do so.

Legislative Update

S.8 Military Personnel and Occupational Licensing Boards

This bill reduces costs to individuals with military training and to military spouses who seek a license from an occupational licensing board in North Carolina. It would waive fees for initial licensure and mandate issuance of temporary practice permits for qualifying individuals.

The bill passed the Senate unanimously on March 15, 2017. It was reported favorably from the House Committee on Homeland Security, Military, and Veterans Affairs on March 21. There had been no change since the May 2017 Board meeting. It presently sits in the House Finance Committee.

S.104, Require Criminal Background Check/Pharmacist Licensure

This bill is the Board's request for authority to use third-party vendors to conduct on-line criminal background check for license applicants. The bill has passed and was presented to the Governor for signature on June 27th.

Board staff will develop an action plan for identifying a vendor and for incorporating appropriate changes to our IT system

S.196, Veterinary Practice Omnibus

This bill clarifies that horseshoeing by farriers is not the practice of veterinary medicine. It also orders the Veterinary Division of the Department of Agriculture and Consumer Services to study veterinary pharmaceutical compounding. The Division is instructed to "consult" with the Board of Pharmacy and the Veterinary Medical Board. The Division would report any findings and recommendations to JLAPO Committee in March 2018.

The bill has become law. Mr. Campbell stated that he has reached out to the state veterinarian, Dr. Doug Meckes, at the Department of Agriculture's Veterinary Division.

S.464/H.701 OLB Oversight

H.701 sets forth occupational licensing board oversight changes concerning filing of required reports, training of Board members, clarified authority and procedure to enjoin unlicensed activity, and procedures for resolving jurisdictional disputes with other boards. H.701 also provides that occupational licensing boards may only employ summary suspensions authority if the Board has passed rules governing its hearing. It passed the House on April 26, 2017 and sits in the Senate Committee on Rules and Operations. There has been no change since the June 2017 Board meeting.

S.407, Employee Misclassification Reform

This bill would require "every State occupational licensing board" to include on all applications for license, permit, or certification that the applicant certify that he/she/it has read and understands a public statement about the appropriate classification of employees for tax purposes and disclosure of any investigations for employee misclassification. Failure to certify or disclose would require denial of the application. The bill passed the House on June 29, 2017. Senate has to concur with changes made to the bill by the House.

Investigations and Inspections Report

Joshua Kohler, Director of Investigations and Inspection, presented the July 2017 investigative report.

Reminder of NABP District III Meeting, August 6-8, 2017, Louisville, KY

The 2017 NABP District III meeting will be held August 6-8, 2017 in Louisville, Kentucky, at the Seelbach Hotel.

Board Retreat, September 2017

Mr. Campbell reminded Board members that the 2017 Board Retreat will be held September 27-29, 2017 in Pinehurst, NC. Mr. Campbell requested Board member send him any discussion items for the retreat to him.

2017 MALTAGON Meeting, October 22-25, Charleston, SC

Mr. Campbell stated that the 2017 MALTAGON meeting will be held October 22-25, 2017 at the Doubletree Hilton in South Carolina. If members would like to attend the meeting, they should contact staff.

Reports to the Board

No reports were presented.

Board Committee Reports

No reports were presented.

Consent Agenda

Dr. Bowman recused himself from the Walgreens technician ratio matter.

It was moved by Mr. Mixon, seconded by Mr. Vance with no dissenting votes to approve the consent agenda items. The motion carried with no dissenting votes. The following items were approved.

Prehearing Conference

Staff Issued Letters of Warning

Walgreens, permit #12263, was subject of a prehearing conference held June 19, 2017, heard by Mr. Haywood, regarding allegations that on September 14, 2015, an patient alleges that Walgreens pharmacy staff shorted approximately forty-five (45) fewer dosage units of Percocet 5/325mg on a prescription for ninety (90). The patient contacted the pharmacy about the shortage and staff advised their count was correct.

It was determined that Walgreens pharmacy staff falsely reported to patient Williams the prescription was filled correctly without investigating or performing a count. Moreover, Walgreens failed to properly train and/or supervise technicians. Inspections on October 19, 2015 and January 28, 2016 showed multiple and significant violations of federal drug laws and the Pharmacy Practice Act, and Walgreens failed to submit corrective action plan (CAP) after the October 19, 2015 inspection.

Recommendation: Staff Issued Letter to permit.

Consent Order Reinstating License with Conditions

Prehearing conference held July 10, 2017, heard by Mr. Mixon, regarding reinstatement of license after surrendering for testing positive for marijuana. Recommendation: Reinstatement w/ conditions including indefinite suspension/stayed indefinitely, not serving as pharmacist manager for one year from date of order with approval from Board Executive Director. Accepted by RPh. Deichert on July 10, 2017

CPP Candidates

- Adam Tyler Hallsey Bernstein, PharmD #25940, UNC Hospitals Diabetes and Endocrinology Clinic at Meadowmont, 300 Meadowmont Village Cir #202, Chapel Hill NC 27517
Hypertension Clinic at UNC Heart and Vascular at Meadowmont, 300 Meadowmont Village Circle Suite 301, Chapel NC 27517
- Lauren Elizabeth Bode, PharmD #26287, University of North Carolina Family Medicine Center, 590 Manning Drive, Chapel Hill NC 27599
- Amanda Sue Cass, PharmD #26830, UNC Hospitals, 101 Manning Drive, Chapel Hill NC 27514
- Morgan Elizabeth Corkish, PharmD #25941, UNC Heart and Vascular Center at Meadowmont, 300 Meadowmont Village Circle, Chapel Hill NC 27517
- Benjamin Kyle Hansen, PharmD #25983, Hypertension Clinic at the UNC Heart and Vascular Center at Meadowmont, 300 Meadowmont Village Circle Suite 301, Chapel Hill NC 27517
UNC Hospitals Diabetes and Endocrinology Clinic at Meadowmont, 300 Meadowmont Village Circle #202, Chapel Hill 27517
- James Brendon Henderson, PharmD #26141, UNC Heart and Vascular Center at Meadowmont, 300 Meadowmont Village Circle, Chapel Hill NC 27517
- Stacey S. Lisi, PharmD #25823, Duke Cancer Center, Division of Genitourinary Oncology, 20 Duke Medicine Circle, Clinic 5-1, Durham NC 27710
- Katherine Parise Morgan, PharmD #22427, UNC Medical Center, 101 Manning Drive, Chapel Hill NC 27514
- Alexandria Estes Powell, PharmD #09393, Drexel Medical Practice, 2659 US 70 #, Valdese NC 28690
- Allison Jean Schepers, PharmD #25998, UNC Medical Center, 101 Manning Drive, Chapel Hill NC 27514

- Melani Anne St. Pierre, PharmD #26803, UNC Medical Center, 101 Manning Drive, Chapel NC 27514
- Sarah E. Stump, PharmD #26306. UNC Medical Center, 101 Manning Drive, Chapel NC 27514
- Lauren Caviness Watkins, PharmD #21819, NC State University Health Services, 2815 Cates Avenue, Raleigh NC 27695
- William Stephen Wilson, PharmD #26199, UNC Infectious Diseases Clinic, 101 Manning Drive, Chapel Hill 27514

Reciprocity Candidates

Candidates License by Reciprocity 6/21/2017 -7/11/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Brandon	Kyle	Hill		SC	6/21/2017
Lilian	Bejarano	Corvini		NY	6/21/2017
Julia	Michelle	Collins		VA	6/21/2017
Jeffrey	A.	Reses		NJ	6/21/2017
Melissa	Rhiannon	Laub		MN	6/21/2017
David	William	Cunningham		FL	6/21/2017
Daphne	O'Hara	Davis		IN	6/21/2017
Kyle	Andrew	Davis		FL	6/21/2017
Breanne	Elizabeth	Martinez		SC	6/21/2017
Travis	Porter	Macek		OH	6/28/2017
Kristin	Allyssa	Murphy		VA	6/28/2017
Allison	L.	Martin		IL	6/28/2017
Alexas	Olivia	Polk		SC	6/28/2017
Kriss	Janis	Petrovskis		OH	6/28/2017
Rachel	Simard	Bagg		VA	6/28/2017
Aquila	Denise	Ingram		GA	6/28/2017
Christa	Ann	Voigt		IA	6/28/2017
Allyson	Helene	Wexler		IL	6/28/2017
Pius	Sedowhe	Fasinu		MS	6/28/2017
Caroline	Michelle	Mejias-De Jesus		MA	6/28/2017
Kevin	Michael	Chang		IL	6/28/2017
Katherine	Grace	Fuller		AL	6/28/2017
Samantha	Suhui	Wang		KY	6/28/2017
Raquel		Rodriguez-Guzman		PR	7/5/2017
Pooja	Narendra	Patel		TN	7/5/2017
Perry	Ogbugo	Ukachukwu		OR	7/5/2017
Paul	Sae-Hon	Kim		CA	7/5/2017

Candidates License by Reciprocity 6/21/2017 -7/11/2017					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Ciara Eileen	Manucom	Macenas		IL	7/5/2017
28					

Increase in Pharmacists to Technician Ratio

1. Giant Genie/Matthews #10502, William Henning/Pharmacist Manager, Matthews NC
2. Giant Genie/Midwood #11511, Robert Jones/Pharmacist Manager, Charlotte NC
3. Haw River Pharmacy, LLC, #13017, Samir Baagat/Pharmacist Manager, Haw River NC
4. Realo Discount Drugs, #12704, Zachary Orman/Pharmacist Manager, New Bern NC
5. South Park Family Pharmacy #11570, William C. Council/Pharmacist Manager, Winston Salem NC

Closed Session

On a motion from Dr. Bowman, seconded Mr. Mixon with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions and the request petition by RPh. Abdulfattah Budayr to vacate his 2001 Consent Order of Discipline.

Open session resumed on a motion from Dr. Bowman, seconded by Mr. Mixon with no dissenting votes. Mr. Minton stated that technicians Colin Sullivan, registration 47051; Wendy West, registration #51923; Elaine Locklear, registration #04290; and Melisah West, registration #04296; were summarily suspended. He also stated that RPh. James Bell, license #10872, and Townsend's Pharmacy, permit #05394, were summarily suspended.

Mr. Minton stated that the petition by RPh. Abdulfattah Budayr to vacate his 2001 Consent Order was denied.

The Board adjourned the meeting at 11:45am on a motion from Mr. Haywood, seconded by Mr. Graves with no dissenting votes.

Gene Minton, President

L. Stan Haywood, Vice-President

Dr. Andrew Bowman

William A. Mixon

Keith Vance

Robert A. Graves