

President Dr. Betty Dennis called the meeting to order at 9:01 am with Board Members Rebecca Chater, Dr. Parker Chesson, E. Lazelle Marks, and Gene Minton present. Robert J. McLaughlin, Jr. was absent from the meeting. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Assistant Director of Investigation Josh Kohler, Director of Licensing Debbie Stump, and Financial and Administrative Services Director Gail Brantley. Present as visitors were: Cindy Clark, NCPRN; Mary Christine Parks, NCPRN; April Sloan, Target; Bill Mixon, NCBOP Board Member-Elect; Brenda Shafer, Quarles & Brady; David Catalano, Walgreens; Christine Davis, Cardinal Health; Tom Readling, Mutual Drug; Aaron Jeffers, NCBOP staff; Lisa Collums, Kerr Drug; Danny Seavers, Kerr Drug; Ellen Vick, Kerr Drug; Ryan Mejia; Jamie Foy, Campbell Univ.; Rich DeBenedetto, Campbell, Univ.; Amy Mitchel, Campbell Univ.; Brandon Warren, Wingate Univ.; RPh. Wendy Toler; Tom Wilverding, CAPs, Inc.; RPh. Jim Mundy; RPh. Luke Marion; N.A. Barnes, Carolina Connections, Inc.; RPh. Robert Broyles; Ginny H. Mills, Full Life Counseling & Recovery; RPh. Shane Miller; RPh. Satyen H. Desai; Susan Miller, SR-AHEC; Johanne Bennett, SR-AHEC; Dawn Battise, SR-AHEC; Neil Johnson, Parata; Tony Mitchum, Wal-Mart; Karen Hammond, CVS; David Moody, Mutual Drug; Dan Ragan, NCDA; Tom Currin, NCBOP staff; Krystal Brashears, NCBOP staff; and Wanda Andrews, NCBOP staff.

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 June 2011 Board Meetings

The members received the July 19, 2011 meeting minutes prior to this meeting for review. It was moved by Mrs. Chater and seconded by Dr. Chesson to accept the Minutes as submitted. The motion passed with no dissenting votes.

Reinstatement Hearing – RPh. Robert R. Broyles, License #11951

Robert R. Broyles, license #11951, appeared before the Board to request reinstatement of his pharmacist license. Mr. Broyles voluntarily surrendered his license August 5, 2008 for diversion of controlled substances. Mr. Campbell proceeded with the case and stated that Mr. Broyles appeared before the Board at the September 2009 meeting to request reinstatement of his pharmacist license which was denied. The Board stated at that time that he could not reappear before the Board to request reinstatement until July 2011. Mr. Campbell outlined Mr. Broyles' lengthy history of drug and alcohol abuse, diversion of controlled substances, and four (4) arrests for driving under the influence. Mr. Broyles also has a lengthy history with the Board of having his license suspended or surrendered and having it reinstated by the Board after going into treatment for his addictions. Mr. Broyles, duly sworn, spoke on his own behalf and on his recovery progress since the September 2009 meeting. Mary Christine Clark, NCPRN, duly sworn, testified on Mr. Broyles behalf and stated that NCPRN advocates for his reinstatement with appropriate conditions. Dr. Ginny Mills, duly sworn, testified on Mr. Broyles behalf and gave testimony on his current therapy.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Minton, seconded by Dr. Chesson with not dissenting votes. Open session resumed on a motion from Mrs. Chater, seconded by Mr. Marks with no dissenting votes. Dr. Dennis stated that on a motion from Dr. Chesson, seconded by Mr. Minton with no dissenting votes, the Board granted reinstatement of Mr. Broyles' pharmacist license with conditions including renewing his NCPRN contract indefinitely and obtaining 160 hours of internship.

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

Request to Modify Order – RPh. James Mundy, License #11403

James Mundy, license #11403, appeared before the Board to request modification of his September 17, 2007 Reinstatement Order to allow Mr. Mundy to work as a pharmacist manager, a preceptor, be employed more than forty (40) hours per week on average, and lift the restriction on prior approval of employment by Board's Executive Director. Mr. Mundy, duly sworn, testified on his recovery progress and why he would like the restrictions lifted. Cindy Clark, NC Pharmacist Recovery Network (PRN), duly sworn, testified on Mr. Mundy's behalf and stated that NCPRN advocates for the requested modifications.

After discussion, on a motion from Mr. Minton, seconded by Mr. Marks with no dissenting votes, the Board moved to lift Mr. Mundy's restrictions on working as a pharmacist manager, preceptor, and being employed no more than forty (40) hours per week on average. The Board also modified the order so he shall obtain prior approval of employment by NCPRN.

A copy of the Modification of Order Reinstating License can be found elsewhere in the Minutes and is incorporated by reference herein.

Consideration of Internship Hours – Satyen Desai

Satyen Desai appeared before the Board in consideration of his internship hours. Mr. Desai is a licensed pharmacist from Michigan who submitted an application to be licensed in North Carolina by score transfer. The NC Board of Pharmacy requires 1,500 hours of internship practical experience while Michigan requires 1,000 hours for licensure. Mr. Desai requested that the Board allow his internship hours and work experience to fulfill his 1,500 hours internship requirement for licensure since he has been a practicing pharmacist in Michigan with more than 500 hours of practice experience. After discussion, on a motion from Mrs. Chater, seconded by Dr. Chesson with no dissenting votes, the Board deemed Mr. Desai combination of internship hours and work experience as a pharmacist sufficient to satisfy the 1,500 experiential hour prerequisite to licensure in North Carolina.

Reinstatement Hearing – RPh. Wendy Toler, License #11463

Wendy, Toler, license #11463, appeared before the Board to request reinstatement of her pharmacy license. Ms. Toler has been out of pharmacy practice since 2005 and per Board policy she would be required to obtain 1500 hours experience and pass the NAPLEX and the Multistate

Jurisprudence Exam (MPJE) in order to reinstate her pharmacist license. Ms. Toler requested a variance from that policy to obtain 250 hours internship or less. Ms. Toler spoke to the Board on her background in clinical pharmacy and the advanced degree in pharmacy she received in 2008. On a motion from Mr. Minton, seconded by Mrs. Chater with not dissenting votes, the Board moved into closed session to deliberate the matter. After open session resumed, Dr. Dennis stated that on a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes, the Board would allow Mrs. Toler to continue with the reinstatement process after completing 250 hours internship and passing the MPJE.

Reinstatement Hearing – RPh. Luke Marion, License #06805

Luke Marion, license #06805, appeared before the Board to request reinstatement of his pharmacist license. Mr. Campbell proceeded with the case and stated that Mr. Marion voluntarily surrendered his license in April 2010 after diverting controlled substances for personal use. Mr. Marion also admitted to falsifying continuing education (CE) credits by copying course numbers from another pharmacist's CE certificates and entering them as his own. Mr. Campbell stated that Mr. Marion was charged criminally for the diversion and entered into a deferred prosecution agreement, which he has completed successfully. Mr. Marion, duly sworn, testified on his addiction and his progress in recovery. Mary Christine Parks, NCPRN, duly sworn, testified on Mr. Marion recovery progress and stated that NCPRN advocates for Mr. Marion's return to the practice of pharmacy with appropriate conditions.

On a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes, the Board moved into closed session to deliberate the matter. Open session resumed on a motion from Dr. Chesson, seconded by Mr. Marks with not dissenting votes. Dr. Dennis stated that on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board moved to reinstate Mr. Marion's pharmacist license with conditions.

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

Consideration of Reciprocity Application – RPh. Michael Shane Miller

Michael Shane Miller appeared before the Board to request that his reciprocity application be approved. Mr. Miller submitted an application to the Board to reciprocate his pharmacist license from Virginia. Mr. Miller disclosed on his application that he has been disciplined by the Virginia Board of Pharmacy four times.

On a motion from Dr. Chesson, seconded by Mrs. Chater with no dissenting votes, the Board moved into closed session to deliberate the matter. When open session resumed, Dr. Dennis stated that on a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board denied Mr. Miller's application for reciprocity and per Board policy may not reapply for one year.

A copy of the Order Denying Reciprocity can be found elsewhere in the Minutes and is incorporated by reference herein.

Open Mike

Wendy Cox, UNC Eshelman School of Pharmacy, updated the Board on current news from the school including a new chair of Department of Pharmacy Practice, the upcoming ACPE site visit, and the committee looking into developing a Rural Health Certificate Program for students at the Elizabeth City and Asheville satellite campuses.

The Board adjourned for lunch at noon and reconvened at 1:15pm for open session.

Board Waivers In Times of Declared Emergency

Amanda Moore, NC Public Health Preparedness & Response, appeared before the Board concerning a waiver for certain provisions of the Pharmacy Practice Act during times of declared emergency. Mr. Campbell presented a proposed order for medical countermeasures dispensing and distribution conducted by the North Carolina Public Health Preparedness and Response, North Carolina local health departments and the Eastern Band of the Cherokee Indians in time of declared emergency. On a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes, the Board moved to approve the proposed order.

A copy of this order is attached to these Minutes and incorporated herein.

Amending Prescription Label Requirements – RPh. Martin Konopko

RPh. Martin Konopko appeared before the Board concerning removing the requirement on prescription labels to have “filled by” or “dispensing by” printed on the labels. Mr. Campbell stated that it would require a rule change to remove the requirement. After discussion, the Board decided to take the matter under advisement.

Proposed Amendment to 21 NCAC 46.2507 Concerning CPR Requirements for Vaccinating Pharmacists

At the June 17, 2011 Board Meeting, the Board moved to pursue negotiations with the Medical Board on a possible rule change to 21 NCAC 46 .2507 Administration of Vaccines by Pharmacist. The amendment would allow pharmacists who are unable to perform CPR due to physical disability to vaccinate. Mr. Campbell presented a proposed rule change to .2507, which the Medical Board agreed to, that would allow a pharmacist who, because of physical disability, is unable obtain a current provider level CPR certification to administer vaccines in the presence of a pharmacy technician or pharmacist who holds a current provider level CPR certification. On a motion from Mrs. Chater, seconded by Mr. Marks with no dissenting votes, the Board moved to approve the proposed rule change and publish it for notice and comment.

Inquiry Concerning Continuing Education Credit for Free Clinic Volunteers

Board staff received an inquiry from a free clinic pharmacy who is now receiving co-pay payments as to whether pharmacists who volunteer there would still be eligible to receive continuing education credits since the clinic is no longer considered as a free clinic. After discussion, it was the consensus of the Board that Mr. Campbell and Director of Licensing Deborah Stump would take the matter under advisement and make a recommendation to the Board at a later date.

Financials/Fiscal Year 2011-2012 Budget Approval

Gail Brantley, Financial and Administrative Services Director, presented the June 2011 financial statistics to the Board. Ms. Brantley also presented the proposed budget for fiscal year 2011-2012. On a motion from Mr. Minton, seconded by Mrs. Chater with no dissenting votes, the Board moved to approve the proposed budget for the upcoming fiscal year.

Investigative Statistics

Assistant Director of Investigations Josh Kohler presented the investigative statistics for September 2011. Mr. Kohler also read a memo from Director of Investigations Karen Matthew commending Board investigators Tom Currin, Aaron Jeffers, Josh Kohler and Krystal Brashears for their work after Hurricane Irene.

Consent Agenda

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

Prehearing Conference

Staff Issues a Letter of Caution and Required Error Reduction Course and a Letter of Warning

RPh. Charles Fletcher Owen, license #05947; and CVS Pharmacy, permit #10917 were subjects of a prehearing conference held July 18, 2011, heard by Mr. Minton, regarding allegations that while working as pharmacist manager at CVS, permit #10917, RPh. Owen dispensed OxyContin 10mg in place of the prescribed prednisone and allowed a person to perform the duties of a technician who was not registered as a technician. Recommendation: **Staff Issues a Letter of Caution with required error reduction course** to RPh. Owen and **Staff Issues Letter of Warning** to permit.

Consent Orders

RPh. David Brian Mozingo, license #21356, was subject of a prehearing conference held July 18, 2011, heard by Mr. Minton, regarding allegations that RPh. Mozingo was not compliant with his NCPRN contract which is in violation of his May 2010 Board order. Recommendation: **Indefinite Suspension stayed indefinitely with active 5 day suspension** to RPh. Mozingo.

RPh. Anthony M. Coaxum, license #19944, was subject of a prehearing conference held September 19, 2011, heard by Mr. Marks, regarding allegations that RPh. Coaxum entered into a consent agreement with the South Carolina Board of Pharmacy while practicing in South Carolina. Recommendation: **Indefinite Suspension stayed until June 16, 2013** to RPh. Coaxum.

Compound Care Plus, LLC, was subject of a prehearing conference held September 19, 2011, on the consent of both parties, regarding allegations of shipping prescription drugs into North Carolina beginning in June 2008 without an out-of-state permit. Compound Care Plus submitted an application for an out-of-state permit in August 2008.

Recommendation: Permit application granted but indefinitely suspended/ stayed for ten (10) years.

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

Reciprocity Candidates

Candidates Licensed by Reciprocity 9/21/2011					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Ashley	Noelle	Zack		PA	9/21/2011
Cassidy	Lynn	Beach		KS	9/21/2011
Renee	Louise	Chieco		WV	9/21/2011
Christol	Hampton	Cole		SC	9/21/2011
Sabrina	Williams	Cole		SC	9/21/2011
Jared	Cyrenius	Compton		OR	9/21/2011
Linda	Yarbrough	Corbin		VA	9/21/2011
Michelle	Renee	DeGeeter		IN	9/21/2011
Megan	Elise	Doxey		MS	9/21/2011
Howard		Filtz		PA	9/21/2011
Kimberly	Parrish	Goodman		VA	9/21/2011
Kelly	Maree	Goodson		GA	9/21/2011
William	John	Greygor		VA	9/21/2011
Jennifer	Mary	Hauser		PA	9/21/2011
Jillian	Child	Hawkins		GA	9/21/2011
Heather	Ann	Hills		MS	9/21/2011
Robert	Edwin	Joyce		MA	9/21/2011
Catherine	Chih-Wen	Kelly		IL	9/21/2011
Julia Marie	Lindell	Lawrence		WI	9/21/2011
Ralph	Michael	Leoni		IA	9/21/2011
Nupur	Paresh	Mutha		GA	9/21/2011
Melissa	Anne	Nestor		GA	9/21/2011
Renee	Diana	Niese		OH	9/21/2011
Marie	Christine	Ogrodnik		CT	9/21/2011
Shardul	R	Patel		NJ	9/21/2011
Ashley	Mildred	Peekstok		MI	9/21/2011

Candidates Licensed by Reciprocity 9/21/2011					
FNAME	MNAME	LNAME	SUFFIX	RCPSTATE	DTREGIST
Charles	Vincent	Platania		GA	9/21/2011
Kevin	Michael	Rogowski		WI	9/21/2011
Anupama		Sharma		NJ	9/21/2011
Crystal	Maria	Thompson		WV	9/21/2011
Michelle	Jennifer	Wannemuehler		IN	9/21/2011

CPP Candidates

Jamie Cavanaugh, License #21145
 Emily M. Hawes, License #21190
 Tippu Khan, License #20023
 Allison Riendeau, License #21105
 Jennifer Robertson, License #12958
 Ginna Pike Tucker, License #15906
 Charlene Rhinehart Williams, License #15022
 Joseph Martin Lamotte, License #12624

Increase in Pharmacist to Technician Ratio

- 1) Cumberland County Medication Access Program Fayetteville, Permit # 08069, Christopher Bruce Tart RPH, App. 7/21/2011
- 2) Walmart Pharmacy Elkin, Permit # 07958, Ashley Bowden RPh, App. 7/21/2011
- 3) CVS Pharmacy Salisbury, Permit # 10862, Kristin Cowell RPh, App. 7/21/2011
- 4) CVS Pharmacy Charlotte, Permit # 09481, Brandy Bogacki RPh, App. 7/21/2011
- 5) Walmart Pharmacy Kinston, Permit # 07978, Claudia O O'Malley RPh, App. 8/3/2011
- 6) Walmart Pharmacy Wallace, Permit # 08020, Nannette K White RPh, App. 8/31/2011
- 7) CVS Pharmacy Asheville, Permit # 10904, Susan R Wint RPh, App. 9/1/2011
- 8) Walmart Pharmacy Roxboro Permit # 08005, Jamie Huff RPh, App. 9/1/2011

Closed Session

On a motion from Mrs. Chater, seconded by Mr. Marks with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions. Open session resumed on a motion from Mrs. Chater, seconded by Mr. Minton with no dissenting votes. Dr. Dennis stated that Technician Mercedes Qh Alexander, registration #27346; Technician Carissa Mariea Adams, registration #22332; Technician Tabitha Page Baysden, registration #29384; Technician Delores Maria Crawford, registration #08155; Technician Carrie A. Herritt, registration #15836; and Technician Tiffney M. Sneed, registration #11961 were summarily suspended.

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

There being no further business, on a motion from Mr. Marks, seconded by Dr. Chesson with no dissenting votes, the meeting adjourned at 2:36pm.

Betty Dennis, President

Gene Minton., Vice President

Rebecca Chater

J. Parker Chesson, Jr.

E. Lazelle Marks

Robert J. McLaughlin, Jr.