

President Rebecca Chater called the meeting to order at 9:00 am with Board Members Dr. Betty Dennis, Dr. Parker Chesson, Robert J. McLaughlin, Jr., Gene Minton, and E. Lazelle Marks present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Financial and Administrative Services Director Gail Brantley, Assistant Director of Investigations Josh Kohler, Director of Licensing Debbie Stump, and Director of Operations Kristin Moore. Present as visitors were: Mary Christine Parks, NCPRN; Cindy Sugg, NCPRN; Christine Davis, Cardinal Health; Tom Readling, NC Mutual; Danny Seavers, Kerr Drug; April Sloan, Target; Himanshu Patel, Walgreens; Jignesh Patel; Rick McKinney; Lori Setzer, CVS; Amie Miller, CVS; Lori Keyser, Omnicare; Bill Pickard, Ft. Bragg; Dawn Battise, Campbell Unvi. SOP; Michael Cabaj, Campell Univ. SOP; Travis DuBois; David Moody, Mutual Drug; RPh. Gunnar Stowers; Bliss Stowers; David Catalano, Walgreens; Linda Lepri, Missouri Pharmacist; Sheetal Patel-House, PY4 UNC/Kerr Drug; James Groce, Campbell Univ. SOP; Zinash Tesfaye, Campell University; Toshica Conyers, Campbell University; Taifa Peaks, Creighton Univ. SOP; Ugonwa Onubogu, Campbell University; and Cindy Leslie Arocena, UNC/SOP.

#### Ethics Statement & Welcome

President Chater 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 Chater welcomed all visitors to the meeting and asked that they introduce themselves to the Board members and state their pharmacy affiliation.

#### Minutes of the October 2010 Board Meetings

The members received the October 20, 2010 meeting minutes prior to this meeting for review. It was moved by Mr. Minton and seconded Mr. McLaughlin to accept the Minutes as submitted. The motion passed with no dissenting votes.

#### Disciplinary Hearing – RPh. Gene Hensley, license #06133

RPh. Gene Hensley, license #06133, appeared before the Board for a disciplinary hearing concerning working while impaired and non-compliance with his NC Pharmacist Recovery Network (PRN) contract. Board Executive Director Jay Campbell presented the case and stated that on September 15, 2009, Mr. Hensley arrived at his job at Bethlehem Pharmacy in an impaired condition. Mr. Hensley refused to voluntarily surrender his license but did sign a contract with NCPRN. Mary Christine Parks, Executive Director NCPRN, duly sworn, testified on Mr. Hensley's non-compliance issues with his contract. Cindy Sugg, NCPRN, duly sworn, testified on Mr. Hensley's reprimand by the NCPRN Compliance Committee. Mr. Hensley, duly sworn, testified on his own behalf and spoke on his treatment progress.

After presentation of evidence and testimony, the Board moved into closed session to deliberate the matter on a motion from Mr. Marks, seconded by Dr. Chesson with no dissenting votes. Open session resumed on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater stated that on a motion from Mr. Minton, seconded by Dr.

Chesson with no dissenting votes, the Board would allow Mr. Hensley to maintain an active pharmacist license with conditions.

A copy of the Final Order can be found elsewhere in the Minutes and are incorporated by reference herein

#### Request for Modification of Reinstatement Order – RPh. Gunnar Stowers, license #15741

RPh. Gunnar Stowers, license #15741, appeared before the Board to request modifications of his 2006 Reinstatement Order lifting the pharmacist manager prohibition and work hour limitation. Cindy Sugg, NCPRN, duly sworn, testified on Mr. Stowers' recovery progress and stated that NCPRN supports the modification requests.

On a motion from Dr. Dennis, seconded by Mr. Minton with no dissenting votes, the Board modified the 2006 Reinstatement Order.

A copy of the Modification of Reinstatement Order can be found elsewhere in the Minutes and are incorporated by reference herein.

#### Consideration of Exam Candidate – Jignesh Patel

Mr. Jignesh Patel appeared before the Board for review of his pharmacist license exam application. Mr. Campbell proceeded with the case and stated that Mr. Patel was charged in 2005 with possession of marijuana and in 2008 with possession of marijuana and disorderly conduct. Mr. Campbell stated that Mr. Patel was forthcoming with the information. Mr. Patel, duly sworn, testified on his own behalf and explained the circumstances of each of the charges.

On a motion from Mr. Minton, seconded by Dr. Dennis with no dissenting votes, the Board moved to allow Mr. Patel to proceed with the exam application process.

The Board adjourned for a ten minute break at 11:03 and resumed open session at 11:13.

#### Review of Rules Per Executive Order #70

North Carolina Governor Beverly Perdue issued an executive order to all cabinet agencies to encourage them to review existing rules to determine if they are outdated. The Office of State Budget and Management sent Board staff a list of all rules not changed since 1990 for their review. It was the consensus of the Board to send a letter stating that the Board will start an initial review of the rules.

#### Supervision of Pharmacy Technician Students

Pharmacy technician education programs in the state (principally at North Carolina community colleges) are increasingly incorporating an experiential component into the curriculum. Some pharmacists have made inquiries to staff whether hosting pharmacy technician students as part of an experiential education program requires that the students register as pharmacy technician and affects the permissible pharmacist:technician ratio. After discussion, it was the consensus of the

Board that students enrolled in a pharmacy technician education program would not need to register with the Board when participating in an experiential education course. If, however, the student is employed by the hosting pharmacy as a technician, then the student must register as a pharmacy technician. It was also the consensus of the Board that a pharmacy technician student participating in an experiential education course does not affect the pharmacist:technician ratio. If the student is employed by the hosting pharmacy as a technician, then the student must register as a pharmacy technician and his/her presence will affect the pharmacist:technician ratio.

#### Open Mike Session and Update on CPD

Fred Eckel, NC Pharmaceutical Association Executive Director, updated the Board on pharmacist immunization issues and the Continuous Professional Development (CPD) program.

Mary Christine Parks, Executive Director NC Pharmacist Recovery Network (PRN), updated the Board on enrollment and other PRN issues.

The Board adjourned for lunch at 11:45 am and resumed open session at 1:30 pm

#### Presentation of Honorary Pharmacist License – Brian Wayne Rodgers

The Board presented an honorary pharmacist license certificate to the family of Campbell University School of Pharmacy graduate Brian Wayne Rodgers who passed away before he could take the examination for his NC pharmacist license.

#### Reinstatement Hearing – RPh. Travis Reynolds, license #19771

RPh. Travis Reynolds, license #19771, appeared before the Board seeking reinstatement of his license to practice pharmacy. The hearing was continued from the July 20, 2010 Board meeting. RPh. Reynolds, duly sworn, testified on his own behalf and updated the Board on his treatment and recovery. Cindy Sugg, NCPRN, duly sworn, stated that Mr. Reynolds has been compliant with his treatment program and NCPRN advocates for his reinstatement with conditions including not working as a pharmacist manager and limited work hours.

The Board moved into closed session to deliberate the matter on a motion from Mr. Minton, seconded by Dr. Dennis with no dissenting votes. Open session resumed on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes. Mrs. Chater stated that on a motion from Dr. Chesson, seconded by Mr. McLaughlin with no dissenting votes, the Board would reinstate Mr. Reynolds license with conditions.

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

#### Request for Modification of Reinstatement Order – RPh. Scott Savage, license #16486

RPh. Scott Savage, license #16486, appeared before the Board to request a modification of his 2008 Reinstatement Order lifting the restriction on working a maximum of forty (40) hours per week. Dr. Dennis recused herself from the proceedings. Mr. Savage spoke on his own behalf.

Mary Christine Parks, duly sworn, testified on Mr. Savage's recovery progress and stated that NCPRN supports the modification request.

On a motion from Mr. Minton, seconded by Dr. Chesson with no dissenting votes, the Board approved Mr. Savage's modification request.

A copy of the Modification of Reinstatement Order can be found elsewhere in the Minutes and are incorporated by reference herein.

#### Concerns about Substituting Generic Alternative Auto-Injector for Epi-Pen Auto-Injector – RPh. Ray Wolf

RPh. Ray Wolf, Dey Pharmaceuticals, appeared before the Board with concerns about Epi-Pen injectors. RPh. Wolf stated that there are several epinephrine auto injector products on the market – e.g., EpiPen, Twinject, Adrenaclick and each product has a different mechanism and procedure for injecting. RPh. Wolf stated that there was concern that when an injector substitution is made that the patient or patient caregiver was not being adequately trained on the substituted injector. After discussion, it was the consensus of the Board to take the matter of under advisement.

#### Ban of Synthetic Cannabinoids/Chemicals

Captain Randall Sweeney, Medical Support Service Womack Army Hospital, appeared before the Board to discuss concerns with synthetic cannabinoids being manufactured expressly to mimic the effects of cannabis and sold as herbal products in local stores. These products are unregulated and there have been several deaths attributed to the ingestion by consumers. After discussion, it was the consensus of the Board to issue a statement in support of a possible bill to the legislature that would ban the chemicals in these products.

#### Financials

Gail Brantley, Financial and Administrative Service Director, presented the October 2010 financial statistics to the Board.

#### Investigative Statistics

Josh Kohler, Assistant Director of Investigation, presented the investigative statistics for November 2010.

#### Consent Agenda

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

#### **Prehearing Conferences**

**Staff Issues Letters of No Action**

RPh. Daniel Charlton Holladay, license #16290; RPh. Jessica Hartzog Eneriz, license #18494; and Shertech Pharmacy of Asheville, LLC., permit #07768 were subject of a prehearing conference held October 18, 2010, heard by Dr. Dennis, regarding allegations of improperly dispensing radiopharmaceutical Iodine-131 instead of diagnostic Iodine-131, failure to maintain adequate records, failure to follow applicable federal statutes and regulation for shipping radioactive drugs, and failure to establish adequate procedures to ensure the safe, lawful, and secure receipt of prescription orders. Recommendation: **Staff Issues Letters of No Action** to RPh. Holladay, RPh. Eneriz, and permit.

**Staff Issues a Letter of Caution**

RPh. Stephen Ray Carswell, license #05687, and Chair City Pharmacy, permit #05268, were subjects of a prehearing conference held October 18, 2010, heard by Dr. Dennis, regarding allegations of failure to take adequate steps to ensure that controlled substances were safe and secure and failure to maintain adequate inventory to prevent diversion of controlled substances by technicians. Recommendation: **Staff Issues Letters of Caution** to RPh. Carswell and permit.

**Staff Issues a Letter of Warning**

RPh. Russell David Wright, license #06083, and Kerr Drug, permit #06850, were subjects of a prehearing conference, heard by Dr. Dennis, regarding allegations of failure to take adequate steps to ensure that controlled substances were safe and secure and failure to maintain adequate inventory to prevent diversion of controlled substances by technicians. Recommendation: **Staff Issues Letters of Caution** to RPh. Wright and permit.

**Consent Order**

Technician Amanda L. VanHoozen, registration #20265, was subject of a prehearing conference held October 18, 2010, heard by Dr. Dennis, regarding allegations of refusing to submit to a drug screen test and admitting that she would test positive for marijuana. Ms. VanHoozen also acknowledged that she was terminated from her previous employer for testing positive for marijuana. Recommendation: **Consent Order** to allow continuation of an active technician registration with conditions including complying with NCPRN contract.

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

**Reciprocity Candidates**

**Candidates Licensed by Reciprocity 11/17/2010**

<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
Oluyemisi	Abiola	Alakija		MD	11/17/2010
Karen	Annette	Alesch		IL	11/17/2010
Heidi	Noel	Anksorus		IN	11/17/2010
Heather	Dyan	Archer		OH	11/17/2010
Yazid	Khader	Atieh		SC	11/17/2010
Karen	Cygler	Beaver		CO	11/17/2010
Stephen	Forbes	Bee		MA	11/17/2010
Katrina	Behling	Best		MD	11/17/2010
Lawrence	Arnold	Dailey	Jr.	OH	11/17/2010
Diane	E	Eumenidi-Zorda		CT	11/17/2010
Donald	Howard	Fisher		FL	11/17/2010
Denice	Dawn	Frette		AZ	11/17/2010
Brian	David	Galvin		SC	11/17/2010
Mary	Monir Kaldas	Gerges		FL	11/17/2010
Samia		Hussaini		VA	11/17/2010
Martin		Konopko		NJ	11/17/2010
Deborah	Bokum	Lee		FL	11/17/2010
Kevin	Maurice	Lier		NY	11/17/2010
Megan	Eileen	Lynch		IN	11/17/2010
Ellina	Khaykin	Max		MA	11/17/2010
Isaac	Fotios	Mitropoulos		NE	11/17/2010
Ngale	Ndiva	Mongoh		TX	11/17/2010
Delphine	Kela	Njike		CT	11/17/2010
Brijal	Ganpatbhai	Patel		NJ	11/17/2010
Chirag		Patel		TX	11/17/2010
Michael	David	Pickering		IL	11/17/2010
Elizabeth	Ann	Pollauf		OH	11/17/2010
Victor	Ashley	Poteet		TN	11/17/2010
Greg	Ray	Price		SC	11/17/2010
Edward		Reynolds		NY	11/17/2010
Mohamed	Taha	Sarg		MD	11/17/2010
Jennifer	Lynn	Schippers		FL	11/17/2010
Emily	Ann	Schulze		WA	11/17/2010
Matthew	Scott	Smith		FL	11/17/2010
Byron	Cole	Stabler		FL	11/17/2010
Lydia	Woodman	Stabler		FL	11/17/2010
Kayly		Ta-Sie		PA	11/17/2010

<b>Candidates Licensed by Reciprocity 11/17/2010</b>					
<b>FNAME</b>	<b>MNAME</b>	<b>LNAME</b>	<b>SUFFIX</b>	<b>RCPSTATE</b>	<b>DTREGIST</b>
David	Jeffrey	Warner		NE	11/17/2010
Erica	Pope	Yelton		GA	11/17/2010

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

- 1.) Wal-Mart Pharmacy Franklin, Permit # 07963, Renee W. Cook RPh App. 10/11/2010
- 2.) Rite Aid Pharmacy Greensboro, Permit # 09809, Michael Ball RPh App. 10/11/2010
- 3.) Wal-Mart Pharmacy Asheboro, Permit # 07938, Stacey S. Bruton RPh App. 10/11/2010
- 4.) Wal-Mart Pharmacy Pembroke, Permit # 09167, Nicole Lowery-Locklear RPh App. 10/11/2010
- 5.) Rite Aid Pharmacy Zebulon, Permit # 09801, Meredith Smith RPh App. 10/11/2010
- 6.) Wal-Mart Pharmacy Wilmington, Permit # 08026, Mariann Pata RPh App. 10/14/2010
- 7.) Rite Aid Pharmacy Wilmington, Permit # 09781, Susan Miciolek RPh App. 10/14/2010
- 8.) Wal-Mart Pharmacy Wilkesboro, Permit # 08024, Justin Kyle Chapman RPh App. 10/14/2010
- 9.) Rite Aid Pharmacy Greensboro, Permit # 09668, Mike Askew RPh App. 10/14/2010
- 10.) Rite Aid Pharmacy New Bern, Permit # 09725, Anne Kane Pontiff RPh App. 10/14/2010
- 11.) Beulaville Pharmacy Inc. Beulaville, Permit # 10177, Kyle M. Abode RPh App. 10/14/2010
- 12.) Wal-Mart Pharmacy High Point, Permit # 07972, Sharon C. Lynch RPh App. 10/14/2010
- 13.) Walgreens Pharmacy High Point, Permit # 09300 Mitesh G Prajapati RPh App. 10/25/2010
- 14.) Wal-Mart Pharmacy Charlotte, Permit # 07949, Ulysees J Rogers RPh App. 10/25/2010
- 15.) Walgreens Pharmacy Swansboro, Permit # 09420 Robert A. Milnes II App. 10/25/2010
- 16.) Wal-Mart Pharmacy Spring Lake, Permit # 08013, Lillie T Fisher RPh App. 10/25/2010
- 17.) Wal-Mart Pharmacy Clinton, Permit # 07950, Susan C Taylor RPh App. 10/25/2010
- 18.) Wal-Mart Pharmacy Lumberton, Permit # 07986, Rita Mashburn RPh App. 10/29/2010
- 19.) Rite Aid Pharmacy Apex, Permit # 09559 Amrish G. Patel Rph App. 10/29/2010
- 20.) Wal-Mart Pharmacy Hendersonville, Permit # 07970, Michael Kanetzke RPh App., 12/29/2010
- 21.) Wal-Mart Pharmacy Albemarle, Permit # 07937, Brian K. Brewer RPh App. 10/29/2010
- 22.) Wal-Mart Pharmacy Asheville, Permit # 07940, Manar Faidi RPh App., 10/29/2010
- 23.) Wal-Mart Pharmacy Gastonia, Permit 07964, Abdella Abu Baker RPh App. 11/02/2010

### **Closed Session**

On a motion from Mr. McLaughlin, seconded by Dr. Chesson with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions. When open session resumed on a motion from Dr. Dennis, seconded by Mr. McLaughlin with no dissenting votes, RPh. Akwasi O. Aning, license #17912 and technician Sarah Denise Nolen (Hopper), registration #25889 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 Dr. Dennis, seconded by Dr. Chesson with no dissenting votes, the meeting adjourned at 3:45 pm.

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Rebecca W. Chater, President

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Betty Dennis., Vice President

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Gene Minton

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J. Parker Chesson, Jr.

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Lazelle Marks

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Robert J. McLaughlin, Jr.