

President Dr. Andy Bowman called the meeting to order at 10:00 am with Board Members Robert Graves, Keith Vance, Ashley Duggins, Bill Mixon and Gene Minton present. Also present were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Investigations Josh Kohler, Director of Inspections Krystal Stefanyk, Director of Finance and Human Resources Rhonda Jones, Accounting Manager JP Brown, IT Manager Antoine Pryor, Director of Licensing Missy Betz, and Director of Operations Kristin Moore. Present as visitors were: Brent Slaughter, Mutual Drug; Gray Stewart, Mutual Drug; Chad Cobus, Walgreens; Ouita Gatton, NCAP; Gerard Dyckman, NCAP/Campbell; Erin Mays, UNC ESOP/Realo; Jeenu Philip, Walgreens; Erica “Harmstar” Harms, Publix; Amanda Moore, NCDPH; and Kimberly Sims, NCBOP.

Ethics Statement & Welcome

President Bowman 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.

Consideration of Minutes of the October 2018 Meeting

The members received the October 16, 2018 meeting minutes prior to this meetings for review. It was moved by Mr. Mixon, seconded by Mr. Graves, to approve the minutes as submitted. The motion passed with no dissenting votes.

Board Meeting and PHC Schedule – June 2019 – May 2020

Board members were presented a proposed schedule for Board meetings and prehearing conferences for June 2019 through May 2020.

After review and discussion, on a motion from Mr. Minton, seconded by Mr. Graves with no dissenting votes, the Board approved the proposed schedule.

Consideration of Draft Letter to FDA Commenting on Revised MOU Proposal

At the October 2018 Board Retreat, Mr. Campbell stated that FDA has issued a revised proposed MOU regarding the interstate distribution of compounded drugs under the Drug Quality and Security Act which now clarifies the calculations process and increases allowed interstate shipments by pharmacies in states that adopt the MOU. However, there remain staff concerns regarding the proposed MOU. Any comments concerning the MOU are due to the FDA by December 10, 2018. After discussion, it was the consensus of the Board to direct staff to draft a letter to the FDA in response to the MOU detailing remaining concerns and offering solutions.

Mr. Campbell presented a proposed letter to the FDA that outlines those concerns.

The Board adjourned for a break at 10:31 for a break and resumed open session at 10:39.

After review of the letters and discussion, on motion from Dr. Vance, seconded by Mr. Minton with no dissenting votes, the Board approved the proposed letter and instructed Mr. Campbell to convey it to the FDA.

Update on RMOE Survey

At the October 2018 Board meeting, the Board appointed a committee made of Dr. Vance, Dr. Bowman, and Mr. Minton to explore Remote Order Medication Entry in the community pharmacy practice setting. The Board also instructed Mr. Campbell to conduct a survey of pharmacists regarding possible expansion of remote order entry outside the health system setting.

Mr. Campbell stated that 690 pharmacists responded to the survey. Mr. Campbell will compile the responses and provide them to the committee.

Rulemaking Update

Amendment to 21 NCAC 46.2502(g) Governing Pharmacist-Manager Responsibilities

At the October 2018 Board meeting, the Board approved for notice and comment an amendment to 21 NCAC 46.2502(g) to allow a pharmacist to simultaneously serve as a pharmacist manager at more than one pharmacy if one pharmacy is newly permitted and has not yet begun providing services to patient. The pharmacist would be required to relinquish the pharmacist manager position of the other permit once the newly permitted facility begins to service patients or six (6) months for the issuance of the permit, whichever occurs earlier.

Mr. Campbell stated that staff has not received any comments regarding the proposed rule amendment to date. The Board will hold a public hearing for the amendment at the January 15, 2019 Board meeting.

Amendment to 21 NCAC 46.2404, Health Department RN Dispensing

At the October 2018 Board meeting, the Board approved for notice and comment an amendment to Rule 21 NCAC 46.2403 to allow registered nurses at North Carolina health departments to dispense over-the-counter nicotine replacement products. Dr. Elizabeth Tilson, the State Health Director and Chief Medical Officer, sent a letter to the Board requesting the amendment pursuant to G.S. 90-85.34.

Mr. Campbell stated that staff has not received any comments regarding the proposed rule amendment to date. The Board will hold a public hearing for the amendment at the January 15, 2019 Board meeting.

Renewal Season Update

Missy Betz, Director of Licensing, updated the Board the 2019 renewal season. She stated that 3200 pharmacists have renewed so far and the Thoughtspan database system is running smoothly.

Annual Report Filing

The Board approved the FY2017-18 Annual Report at the October 2018 Board meeting and directed staff to file it with the appropriate agencies. Mr. Campbell stated that the report has been filed as directed.

Financials

JP Brown, Accounting Manager, presented the October 2018 financial report to the Board.

Investigative Statistics

Joshua Kohler, Director of Investigations, presented the November 2018 investigative report.

Update on Investigative Staff Position

Ellen Vick, Associate Executive Director, updated the Board on changes in investigative staff positions. Ms. Vick stated that Holly Price Hunt and Loretta Wiesner have been reclassified as Senior Investigators. Lisa Mendez has been promoted to Senior Investigator.

Since the retirement of Ken Wilkins in 2016, there has not been a Floating Investigator for the department. Senior Investigator Loretta Wiesner will serve in that role starting in January 2019. Staff will begin the process of hiring an investigator to back fill her position as Investigator for District 2.

Reports to the Board

Wendy Cox, UNC Eshleman School of Pharmacy, updated the Board on happenings at the school including the school's dean search, their upcoming ACPE accreditation process, and post-graduation employment rate for students.

Board Committee Reports

Mr. Campbell updated the Board on the Opioid Crisis Response Committee progress. He stated that Board Member Ashley Duggins attended the opioid summit in Arkansas where take-back programs were discussed.

He also stated that the next round of opioid public service announcements has started running on the Tar Heel Sports Network.

Consent Agenda

On a motion from Mr. Minton, seconded by Mr. Mixon, the Board approve the consent agenda as presented. The motion passed with no dissenting votes.

The following items were approved.

Prehearing Conference**Staff Issued Letters of Warning and Consent Order**

Hallie C. Reaves, Jr., License #04714; Barbee Pharmacy & Gifts, Permit #04406; Crystal L. Gibson, Registration #24386; Cindy M. Gregory, Registration #30764; and Debbie Edge, Registration #06544 were subjects of a pre-hearing conference held on Monday, October 15, 2018. On this day, Board Member Andy Bowman heard testimony concerning the following case:

The investigation determined that between May 13, 2014, through May 31, 2016, pharmacists and technicians fraudulently created original prescriptions, transfers and refills that had not been prescribed by the provider and failed to create required records of the authorization for these prescriptions. This occurred at least one hundred and fifty (150) documented occasions and included at least thirty-nine (39) prescriptions for Schedule III through Schedule V controlled substances.

In addition, on at least eighteen (18) occasions between February 11, 2014, through May 31, 2016, pharmacists and technicians dispensed more drugs than prescribed, entered more refills than were prescribed and/or split longer-term prescriptions into 30-day supplies, which would lead to increased billing.

After hearing all the evidence presented and based on the standards established by the Board, Dr. Bowman proposed that staff issues LETTERS OF WARNING be issued to Technicians Gibson, Gregory, and Edge. Dr. Bowman also proposed a fourteen (14) day suspension, stayed one (1) year with conditions for RPh. Reaves.

Staff Issues Letters of Warning and No Action

Lauren Elizabeth Zidarin., License #25335; CVS Pharmacy, Permit #10064; Donna P. Riegger, Registration #18792; and Elizabeth Martinez Delgado, Registration #46082 were subjects of a pre-hearing conference held on Monday, October 15, 2018. On this day, Board Member Andy Bowman heard testimony concerning the following case:

Deborah McKechnie and Erika Ziegler filed complaints with the Board office on May 23, 2017, and June 13, 2018, respectively. Ms. McKechnie alleged that RPh. Zidarin dispensed Tapentadol 50mg with the incorrect directions dated May 22, 2017. Ms. Ziegler alleged that on May 30, 2017, RPh. Zidarin dispensed Bupropion HCL XL 300mg in place of the 150mg strength as prescribed.

It was determined that RPh. Zidarin was the dispensing pharmacist for both errors. The investigation noted CVS allowed RPh. Zidarin to supervise more technicians than permitted by law. At the time of the error on May 22, 2017, RPh. Zidarin was supervising four (4) technicians; and at the time of the error on May 30, 2017, she was supervising five (5) technicians. Furthermore, during the time of these errors, CVS

allowed pharmacists to fill prescriptions at a high volume that contributed to the risk of errors.

Technician Delgado took part in dispensing the incorrect strength of Bupropion HCL XL, which resulted in patient Ziegler receiving more medication than prescribed and exceeded the maximum initial daily dosage of the drug.

Tech. Riegger took part in the dispensing of Tapentadol, which resulted in patient McKechnie receiving less medication than prescribed during the seventy-two (72) hours following surgery.

After hearing all the evidence presented and based on the standards established by the Board, Dr. Bowman proposed that staff issues LETTERS OF WARNING be issued to RPh. Zidarín and the permit, Dr. Bowman also proposed LETTERS OF NO ACTION to Tech. Delgado and Tech. Riegger.

Consent Order Reinstating License with Conditions

RPh. Thora Ann Brown, license #20477, was subject of a prehearing conference held on 11/19/2018, heard by Dr. Vance, regarding request for reinstatement of her license. Ms Brown did not renew her 2014 NC license after moving to Georgia. In 2016 she was convicted of a DWI level 1; she into residential treatment and intensive outpatient treatment with RJ Blackley ADTC. In July 2017, she signed 5 year treatment and monitoring with NCPHP; Recommendation; Reinstatement of license with conditions including not serving as PM for one year. The proposed recommendation was accepted by RPh. Brown on 11/19/2018.

A copy of the consent orders can be found elsewhere in the minutes and are incorporated by reference herein.

Reciprocity Candidates

Name	License Type	License #	Application Type	Application Complete
Akanksha Chauhan	Pharmacist	28372	Reciprocity	10/17/2018
Ana Natasha Chavis	Pharmacist	28374	Reciprocity	10/17/2018
Frank Ferrigno	Pharmacist	28373	Reciprocity	10/17/2018
Anne Campbell	Pharmacist	28391	Reciprocity	10/24/2018
Avni J Patel	Pharmacist	28389	Reciprocity	10/24/2018
Carissa Dwan Kirkus	Pharmacist	28386	Reciprocity	10/24/2018
Cassandra Mae Miller	Pharmacist	28385	Reciprocity	10/24/2018
Courtney Laura Pegram	Pharmacist	28390	Reciprocity	10/24/2018
Jessica Lynn Rosson	Pharmacist	28383	Reciprocity	10/24/2018
Lisa Yee	Pharmacist	28387	Reciprocity	10/24/2018
Lucy Jeehee Park	Pharmacist	28382	Reciprocity	10/24/2018
Megan Michelle Conaway	Pharmacist	28380	Reciprocity	10/24/2018

Michael L Thomas	Pharmacist	28384	Reciprocity	10/24/2018
Rosa Linda Haywood	Pharmacist	28381	Reciprocity	10/24/2018
Tara Lindsey Ogle	Pharmacist	28388	Reciprocity	10/24/2018
Courtney Shea Staton	Pharmacist	28406	Reciprocity	11/1/2018
Justin Brink	Pharmacist	28404	Reciprocity	11/1/2018
Katherine Ellen King	Pharmacist	28407	Reciprocity	11/1/2018
Shana Jiang	Pharmacist	28405	Reciprocity	11/1/2018
Vandana Joshi	Pharmacist	28403	Reciprocity	11/1/2018
Daniel J Highhouse	Pharmacist	28417	Reciprocity	11/7/2018
Erin Joan Tenney	Pharmacist	28416	Reciprocity	11/7/2018
Erna Sabin	Pharmacist	28412	Reciprocity	11/7/2018
Ian Elliott Seng	Pharmacist	28413	Reciprocity	11/7/2018
James J Bhaidas	Pharmacist	28419	Reciprocity	11/7/2018
Joseph Samuel Christian	Pharmacist	28414	Reciprocity	11/7/2018
Larita M Alvarez	Pharmacist	28415	Reciprocity	11/7/2018
Lauren Marie Quinton	Pharmacist	28420	Reciprocity	11/7/2018
Martha Spencer Frierson	Pharmacist	28418	Reciprocity	11/7/2018
Kevin Michael Bertling	Pharmacist	28426	Reciprocity	11/14/2018
Krista Maria Williams	Pharmacist	28428	Reciprocity	11/14/2018
Neill Adrian Woest	Pharmacist	28424	Reciprocity	11/14/2018
Sarah Klingler	Pharmacist	28425	Reciprocity	11/14/2018
Thomas Martin Yanicko	Pharmacist	28427	Reciprocity	11/14/2018

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CPP Candidates

- Kelsey Edward Combs - Approval # 700169, Approval Date 11/08/2018
- Benjamin Kyle Hansen – Reinstatement #0070-00757, Reinstated 11/08/2018
- Gretchen Jenkins - Approval #700170, Approval Date 11/08/2018
- Maeghan Nichole Moss – Approval #700171, Approval Date 11/08/2018
- Sarah Marie-Leonall Palacio – Approval #700172, Approved 11/12/2018
- Rebekah Joy Krupski – Approval #700173, Approved 11/20/2018
- Victoria Marie Germinario – Approval #700174, Approved 11/20/2018

Increase in Pharmacists to Technician Ratio

- Cape Fear Pharmacy #12927, Wilmington NC, Karen Lynne Downing /PM, (1:4)
- Food Lion #7597, Raleigh NC, Meredith Rose Kraine/PM, (1:3)
- Food Lion #08221, Pikeville NC, Jodie Uzzell Hudson/PM, (1:3)
- Novant Health Pharmacy Services #10993, Winston-Salem NC, Melanie Reece Alexander/PM (1:3)

- UNC Hillsborough Outpatient Pharmacy #12581, Hillsborough NC, Ashley Coats James/PM, (1:3)
- Walgreens #12238, Raleigh NC, James Leroy Thomas/PM, (1:3)
- Walgreens #12333, Swansboro NC, Kimberly Marie Farabaugh/PM, (1:4)
- Walgreens #12261, Clinton NC, Jessica Erin Bass/PM, (1:4)
- Walgreens #12216, Garner NC, Rola Jawdat Habib/PM, (1:4)

Closed Session

On a motion from Dr. Vance, seconded by Ms. Duggins with no dissenting votes, the Board moved into closed session to discuss possible summary suspensions and a litigation matter.

When open session resumed, Dr. Bowman stated that Technician Jason Alan Everett, registration #54218, and Technician Sarah Ashley Gower, registration #47178, were summarily suspended.

Dr. Bowman also stated that Board authorized Board staff to seek injunctions against various affiliated entities for alleged unlicensed practice of pharmacy. The Board also authorized Board staff to seek injunctions against another entity, as well as associated individuals or entities, for alleged unlicensed practice of pharmacy.

The Board adjourned the meeting at 11:58am.

Dr. Andrew Bowman, President

Robert Graves, Vice-President

Gene Minton

William A. Mixon

Dr. Keith Vance

Ashley Duggins