

MINUTES

North Carolina Medical Board

September 28, 2009

**1203 Front Street
Raleigh, North Carolina**

Minutes of the Open sessions of the North Carolina Medical Board Emergency Meeting held September 28, 2009.

The September 28, 2009 Emergency Meeting of the North Carolina Medical Board was held by teleconference at the Board's Office, 1203 Front Street, Raleigh, NC 27609. The meeting was called to order at 12:00 p.m., Thursday, March 5, 2009, by Janelle A. Rhyne, MD, Past President. Board members in attendance were: Janice E. Huff, MD, Secretary/Treasurer; Ms. Pamela Blizzard; Thomas R. Hill, MD; Ms. Thelma Lennon; John B. Lewis, Jr., LLB; Peggy R. Robinson, PA-C; Paul S. Camnitz, MD and William A. Walker, MD. Also attending were Thom Mansfield, Board Attorney; Marcus Jimison, Board Attorney; Christina Apperson, Legal Department; Curt Ellis, Director of Investigations; Loy Ingold, Board Investigator; Jenny Olmstead, Staff and Maureen Bedell, staff.

Dr. Rhyne commenced the meeting by reading from the State Government Ethics Act, the "Ethics awareness and conflict of interest reminder." No conflicts were reported.

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney/client privilege.

One case was presented for the Board's review. The specifics of the non-public matters in this report are not included.

A motion passed to return to open session.

Emergency Rule Filing

The Board discussed a written request by the State Health Director for an emergency rule to allow pharmacists to administer H1N1 and seasonal flu shots to 14 -17 year-old adolescents. It was noted that the NC Medical Board cooperated with the NC Board of Nursing and The NC Board of Pharmacy in this endeavor. This will remain in effect for a one year period.

Following is the text of the letter from the State Health Director:



North Carolina Department of Health and Human Services
Division of Public Health • Office of the State Health Director
1931 Mail Service Center • Raleigh, North Carolina 27699-1931

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

Jeffrey P. Engel, M.D.
State Health Director

September 24, 2009

R. David Henderson
Executive Director
North Carolina Medical Board
PO Box 20007
Raleigh, NC, 27619-0007

Jay Campbell
Executive Director
North Carolina Board of Pharmacy
6015 Farrington Road
Chapel Hill, NC 27517

09 SEP 28 AM 10: 59
NORTH CAROLINA
MEDICAL BOARD

Dear Messrs. Henderson and Campbell:

The North Carolina Division of Public Health (“DPH”) and the local health departments will soon initiate a mass vaccination campaign to protect the state’s residents, to the extent possible, from the novel H1N1 influenza virus. DPH anticipates that novel H1N1 vaccine supplies will be available for distribution in early October. To best protect the public health, DPH plans to make novel H1N1 vaccinations available for administrations in as many locations as possible, including private provider offices, health clinics, hospitals, health departments, and pharmacies. This widespread distribution is intended, of course, to make the novel H1N1 vaccine readily available for any of North Carolina’s 9.5 million residents who chose to receive it.

As you know, North Carolina law permits pharmacists to administer vaccines – including, specifically, influenza vaccine – to patients 18 years and older under rules jointly promulgated by the Medical and Pharmacy Boards (“pharmacist vaccination rules”). See 21 NCAC 46.2507, 21 N.C.A.C. 32U.0101. As noted above, to adequately respond to the public health threat presented to North Carolina residents by the novel H1N1 influenza virus, DPH will enlist the aid of pharmacist vaccinators across the state to meet this serious, urgent need.

DPH has concluded, however, that the age restriction contained in the pharmacist vaccination rules will impair DPH’s ability to fulfill its mission to protect the public health and safety of North Carolina’s citizens. Indeed, pediatric patients are among the members of the North Carolina public most susceptible to particularly serious complications from novel H1N1 influenza infection.



North Carolina Public Health
Working for a healthier and safer North Carolina
Everywhere. Everyday. Everybody.



Location: 5605 Six Forks Rd., 1st Floor, • Raleigh, N.C. 27609-3811
An Equal Opportunity Employer

September 28, 2009

September 24, 2009

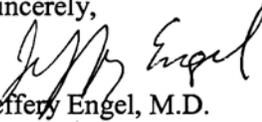
Page 2

Accordingly, to ensure ready access to the H1N1 vaccine for this vulnerable patient population, DPH requests that the Medical and Pharmacy Boards jointly, and immediately pursuant to N.C.G.S. § 150B-21.1A, promulgate an emergency rule amendment to the pharmacist vaccination rules allowing pharmacist administration of the influenza vaccine to any patient age 14 or older.

Furthermore, because an emergency rule's permissible duration is, at a maximum, 60 days, DPH also requests that the Medical and Pharmacy Boards contemporaneously promulgate and file a temporary rule accomplishing the same amendment and ensuring that this necessary authority does not expire even as the H1N1 influenza season continues.

DPH appreciates your immediate consideration of this request and action to ensure that the public health and safety of the citizens of North Carolina is protected.

Sincerely,



Jeffrey Engel, M.D.

North Carolina State Health Director

cc: Julie George, North Carolina Board of Nursing
Tom Mansfield

There was a motion to approve the emergency rule. So approved.

ADJOURNMENT

This meeting was adjourned at 12:40 p.m., September 28, 2009.

Janice E. Huff, MD
Secretary/Treasurer

September 28, 2009