

# **MINUTES**

**North Carolina Medical Board**

**December 15, 2009**

**1203 Front Street  
Raleigh, North Carolina**

# Minutes of the Open sessions of the North Carolina Medical Board Special Meeting held December 15<sup>th</sup>, 2009.

The December 15, 2009, Special Board meeting of the North Carolina Medical Board was held via teleconference at the Board's Office, 1203 Front Street, Raleigh, NC 27609. The meeting was called to order at 5:00 p.m., Tuesday, December 15, 2009, by Donald E. Jablonski, DO, President. Board members in attendance were: Janice E. Huff, MD, President-Elect; Willaim A. Walker, MD, Secretary/Treasurer; Thomas R. Hill, MD; Ms. Thelma Lennon; Ralph E. Loomis, MD; Peggy R. Robinson, PA-C and Paul S. Camnitz, MD. Absent were Dr. George E. Saunders, III, MD, Past-President; Ms. Pamela Blizzard; John B. Lewis, Jr., LLB and William W. Foster, MD. Also attending were R. David Henderson, Executive Director; Marcus Jimison, Board Attorney and Chrisitna Apperson, staff.

The meeting conveniend at 5:00pm

**Issue:** Re-adoption of Temporary Rule Concerning H1N1 Vaccination by Pharmacists

**Attorneys:** Marcus Jimison and Christina Apperson

**Comments:** Rules Review Commission ("RRC") staff informed the staff of The Medical Board and the Pharmacy Board that both boards prematurely adopted the temporary rule allowing pharmacists to administer the H1N1 and seasonal influenza vaccines to patients aged 14 to 18. Accordingly, this technical procedural defect must be remedied and both Boards must re-adopt the Rule before the RRC will consider it for approval.

G.S. 150B-21.1(a)(3) requires an agency to notify interested persons of its intent to adopt a temporary rule and of the public hearing at least 30 business days prior to adopting a temporary rule to allow for public comment. The Board's submission to the Rules Review Commission indicates that notice was given on October 13 and the rule was adopted by this Board on November 17, while the public comment period was still open.

The emergency rule expires on January 1, 2010. Therefore, the temporary rule must be re-adopted prior to the RRC's December 17<sup>th</sup> meeting so that there will be no gap in the authorization allowing pharmacists to administer the H1N1 and seasonal influenza vaccines to patients aged 14 to 18.

The Pharmacy Board has already re-adopted its rule by teleconference.

**Recommendation:** Re-adopt rule.

**Motion:** To accept recommendation as presented.

## ADJOURNMENT

This meeting was adjourned at 5:15 p.m., December 15, 2009.

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Janice E. Huff, MD  
Secretary/Treasurer 'Pro Tempore'