

## South Carolina Board of Pharmacy

### Board Meeting

8:30 a.m., June 16-17, 2004

### Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

## MINUTES

Wednesday, June 16, 2004

Rufus Sadler, R.Ph., Chairman, of Clinton, called the regular meeting of the Board of Pharmacy to order at 8:36 a.m. Other members present included: Bobby Bradham, R. Ph., Vice Chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Davis Hook, R. Ph., of West Columbia; Marvin Hyatt, R.Ph., of Rock Hill; Terry Lewis, R.Ph, of Darlington; Dr. Leo Richardson of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Allen Toole, R.Ph., a new member whose term begins July 1, 2004, attended the meeting as an observer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Natalie Cobb, Administrative Assistant; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator; Sally Green, Administrative Specialist; Tom Porter, R.Ph, Inspector; Ray Trotter, R.Ph Temporary Investigator and Sheila Young, R.Ph., Compliance Manager. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel; LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; and Lynne Rogers, General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: Paulette Bentley, Jim Bracewell, Pam Cain, Sharee Carter, Tremain Cooper, Daniel Bundrick, Rob Eaton, Homer Gamble, M.D., Brandon Hendrickson, Julianne Lewis, John Owen, Joe Mullinax, Scott Padgett, Julie Pangle, John Ridgeway, Jimi Sharon, "C" Turner, and Kiran Ubhi.

### Meeting Called to Order

Mr. Sadler announced that this meeting was being held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

### Pledge of Allegiance

All present recited the Pledge of Allegiance.

Chairman's Remarks - Rufus Sadler, R.Ph.

Mr. Sadler reserved his remarks for later in the meeting.

Introduction of Board Members and all other persons attending  
The Board members, staff, and members of the public attending the meeting introduced themselves.

Mr. Sadler turned the meeting over to Mr. Bradham at this time.

Invocation

Mr. Hook delivered the invocation.

#### 1. Approval of Minutes for the March 17, 2004 Meeting

MOTION

Mr. Hyatt moved the minutes of the March 17, 2004 meeting be approved. Mr. Hook seconded the motion. Mr. Bradham noted one change to the discussion regarding the detention centers on page 12. He indicated that of the 97 facilities, 74 facilities are not currently permitted. The motion carried unanimously and the minutes were approved with the one noted correction.

#### 2. Reciprocity Interviews:

Approval of Candidates for Licensure

From 9:00 a.m. to 10:00 a.m., the Board members interviewed reciprocity candidates for licensure.

MOTION

Mr. Banks moved the Board approve the reciprocity candidates interviewed since the last meeting and those interviewed by the Board today. The motion was seconded by Dr. Richardson and unanimously carried.

A brief discussion ensued regarding the exam questions.

Volunteer for August 11, 2004 Interviews

Mr. Hyatt volunteered to conduct reciprocity interviews on August 11, 2004. Dr. Richardson volunteered to assist in conducting the reciprocity interviews.

#### 3. Administrator's Report, Lee Ann F. Bundrick, R.Ph.

Ms. Bundrick briefed the Board on staff's activities since the March 2004 meeting.

· Special Employee Recognition

During her remarks she presented Sally Green with a special employee recognition certificate.

#### 4. Discussion Topics

· Board's Opinion on Pharmacists Performing Cholesterol Testing

The Board was presented with an opinion by the Attorney General's Office to

Representative James H. Harrison who had requested an opinion regarding pharmacists performing cholesterol testing. The opinion indicates that the definition found in Section 40-43-30(44) of the current statute does not allow pharmacists to conduct certain testing.

Mr. John Owen, R.Ph., appeared before the Board at this time and gave brief remarks regarding this matter. He indicated the cholesterol testing is clinical screening and he does not feel it should be included in the pharmacy practice act.

Discussion on this issue ensued.

#### MOTION

Mr. Lewis moved, based on Section 40-43-86 under the duties, responsibilities, and provision of pharmacy care, the Board interprets this as giving pharmacists the authority to perform health-screening services. The Board feels as though any pharmacist involved in these activities should have proof of personal competency in performing these tests. Mr. Banks seconded the motion, which carried unanimously.

· Board of Pharmacy Proclamation Congratulating Arnold Karig for being named Interim Dean at MUSC College of Pharmacy - Bobby Bradham, R.Ph.

Mr. Bradham stated he believes the Board has done something similar on previous occasions.

#### MOTION

Mr. Bradham moved the Board send a letter to Arnold Karig congratulating him for being named Interim Dean on the retirement of Dean Cormier. Mr. Banks seconded the motion, which carried unanimously.

· Vaccinate and Vote, SC Coalition on Immunization - Nekiesha Reed, CMR and Natalie Cobb

Ms. Natalie Cobb stated last year she was asked to represent the Immunization Task Force with the SC Coalition on Older Adult Immunization. This year the Coalition is launching a program entitled Vaccinate and Vote, that is modeled after a program in Virginia, which would allow senior citizens to receive a flu vaccination when they vote in the general election in November 2004. The Coalition is focusing its pilot project on four counties: Allendale, Bamberg, Hampton, and Jasper, although discussion has taken place in regard to the counties be changed to Allendale, Bamberg, and Orangeburg. The Coalition would have a booth set up at one to two voting sites in these counties in order to allow older adults obtain a flu vaccine when they vote. Part of the program is also planning to allow candidates, political parties, community centers, civic organizations, churches, local businesses and other entities become involved in this effort. She noted that certain restrictions would be placed as to where the booths would be allowed at the voting places. The Coalition is targeting schools. The coalition is asking for the Board to provide information, as far as a database list, for the coalition to use in reaching local pharmacists and local pharmacies in these areas in an attempt to get them to work with the project, as well as allowing the coalition to place an article in the newsletter regarding

the program, and that the Board write a letter in support of the program for the Coalition on Older Adult Immunization. The Coalition is requesting that database information requested by the coalition from county health departments be sent to the coalition without being charged.

## MOTION

Mr. Hyatt moved the Board support the three requests of the Coalition on Older Adult Immunization. The motion was seconded by Mr. Hook and unanimously carried.

- NABP's Membership of Pharmacy Compounding Accreditation Program's Governing Board - Davis Hook, R.Ph.

Mr. Hook stated the Board has received information that the NABP is now a member of the Pharmacy Compounding Accreditation Program's governing board. He indicated the compounding committee has met since this information was received. He is asking the members to give him feedback on if they think it is essential that the compounding pharmacists receive additional accreditation or if by being pharmacists have the right to compound.

Mr. Hyatt stated he does not feel the Board needs it.

- Manufacturers Giving Credit for Out of Date Medications - Davis Hook, R.Ph.

Mr. Hook stated he knows an individual who reciprocated to North Carolina who is asking him questions. He went on to say North Carolina has a list of manufacturers who are giving credit for out of date merchandise for up to six months out of date. He went on to say that merchandise that is out of date beyond the six months is excluded. The manufacturers do not give credit for returned products that cannot be used for generic products.

- Restricting Products with Dextromethorphan to Pharmacies - Davis Hook, R.Ph.

Mr. Hook stated he has concerns regarding information from pharmaceutical magazines regarding products with Dextromethorphan. He further stated the Board might want to consider keeping the products with Dextromethorphan behind the counter and counseling patients asking for these products.

After a brief discussion, this matter was referred to the legislative committee.

## 5. Old Business

### A. MUSC MOA

Ms. Bundrick presented the members with a Memorandum of Agreement (MOA) regarding the MUSC East Cooper Pharmacy and stated this document was approved at the last meeting. She went on to say the document was sent to Dr. Bush who signed the document and returned it to the Board. She indicated this matter was for the Board's information. (The MOA is herewith attached to the permanent minutes of this meeting and hereby retained at the Board's office.)

Mr. Rose questioned the Board regarding a continuing education program for medication

errors. Ms. Bundrick stated Mr. C Turner discussed this matter with Mr. Bracewell and a program is currently being developed.

## 6. New Business

### B. Request for Approval of Omaha Vaccine Company, Non-Resident Pharmacy Permit - John Ridgeway, R.Ph.

John Ridgeway, R.Ph., has submitted an application for a non-resident pharmacy permit on behalf of his company, Omaha Vaccine Company. In a letter to the Board Mr. Ridgeway states that his company is currently in probationary status with the State of Nebraska because he self-medicated with Hydrocodone/APAP for a back injury in 1994. He surrendered his license under duress in 1999.

John Ridgeway, R.Ph., appeared before the Board at this time.

Mr. Ridgeway presented the members with documentation regarding the Omaha Vaccine Company. He reapplied for licensure after eighteen months of working with a homeless shelter. He stated his pharmacy license is on probation for an incident in 1998. His license was reinstated on January 22, 2001 with a five-year contract, which included a five-year probation. His probation remains in effect for another eighteen (18) months, during which time he will continue to attend group meetings in an aftercare treatment program. He is requesting the Board to approve a non-resident pharmacy permit for his company, which handles mostly licensed large animal veterinarians. He currently holds licenses in Iowa, Ohio, Washington, Idaho, New Mexico and North Carolina, which have not placed any restrictions on the permits.

### MOTION

Mr. Hook made a motion the Board grant a non-resident pharmacy permit to the Omaha Vaccine Company. Banks seconded the motion. The motion carried by a majority vote. Dr. Richardson voted nay.

### C. Request to be PIC at Agape Pharmacy and Carolina Medical Products Pharmacy - Daniel Bundrick, R.Ph.

Ms. Sheila Young stated the Board has received a request from Mr. Bundrick to be a Pharmacist in Charge at two locations. She has inspected Carolina Medical Products Pharmacy and Agape Pharmacy during which time she found a couple of violations at Agape Pharmacy, which were corrected the next day. Carolina Medical fills only six to eight prescriptions a month and that Mr. Bundrick would only be required to be at Carolina Medical a couple of hours a week.

Daniel Bundrick appeared before the Board at this time and answered the questions posed by the Board.

### MOTION

Mr. Hyatt moved the Board grant this request. Mr. Lewis seconded the motion, which carried unanimously.

#### D. Election of 2004-2005 Board Officers

Mr. Hook nominated Mr. Bradham as chairman and Mr. Lewis as vice chairman. Mr. Banks seconded the nomination, which carried unanimously.

#### E. Election of 2004-2005 IRC Chairman

Mr. Hyatt nominated "C" Turner as IRC chairman. Mr. Lewis seconded the motion. Mr. Bradham asked Mr. Sadler if he would like his name to be considered as the IRC chairman. Mr. Sadler replied negatively. The motion carried unanimously.

#### F. Report of NABP 100th Annual Meeting - Bobby Bradham, R.Ph.

Mr. Bradham stated he attended the meeting in Chicago with Ms. Bundrick and Ms. Young. He went on to say the meeting was informative and had several keynote speakers. He further stated he was appointed to the resolutions committee. The topics included the importation of Canadian drugs.

G. 2004 District III NABP/AACP Meeting, August 1-3, 2004 in Biloxi, Mississippi - Delegate Mr. Banks, Mr. Hook, Mr. Rose and Mr. Bradham indicated they would be attending this meeting.

#### MOTION

Mr. Hook nominated Mr. Rose as the delegate for this meeting. The nomination was seconded by Mr. Hyatt and unanimously carried.

#### H. Approval of Accredited Schools and Colleges of Pharmacy, certified by the American Council on Pharmaceutical Education

#### MOTION

Mr. Hook made a motion, seconded by Mr. Lewis and unanimously carried, that the Board approve the accredited schools and colleges of pharmacy, certified by the American Council on Pharmaceutical Education.

#### I. Request for Exemption from CE Requirements for Pharmacy Technician Renewal - Nicole Voso

Nicole Voso graduated from the College of Charleston in May 2003 with a Bachelor of Science degree in biochemistry and a Bachelor of Arts degree in chemistry, with a minor in biology. She is currently enrolled at Spartanburg Technical College taking Anatomy and Physiology II and also plans to attend pharmacy school. She is asking the Board to exempt her from the continuing education requirements for the pharmacy technician renewal.

#### MOTION

Mr. Lewis moved the Board accept the exemption. Mr. Hyatt seconded the motion, which carried unanimously.

#### J. Review of Initial Non-Resident Pharmacy Application - Road Runner Pharmacy - Robert L. Eaton, Jr.

Robert L. Eaton, Jr., on behalf of Road Runner Pharmacy, located in Phoenix, Arizona, has submitted an initial application for a non-resident pharmacy. The pharmacy was cited

by Arizona in 2001 due to a non-certified pharmacy technician compounding drugs.

Robert L. Eaton, Jr. appeared before the Board at this time.

Mr. Eaton stated his pharmacy's violation in 2001 by the State of Arizona, which required him to appear before the Board at this time. He noted that ninety-eight percent of the pharmacy's business is veterinary and that the pharmacy staff includes four full-time pharmacists and one part-time pharmacist.

#### MOTION

Mr. Hook moved the Board grant this license. The motion was seconded by Mr. Hyatt and carried with a majority vote. Dr. Richardson voted nay.

K. Physician Owned Pharmacy Providing Services to Detention Centers - Homer F. Gamble, M.D.

Homer F. Gamble, M.D. appeared before the Board at this time.

Dr. Gamble stated he has provided medical personnel to detention centers in the Florence area during the past six to eight months. He indicated that it was a cottage industry for him and only requires two hours a week. He is asking the Board to waive the requirement of having a twenty-hour a week pharmacy for six months. He is willing to inform the Board on the amount of prescriptions filled at the end of six months.

Mr. Bradham asked that this request be considered in conjunction with the Detention Center Task Force report.

Mr. Lewis questioned the Board if Mr. Gamble needed a license. Ms. Bundrick stated he is aware that he does not need a permit, however, a permit is needed to obtain competitive pricing.

L. Reciprocity Process- Bobby Bradham, R.Ph.

The Board was presented with a guideline for reciprocity interviews. Mr. Bradham stated the Board has enhanced the reciprocity interviews by conducting the interviews in each congressional district. He feels this way should be the primary option with the option of traveling to Columbia as a secondary options.

#### MOTION

Dr. Richardson moved the Board accept the reciprocity guidelines. Mr. Hook seconded the motion, which carried unanimously.

M. Review Non-Resident Medical Gas Permit - Sheila Young, R.Ph.

Ms. Young stated staff is receiving several requests from individuals wanting to receive non-resident medical gas permits, however the Board does not have such a permit. She asked if the Board is interested in having such a permit.

The Board referred this matter to the legislative committee.

#### N. Request for Internship Hours - Kiranjeet Ubhi, PharmD

Kiranjeet Ubhi has written a letter to the Board requesting the Board consider her work experience in her fellowship at MUSC for internship hours. She is currently doing a fellowship under Dr. White's supervision. She received her intern certificate in May 2004.

Kiranjeet Ubhi appeared before the Board at this time.

She stated she has an undergraduate pharmacy degree in Canada and attended a two-year PharmD program in the State of Washington, which she finished in December 2003. She became employed with MUSC in February 2004. She is asking that the Board approve the 1,000 hours with the PharmD program and the 500 hours outside of the PharmD program go toward the research program as internship hours. She presented the members with Certification of Clinical Experience; however, the document does not disseminate the areas 1,280 hours covered. She needs to provide the Board with the dissemination of the 1,580 hours from the PharmD program she attended in Washington.

The Board informed Ms. Ubhi that further documentation regarding her request must be received prior to be taken into consideration.

#### O. Request for Variation from Practice Act - Julie D. Pangle, R.Ph., SC Department of Corrections

On June 4, 2004 Julie Pangle, R.Ph., Chief Pharmacist with the SC Department of Corrections, submitted a request to the Board asking the Board's approval to approve a variance from the practice act to allow the department to perform inspections for their non-dispensing drug outlet facilities every other month rather than monthly as required by the practice act.

Julie Pangle, R.Ph, of the SC Department of Corrections, appeared before the Board at this time.

Ms. Pangle stated the Department of Corrections has a crisis at this time due to a budget crunch. She is asking that the Board approve a variation from the practice act regarding the monthly inspections. She currently has a staff of five, which handles the correctional pharmacies across the state.

The Board informed Ms. Pangle that the monthly inspections must be conducted according to the practice act. The Board noted that a pharmacy technician may conduct the inspection and note any violations to the consulting pharmacist.

Ms. Young noted a medical director, a registered nurse, or another individual may inspect EMS facilities.

#### LUNCH

The Board adjourned for lunch at 12:45 p.m. and returned to public session at 2:00 p.m.

## 7. Compliance and Inspectors Report, Sheila Young, R.Ph.

Ms. Young, R.Ph., compliance manager, briefed the Board on the activities of the compliance department since the March 2004 meeting. She indicated staff has conducted 246 inspections since the March 2004 meeting.

IRC Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Consent Orders and Stipulations and Petitions from the Investigative Review Committee, (IRC) - Lynne Rogers, OGC and "C" Turner, R.Ph., IRC Chairman

- Proposed Policies from IRC

The IRC is recommending the Board approve a policy on late renewal applications for pharmacists. If approved the procedure for dealing with impaired pharmacists would be to bring the pharmacist through the IRC at the onset of a case rather than after one year of compliance and upon completion of the initial assessment and treatment. Then present a consent order with the following terms: a) minimum period of suspension (8 months to one year), 2) RPP contract and compliance and c) upon completion of suspension, terms for reinstatement would be probation, fine, continuing education, MPJE, supervised practice, etc. (The proposed policy is herewith attached and becomes a permanent part of this record retained at the Board's office.)

### MOTION

Mr. Lewis made a motion, seconded by Mr. Hook, that the Board accept the IRCs proposed policy to handle cases through the IRC. After some discussion, during which the clarification was made that this would be a suggested guideline, not a policy, on a procedure, and to remove 8 months to one (1) year, the motion carried unanimously.

- Recommendation for  
Compliance Procedural Change for  
Late Pharmacists Renewals

The IRC is proposing that pharmacist license renewal applications received after May 1 meet renewal requirements and contain the appropriate fees and appropriate penalties. Applicants would be required to sign a pre-licensing agreement certifying that their license is subject to the right to impose sanction for unlicensed practice. Additional penalty fees would be assessed according to the receipt of the renewal application. (The proposed policy is herewith attached and becomes a permanent part of this record retained at the Board's office.)

### MOTION

Mr. Hyatt moved the Board accept the IRCs proposed policy for the compliance procedural change for late pharmacists renewals. Mr. Sadler seconded the motion, which carried unanimously.

A discussion ensued regarding the discipline of registered pharmacy technicians.

· Formal Complaints

Case #: 2003-0108

Case #: 2003-0109

Case #: 2003-0162

Case #: 2003-0028

Case #: 2004-0056

Case #: 2004-0059

Case #: 2004-0063

Case #: 2004-0065

Case #: 2004-0070

Case #: 2004-0071

MOTION

Mr. Hyatt made a motion, seconded by Mr. Lewis and unanimously carried, that the Board accept the IRCs recommendation regarding the formal complaints.

· Consent Orders

Case #: 2003-0036

MOTION

Mr. Banks moved the Board accept the IRC's recommendation regarding this case. Mr. Hook seconded the motion, which carried unanimously.

Case #: 2003-0057

MOTION

Mr. Hyatt moved the Board accept the IRCs recommendation regarding this case. The motion was seconded by Mr. Lewis and unanimously carried.

Case #: 2003-0063

MOTION

A motion was made by Mr. Hyatt, seconded by Mr. Lewis and unanimously carried, that the Board accept the IRCs recommendation regarding this case.

Case #: 2003-0065

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board accept the IRCs recommendation regarding this case.

Case #: 2003-0106

MOTION

Mr. Hyatt moved the Board accept the IRCs recommendation regarding this case. Mr. Lewis seconded the motion, which carried unanimously. Mr. Banks abstained from voting in this matter.

Case #: 2003-0165

MOTION

Mr. Hyatt moved the Board accept the IRCs recommendation regarding this case. The motion was seconded by Mr. Banks and unanimously carried.

Case #: 2004-0018 (1)

MOTION

A motion was made by Mr. Banks, seconded by Mr. Hyatt and unanimously carried that the Board accept the IRCs recommendation regarding this case.

Case #: 2004-0018 (2)

MOTION

Mr. Banks moved the Board accept the IRCs recommendation regarding this case. The motion was seconded by Mr. Lewis and unanimously carried.

Case #: 2004-0020

MOTION

Mr. Banks moved the Board accept the IRCs recommendation regarding this case. Mr. Hyatt seconded the motion, which carried unanimously.

· Voluntary Surrender

Case #: 2003-0108

MOTION

Mr. Banks made a motion, seconded by Mr. Hyatt and unanimously carried, to accept the IRCs recommendation regarding this case.

Case #: 2004-0064

MOTION

A motion was made by Mr. Banks, seconded by Mr. Hook and unanimously carried, that the Board accept the IRCs recommendation regarding this case.

· Temporary Suspension

Case #: 2004-0056

MOTION

Mr. Hyatt moved the Board accept the IRCs recommendation regarding this case. The motion was seconded by Mr. Lewis and unanimously carried.

· Agreement to Relinquish Pharmacy Technician Registration

Case #: 2004-0069

MOTION

A motion was made by Mr. Banks, seconded by Mr. Hyatt and unanimously carried, that the Board accept the IRCs recommendation regarding this case.

Cases for Dismissal

2003-0027 2004-0033

2003-0045 2004-0035

2003-0140 2004-0039  
2003-0150 2004-0040  
2003-0161 2004-0045  
2004-0003 2004-0050  
2004-0014 2004-0058  
2004-0027 2004-0060  
2004-0032 2004-0066

#### MOTION

Mr. Banks made a motion, seconded by Mr. Hyatt and unanimously carried, that the Board accept the cases for dismissal.

#### Cases for Dismissals with Letters of Concern

2004-0012 2004-0026  
2004-0021 2004-0034  
2004-0024 2004-0054

#### MOTION

Mr. Hyatt made a motion, seconded by Mr. Banks and unanimously carried after some discussion, that the Board accept the IRCs recommendation regarding these cases.

#### Rx Alert

Mr. Bradham stated the SC Pharmacy Association has begun a program, which alerts health care providers and law enforcement agencies of stolen prescriptions, forgeries, and doctor and pharmacy shopping.

#### MOTION

A motion was made by Mr. Bradham and seconded by Mr. Lewis, that the Board endorse the program and suggested the endeavor continue.

#### Public Comments

There were no public comments made during the June 16, 2004 meeting.

#### Adjournment

At 3:28 p.m., Mr. Bradham recessed the meeting until 11:00 a.m. Thursday, June 17, 2004.

South Carolina Board of Pharmacy  
Board Meeting  
8:30 a.m., June 17, 2004  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina

#### MINUTES

Thursday, June 17, 2004

Rufus Sadler, R.Ph., Chairman, of Clinton, called the regular meeting of the Board of Pharmacy to order at 9:19 a.m. Other members present included: Bobby Bradham, R. Ph., Vice Chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Davis Hook, R. Ph., of West Columbia; Marvin Hyatt, R.Ph., of Rock Hill; Terry Lewis, R.Ph., of Darlington; Dr. Leo Richardson of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Natalie Cobb, Administrative Assistant; Marilyn Crouch, Program Assistant; Tom Porter, R.Ph, Inspector; Ray Trotter, R.Ph Temporary Investigator; and Sheila Young, R.Ph., Compliance Manager. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel; LLR-Office of General Counsel; and Sandra Dickert, Administrative Assistant.

Allen Toole, R.Ph., a new member whose term begins July 1, 2004, attended the meeting as an observer.

Members of the public attending the meeting included: Julianne Lewis, John Owen, and Norman Phillips.

#### Meeting Called to Order

Mr. Sadler announced that this meeting was being held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

#### Chairman's Remarks - Rufus Sadler, R.Ph.

Mr. Sadler had no remarks at this time.

#### Invocation

Mr. Bradham delivered the invocation.

#### Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Sadler turned the meeting over to Mr. Bradham at this time.

Mr. Bradham stated the Board would be attending a 10:30 press conference at the SC Pharmacy Association; however, the Board would hear as many committee reports as possible prior to leaving for the press conference.

#### 8. Committee Reports

· Immunization Committee - Marvin Hyatt, R.Ph., Dock H Rose, R.Ph.

Mr. Hyatt presented the Board with copies of the minimum requirements for influenza protocol. Ms. Natalie Cobb stated the committee has tentatively scheduled a meeting for

July 28, 2004 during which time they would discuss the minimum requirements to draft language for pharmacists to administer influenza vaccines. She further stated the committee has the support of the association and the Immunization Coalition in drafting language to "hash out" how pharmacists can administer flu vaccines. She went on to say that the registered nurses employed with DHEC have expressed an interest in allowing the pharmacists to administer the vaccines. She indicated the committee would attempt to draft language prior to turning the matter over to the legislative committee.

· Pharmacy Technology Committee- Terry Lewis, R.Ph., and David Banks, R. Ph. Mr. Lewis stated neither he nor Mr. Banks were unable to attend the April 20, 2004 meeting, however, the committee was able to get a lot done at this meeting. The committee discussed previously submitted information regarding the approval of central fill and agreed to review draft language and submit suggestions for discussion to Ms. Cobb prior to the May 18, 2004 meeting.

The committee met again on May 18, 2004. Ms. Cobb stated Mr. Wilbur Harling, of the SC Department of Health and Environmental Control (DHEC) is researching information for the central fill issue. The committee submitted a copy of the draft language to the Board for its review. Ms. Cobb stated the committee would further review the language prior to submitting it to the legislative committee.

· Recovering Professional Program Committee - Leo Richardson PhD. Dr. Richardson apologized to the Board for being unable to attend the previous two meetings. He had asked Ms. Cobb to attend the meetings. He has informed Mr. White to give him earlier notice of the meetings.

Ms. Cobb stated the RPP committee met on June 4, 2004. She noted that a couple of staff changes have been made. She indicated that Frank Sheheen has been promoted to Clinical Coordinator, replacing Nancy Weldon. She went on to say that Kaley Wilson, formerly the office administrator has been promoted to caseworker and that another individual is now the office manager. She stated that RPP has been speaking of moving out of their present location and are looking for a facility with private restrooms to allow privacy for their clients under the HIPPA requirements. She continued by saying Jack White and Kathryn Pearson, of the SC Nursing Association, are presenting the RPP program to different groups. She offered to contact the SC Pharmacy Association in hopes they could present the program to the membership as an awareness effort. She continued by saying RPP has been utilizing a new alcohol test; which tests for alcohol metabolites. She indicated, however, that the test is expensive. She indicated when RPP first began utilizing this test the cost was running \$200. She noted the test now costs \$125 and Dr. Coleman assured the committee that the test would be available for approximately \$3 before long. She presented the members with the RPP quarterly report.

· Compounding Task Force - Davis Hook, R.Ph., Dock H Rose, R.Ph. Mr. Hook stated this committee has not met and has no report. He noted, however, that staff is continuing to conduct inspections based on the latest information regarding USP Chapter 797.

- Durable Medical Equipment (DME) Committee - Hugh Mobley, R.Ph.

Ms. Cobb stated Mr. Mobley has asked that this committee be dissolved for the time being.

Mr. Bradham indicated the Board would honor this request.

- Nuclear Pharmacy Committee - Dock H Rose, R.Ph.

Mr. Rose stated the committee has not met in approximately eight months to one year. He has spoken with two nuclear pharmacists who have expressed concern over the compounding issue. A brief discussion on this matter ensued.

- Pharmacy Technician Committee - Davis Hook, R.Ph.

Mr. Hook stated the pharmacy technician committee has not met recently. He went on to say after preparing the industry for two years that continuing education for certified technicians would be required there are now a lot of complaints. He went on to say upon the renewal notice there have been questions regarding the required continuing education for the registered pharmacy technicians.

Discussion on this matter ensued.

- Legislative Committee - Bobby Bradham, R.Ph.

Mr. Bradham stated the committee maintained communications during the legislative session. He went on to say the committee has email, which has enabled him to inform the committee regarding the status of legislation through an email network. He noted that one member obtains information via fax machine.

- Medication Errors Committee - Rufus Sadler, R.Ph.

Mr. Sadler had no report.

- Pharmacy Benefit Management (PBM) Committee - Marvin Hyatt, R.Ph.

Mr. Hyatt stated he had no report. He further stated that John Spratt has been working on this issue as well and is making some progress. He indicated the Medicare law with the drug coverage is in the billions of dollars that we are subsidizing. Mr. Bradham stated that different states have taken an amended PBM contract to cover employees of the state so that all of the rebates the PBMs are receiving, the states are mandating the PBMs reveal that information and in many cases come up with the contract the states receives solves a percentage of those rebates.

- Free Medical Clinic Task Force - Bobby Bradham, R. Ph., Leo Richardson, PhD.

Mr. Bradham asked Ms. Young to give this report. Ms. Young stated the committee could now be dissolved as all of the free medical clinics are now permitted. She went on to say that each new clinic application would be looked at on a one-to-one basis. She indicated that a clinic will open in Newberry shortly.

The Board dissolved this committee at this time.

- NABP/AACP District III Planning Committee

Ms. Bundrick stated staff is still unsure which year South Carolina would be hosting the meeting. She further stated it could be either 2006 or 2007. She indicated she would be speaking with the District III chairman during the regional meeting in Biloxi regarding this issue. Mr. Bradham stated Mr. Peter Edwards is looking into obtaining a promotional video on Charleston.

· Detention Center Committee - Bobby Bradham, R.Ph.

In April 2004 the Detention Center Committee mailed questionnaires to the 43 county detention centers. The detention center committee met on June 9, 2004 during which time it reviewed the twenty completed questionnaires that were returned.

Ms. Young stated she does not believe the detention center administrators wanted the committee to know all that was going on in the centers. During the meeting the committee questioned how a facility could obtain a DHEC permit without a Board permit. The committee spoke with Wilbur Harling, of DHEC, who indicated that if each legend drug is labeled patient-specific, and no stock bottles of legend drugs are kept, then no DHEC, Drug Control permit would be required. She noted that a physician might go to the larger detention centers one afternoon a week, whereas a physician might go to the smaller facilities only once a month. She went on to say Southeast Management Group is working with 3-4 of the facilities to bring those facilities into compliance. She is meeting with the jail administrators on July 21, 2004 at which time she would be presenting this document as a draft.

The committee has developed minimum requirements for detention centers for the Board's review. (The committee minutes and the minimum requirements are herewith attached and become a permanent part of the record retained at the Board's office.)

#### MOTION

The committee moved the Board accept the minimum requirement guidelines for the detention centers. Mr. Hyatt seconded the motion. Discussion on the matter ensued. The motion carried unanimously.

Mr. Bradham stated the Board carried over a request from the June 16, 2004 meeting concerning Dr. Gamble and questioned if this document would answer Dr. Gamble's request. Ms. Young answered negatively. She stated that Dr. Gamble is offering medical assistance under his license. She went on to say he is asking the Board to permit him so he may apply for contractor's prices because companies that offer contract prices would not provide those prices under his license. She further stated he would need a retail pharmacy permit, however, he would continue to dispense.

#### MOTION

Mr. Bradham moved the Board does not have the authorization to grant such an exemption from the practice act, if he would have the PIC present and hired during the hours of operation, no matter what that number of hours might be he may proceed to apply for a pharmacy permit under normal channels. The motion was seconded by Mr. Rose and unanimously carried.

Mr. Hyatt stated he has been receiving several phone calls from graduates of the USC School of Pharmacy and the MUSC School of Pharmacy regarding the proposed merger.

#### MOTION

Mr. Hyatt moved the Board, pending any evidence of fiscal conservatism and fiscal savings, draft a letter to the presidents of the respective schools opposing the merger of the two schools of pharmacy. The letter should include language indicating that the cost savings would not be reduced, and may be increased and that the Board supports the continued use of the research performed by the consortium established with MUSC, Clemson, USC and the College of Charleston. Mr. Hook seconded the motion. After some discussion, the motion carried unanimously.

The meeting was recessed at 10:03 a.m. to allow the Board members to attend a press conference at the SC Pharmacy Association.

#### 9. Review and Approval of Board Policies and Procedures

The Board reviewed the current policies and procedures.

During the review it was noted that Policy #121, which states that the Board accepts the draft language presented by the Durable Medical Equipment providers, to allow a medical director, respiratory therapist, registered nurse or consultant pharmacist to be responsible and accountable for the duties of the consultant pharmacist, is now included in the practice act.

#### MOTION

Mr. Sadler made a motion, seconded by Mr. Banks and unanimously carried, that the Board delete this policy.

It was also noted that Policy #055, which deals with publishing disciplinary actions in the newsletter.

Mr. Bradham suggested the policy be rewritten to state, "The Board of Pharmacy newsletter under ordinary conditions does not publish disciplinary actions. If and when such are done, no names would be used."

#### MOTION

A motion was made by Mr. Lewis and seconded by Mr. Banks, that the Board reword the policy to state, "The Board of Pharmacy newsletter under ordinary conditions does not publish disciplinary actions. If and when such are done, no names would be used." The motion carried unanimously.

A brief discussion ensued regarding Policy #040, which states, "No tape recorders shall be used during the closed session of the Board of Pharmacy meetings."

## VOTE TAKEN

The Board voted to reword the motion to state, "No tape recorders or any recording device shall be used during the closed sessions of the Board of Pharmacy meetings."

A brief discussion ensued regarding Policy #063, which deals with Board members discussing examination grades on an individual basis with anyone.

A brief discussion ensued regarding Policy #089, which deals with blanket authorizations from patients to pharmacies to allow generic substitution on all prescriptions being unacceptable.

## MOTION

Mr. Sadler moved to delete Policy #089. Mr. Banks seconded the motion, which carried unanimously.

Discussion ensued regarding Policy #077, which deals with a pharmacist who has allowed his license to lapse and wishes to reinstate his license after not having practiced pharmacy for a number of years. It was suggested that the last part of the sentence read, "the present or former employer representing this out of pharmacy profession, as well as the appropriate pharmacy."

## MOTION

Mr. Hook moved the Board delete Policy #077. The motion was seconded by Mr. Lewis and unanimously carried.

Policy #76 deals with accepting NABP score transfers from all states participating in the program, including Florida. It was suggested that the phrase "including Florida" be deleted.

## MOTION

Mr. Bradham made a motion, seconded by Mr. Banks and unanimously carried, the Board delete "including Florida" from Policy #076.

Policy #076 now reads, "NABP Score Transfers will be accepted from all states participating in the program."

Policy #078 deals with continuing education and number three deals with a pharmacist who is licensed and practicing exclusively in another state, continuing education credits accepted in that state would be accepted for South Carolina credit as long as the number of required live hours are obtained.

## MOTION

Dr. Richardson moved the Board refer the policies to staff for recommendations for the next meeting. Mr. Sadler seconded the motion. The motion did not pass with a majority

of the members voting against the motion.

MOTION

Mr. Bradham moved the Board address specific policies which need attention and that the remaining policies be referred to the September 2004 meeting with the understanding there may be other policies that may be referred to a later meeting. Mr. Sadler seconded the motion, which carried unanimously.

MOTION

A motion was made by Mr. Hyatt and seconded by Mr. Lewis, that number 3 in policy #078 be deleted and the policy be referred to the legislative committee.

Policy #127 deals with the EMS Program, which is in place and working well. It was suggested that the policy be modified by striking the last line of the second paragraph and modifying the first sentence of the second paragraph.

MOTION

Mr. Banks moved to modify Policy #127 by striking the second paragraph and adding the phrase, "and thereafter perform random audits" in the second sentence of the first paragraph. Mr. Hyatt seconded the motion, which carried unanimously.

The policy now reads:

Board inspectors must perform the initial inspection for all EMS permitted sites. The Board approved self-inspections for routine inspections and thereafter perform random audits.

Policy #085

Discussion on this policy ensued; however, no action was taken on this policy.

Policy #114

MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, the Board delete this policy.

Policy #120

Ms. Bundrick stated this policy is now in the practice act.

MOTION

A motion was made by Mr. Banks and seconded by Mr. Hook that the Board delete policy #120. The motion carried with a unanimous vote.

Policy #134

Ms. Bundrick stated policy #134 came through the Technician Committee states:

Any registered pharmacy technician attending accredited courses in health related fields during the respected period of renewal may submit a transcript in such courses which would exempt them from submitting CE for the renewal requirements.

Ms. Bundrick feels the policy should be modified as to if the individual has a degree in another health care field, the Board would accept their license in lieu of CE.

#### MOTION

Dr. Richardson moved the Board amend Policy #134 to include language accepting a degree held by an individual in another health care field in lieu of CE. The motion was seconded by Mr. Lewis and unanimously carried.

Kiron Uhbi

Mr. Bradham stated Ms. Uhbi's request to the Board was in two parts: 1) accept her hours she obtained in the long distance PharmD program at the University of Washington and 2) any remaining hours she be allowed to be able to obtain by working in the fellowship program

Ms. Uhbi had faxed further documentation to the Board in consideration of her request early this morning.

#### MOTION

Mr. Lewis moved the Board deny Ms. Uhbi's request for the 1,280 hours from the University of Washington. Mr. Rose seconded the motion, which carried unanimously.

#### MOTION

Mr. Hook moved that Ms. Uhbi be granted, in the experience fellowship in which she is presently enrolled; accumulate 1,000 of the mandated 1,500 hours. The remaining 500 hours she must gain by working either in a hospital or retail pharmacy. The motion was seconded by Mr. Hyatt and unanimously carried.

Ms. Bundrick asked the Board for clarification on Policy #78, regarding continuing education. She asked if the Board wanted to delete number three and refer it to the Legislative Committee. Ms. Cobb stated her notes indicate the Board would leave the policy as is and draft language to modify the practice act. Ms. Dantzler stated a policy contrary to statute is void.

Mr. Banks stated he has enjoyed working with Mr. Sadler and that the Board would miss him.

#### MOTION

Mr. Bradham made a motion, seconded by Mr. Sadler and unanimously carried, that Ms. Bundrick draft a letter to the SC Pharmacy Association thanking them for the use of their facilities for the party on June 16, 2004.

## Adjournment

There being no further business to be brought before the Board at this time, the June 17, 2004 meeting adjourned at 12:55 p.m.