

**South Carolina Board of Pharmacy
MINUTES**

Board Meeting

9:00 a.m., January 20-21, 2010

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 202-02

Columbia, South Carolina

Wednesday, January 20, 2010

1. Meeting Called to Order

Allen Toole, R.Ph., chairman, of Liberty, called the regular meeting of the SC Board of Pharmacy to order at 9:02 a.m. Other Board members participating in the meeting included: Bobby Bradham, R.Ph., vice chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Dan Bushardt, R.Ph., of Lake City; Addison Livingston, R.Ph., of Swansea; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, PhD., of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant, Eddie Durant, R.Ph., Pharmacist Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Pharmacist Inspector; and Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant and Pat Hanks, Litigating Attorney.

Members of the public attending the meeting included: Paulette Bentley, Brittany Black, Charlotte Byrd, Dwayne Calek, Carmelo Cinqueonce, Ivy Coleman, Rick Coullard, Jacqueline Daly, Lee Davis, Haley Edwards, Rashid Frai, Emily Givens, Steve Haiber, John Horace, Michael Howe, Charles Ledford, James Long, Lewis McKelvey, Joe Mullinax, Natasha Nichols, Susan Parry, Christy Pettit, Tom Phillips, Eric Ridings, Frank Sheheen, Carolina Sojourner, Robert Spires, Rick Wilson, Kristen Woodrum, and William Wynn.

a. Public Notice

Mr. Toole announced that this meeting was being held in accordance with Section 30-4-80 of the SC Freedom of Information Act by notice sent 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 main entrances of the Kingstree Building.

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Bradham delivered the invocation.

2. Chairman's Remarks - Allen Toole, R.Ph.

Mr. Toole made no remarks.

3. Introduction of Board Members and all other persons attending

The Board members, staff, and members of the public attending the meeting introduced themselves.

4. Approval of Minutes for the November 18, 2009 Meeting

Mr. Bradham noted the following changes to the November 18, 2009 meeting minutes: on page 14 "He believes NABP had not given its blessing to the program and believes it may be in order,

since the new owners do not see the importance of keeping the program up to date for the Board to review this issue and remove the examination from the Board's approved examinations until such time the new owners respond to the Board's parent organization's request." On page 19, in his remarks "He further stated the issue the Board has going the regulatory route in dealing with technology."

MOTION

Mr. Banks made a motion, seconded by Mr. Livingston and unanimously carried, that the Board approve the minutes of the November 18, 2009 meeting as amended.

5. Approval of Reciprocity Interview Candidates for Licensure:

a. Dates: November 15, 19, 23, 30, 2009, December 8, 15, 29, 2009, and January 5, 7, 2010

MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, that the Board approve the reciprocity candidates.

6. Administrator's Report - Lee Ann F. Bundrick, R.Ph.

Mrs. Bundrick gave the following report.

Good Morning Mr. Chairman and members of the Board

- As a handout you have a Statement of Economic Interest form. Electronic accounts have been set up for you. Please contact the State Ethics Commission to receive your username. As a reminder, the deadline for the form to be completed and received is April 15, 2010 or you will be assessed late-filing penalties starting at \$100. Ms. Crouch has made copies for you.
- The ballots for the Third Congressional District election were mailed on January 14, 2010, to all pharmacists residing in the third congressional district according to their last renewal application. The candidates running for this district are Mr. Robert "Rob" Hubbard III and Mr. William "Bill" Stevenson III. We mailed out 583 ballots. The ballot count will be on February 26, 2010 at 10:30 a.m. in Room 204 of the Kingstree Building in order for us to meet the deadline to notify the governor by March 1, 2010.
- As of January 1, 2010, all Boards are under the Office of Board Services supervised by Mr. Randy Bryant.
- The Office of Licensure and Compliance mailed out CE Audit Letters to randomly selected pharmacists and PIC's on December 7, 2009 with a deadline for submission by January 29, 2010.
- The Office of Licensure and Compliance will be mailing out CE Audit Letters to randomly selected pharmacy technicians and state certified pharmacy technicians in early February.
- As of this report we have approximately 2,712 active state-certified pharmacy technicians and 4,879 active registered pharmacy technicians. We have 6,753 active licensed pharmacists and 3,626 permitted facilities and 3 Electronic Prescribing Routing Companies.

- The Pharmacist Inspectors have conducted 165 inspections since the last Board Meeting.
 - Pharmacy Permit Inspections 90
 - Non-Dispensing Drug Outlet Permit Inspections 57
 - EMS Permit Inspections 4
 - Medical Gas/DME Permit Inspections 14
- Of the 165 inspections, 53 new permits were issued.
- 2 Citations have been issued since the last Board meeting.
- 21 Reciprocity Interviews have been conducted since the last Board Meeting. 11 of the 21 reciprocity interviews have been done by Board staff.
- The SC Society of Health System Pharmacists has offered us an opportunity to have an exhibit booth at their upcoming annual Convention in March. This will be an excellent opportunity for the Board staff to improve public awareness of the Board and its duties and responsibilities. It will be in Hilton Head at the Crowne Plaza on Sunday, March 14, 2010 through Tuesday, March 16, 2010.
- As a reminder the next Board of Pharmacy meeting date was changed and it will be on March 24, 2010.
- The NABP's 106th Annual Meeting is being held May 22-25, 2010 in Anaheim, CA. The Board needs to select an official delegate and alternate delegate. NABP is offering the Travel Grant Program for the voting delegate at the meeting. If this individual is interested in applying for the grant there is an application to be filled out.
- My staff and/or I have participated in the following meetings since the November meeting:
 - OBB Administrator's meeting on November 30, 2009.
 - Mr. Bobby Bradham, Mr. Henry Rose and Ms. Rosemary Boguski attended the 2009 NABP Symposium December 3-4, 2009 in Tucson, AZ.
 - Mr. Larry Grant participated in the SCPhA's CE Escape December 5-7, 2009.
 - Mr. David Banks, Mr. Bob Selman and I participated in the SC Association of Chain Drug Stores Legislative Day on December 9, 2009.
 - OBB Administrator's meeting on December 10, 2009.
 - Office of Board Services Administrator's Meeting on January 11, 2010.
 - IRC Committee- January 12, 2010.
 - Pharmacy Practice Committee on January 13, 2010. Mr. Henry Rose and Mr. Bobby Bradham attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Cle Sanders, Ms. Rosemary Boguski and I attended the committee meeting.
 - Nuclear Committee on January 13, 2010. Mr. Henry Rose and Mr. Bobby Bradham attended as Board members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Cle Sanders, Ms. Rosemary Boguski and I attended the committee meeting.

- Staff has attended agency, board staff, compliance staff and legal counsel meetings.
- I would like to congratulate Mr. Larry Grant on his reassignment to the vacant Pharmacist Compounding Position for the Board of Pharmacy. He officially began his duties in this capacity effective January 17, 2010.
- I have submitted the paperwork to post Mr. Grant's previous pharmacist inspector position to HR to post the vacancy.
- The Board of Pharmacy has continued to serve as a site for pharmacy students on clinical rotations from SC College of Pharmacy. Mr. Michael Howe from the USC Campus is on rotation with the BOP for the month of January.
- Handouts for your review that are under the Administrators Tab on your laptop that may be of interest to you include: Chairman Toole's response to a letter to Ms. Dantzler from Mr. James Walker, Senior Vice President Regulatory & Workforce, with the South Carolina Hospital Association regarding Board policies and the SCHA's concerns; A memo from NABP regarding the Official Delegate and Travel Grant Program for the 106th Annual Meeting, A memo from NABP requesting that Recognition Resolutions must be submitted by March 4, 2010, A memo from NABP requesting Proposed Amendments to NABP's Constitution and Bylaws must be submitted in writing between February 22, 2010 and April 8, 2010, a copy of the state Disbursement Regulations regarding Travel, a memo from the Office of Comptroller General regarding the new mileage rate, a letter from ACPE extending the Board an opportunity to designate on of its members to participate in the on site visit as they evaluate the SC College of Pharmacy on March 30-April 1, 2010- ACPE must be notified by February 5, 2010, and the budget information is also included for your review.
- I would like to thank the Board for their continued support of me and the rest of the staff in the office. We always appreciate the encouragement and support you give us.

I will respectfully answer any questions you may have.

7. Compliance Report

a. Investigative Review Committee (IRC) Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Temporary Suspension, Relinquishment and Formal Complaint from the IRC:

i. Temporary Suspension

a. Case #: 2009-58

ii. Voluntary Surrender

a. Case #2009-94

iii. Consent Orders

a. Case #: 2007-49

b. Case #: 2008-17

c. Case #: 2009-4

d. Case #: 2009-5

e. Case #: 2009-7

f. [Case #: 2009-41](#)

Case#: 2009-44

g. [Case #: 2009-94](#)

iii. [Agreement to Relinquish](#)

a. Case #: 2009-102

b. Case #: 2009-103

c. Case #: 2009-104

d. Case #: 2010-1

MOTION

Mr. Rose made a motion, seconded by Mr. Mobley and unanimously carried, the Board approve all cases as presented.

January 9, 2010 IRC Report

Key 1 - Dismissal

MOTION

Mr. Bradham made a motion the Board accept the IRC's recommendation. Mr. Banks seconded the motion, which carried unanimously.

Key 2 – Formal Complaint

MOTION

Mr. Bradham made the Board accept the IRC's recommendation. Mr. Banks seconded the motion, which carried unanimously.

Resolution Guidelines

Key 1 – Dismissal

Key 2 – Dismissal with Letter of Caution

MOTION

Mr. Banks made a motion the Board accept the cases as listed. Mr. Mobley seconded the motion, which carried unanimously.

iv. [Request for Reinstatement - Charles Ledford](#)

In 2003 Charles Ledford administered pseudoephedrine tablets in various strengths (30 mg to 120 mg) to an individual who used the tablets to manufacture methamphetamine. Mr. Ledford was aware of the individual's intended use of the tablets and supplied between three and ten thousand tablets. The Board temporarily suspended his pharmacist license on April 27, 2004. He was charged with and plead guilty to 'conspiracy to manufacture methamphetamine'. He was sentenced to federal prison in January 2005 and released in January 2008. He is currently on probation and monitored by the US Department of Probation, which is in effect for five years from his release from prison. He signed a five-year contract with the Recovering Professional Program in February 2009. On October 9, 2009 the Board received a pharmacist reinstatement application from Charles Ledford. Mr. Ledford answered yes to the following questions on the reinstatement application. "Since you last registered with this Board, have you had any formal complaint, disciplinary action or Consent Order filed against you by any person or Pharmacy Board; has any malpractice judgment or settlement been rendered against you; or have you been refused licensure by any agency?" "Since you last registered with this Board, have you been arrested, charged, indicted or convicted of violation of any Federal, State, or Local Law?"

In a letter dated December 11, 2009 Ms. Paulette Bentley, R.N., CARN, of the Recovering Professional Program (RPP), states that RPP supports Mr. Ledford's request for licensure reinstatement.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Charles Ledford and Paulette Bentley of RPP appeared before the Board and offered testimony.

Mr. Ledford entered into a five year contract with RPP on February 5, 2009. He went through four months of group counseling and attends several step meetings per week. In 2009 he obtained 57 hours of continuing education of which 18 hours were live. He no longer has any association with the individual to whom he administered the drugs.

Ms. Bentley stated Mr. Ledford has met all of RPP's requirements, has continuously submitted all reports and is currently in total compliance.

Mr. Toole informed Mr. Ledford the Board would discuss this matter in executive session and would render a decision later in the meeting.

v. [Request Release from Order - Johnny Horace](#)

On June 19, 2008 Johnny Horace entered into a consent agreement with the Board after he unlawfully dispensed a quantity of a Schedule IV controlled substance, Propoxyphene, to an elderly customer between March 2007 and May 2007. He also filled prescriptions before the normal due date and did not enter the transactions into the computer system at the time of the transactions. The SC Department of Health and Environmental Control, Bureau of Drug Control arrested Mr. Horace and his license was suspended for one year, but this action was stayed and the license was placed in probationary status for one year contingent upon receipt of a \$500.00 fine in certified funds and advising the Board in writing of any changes in address, practice, professional status or other factors affecting compliance with the order. On January 11, 2010 Mrs. Bundrick received an email from Mr. Horace asking to be placed on the agenda to discuss his release from the consent agreement.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Mr. Horace appeared before the Board and answered questions from the members.

MOTION

Mr. Rose made a motion, seconded by Mr. Bradham and unanimously carried, the Board defer this matter to executive session.

8. [Old Business](#)

a. [Update on the Office of Licensure and Compliance Issues - Hugh Mobley, R.Ph.](#)

Mr. Mobley stated he had emailed Mr. Christian regarding motions the Board had made at previous meetings. Mr. Dwight Hayes appeared before the Board at this time. He stated Mr. Christian was out of town and asked him to attend the meeting to answer the members' questions.

Mr. Mobley stated the wallet cards are still being sent with Mr. Christian's signature. He noted a motion had been made during a previous meeting that the wallet cards were to be signed by the chairman and the administrator. Mr. Hayes stated he spoke with Mr. Christian on January 19th who informed him it was his understanding from the March 2009 meeting that an agreement with the Board would allow Mr. Christian to sign renewal wallet cards. He went on to say the chairman, vice chairman and the administrator would continue to sign the wall certificates. Mr. Mobley does not recall any motion regarding the signature on wallet cards during the March 2009 meeting.

MOTION

Mr. Bradham made a motion, seconded by Mr. Banks and unanimously carried, all three documents to be signed as previously had been done including the wallet card, the renewal signed by the chairman, vice chairman and administrator and also the wall certificates as initial licensure to be signed by all Board members and the administrator, as prior to the creation of this Office of licensure and Compliance.

Mr. Hayes stated he would take this information back to Mr. Christian.

Mr. Mobley stated during the last meeting the Board had made a motion in regard to distinguishing South Carolina issued and reciprocity issued permanent physical licenses. He asked if that process is being changed to reflect the differential.

Mr. Hayes stated during his conversation with Mr. Christian on January 19th that Mr. Christian was not aware of that motion. He further stated he was also not aware of that motion and that it had not been transmitted to either of them. He went on to say the supervisor had been made aware of it. He said Mrs. Bundrick forwarded the motion to him when he asked for clarification regarding the motion. He went on to say the supervisor who handled the matter had asked Mrs. Bundrick for clarification regarding the underlying authority to differentiate the licenses but has not received a response on that clarification. He asked the Board if the statute or rules contained anything regarding the authority to differentiate between the state issued and reciprocity issued licenses. Mrs. Dantzler stated the state issued licenses and the reciprocity issued licenses are granted in accordance with two separate provisions of the statute.

Discussion ensued regarding the purpose of differentiating between the two licenses.

Mr. Mobley discussed an email he had received from an individual regarding a pharmacist's license application. He noted he had received permission from the pharmacist in question to discuss the application during this meeting. He forwarded the email to Mr. Hayes for his research on the matter.

MOTION

Mr. Mobley made a motion that the motion made earlier today regarding the signature on all three types of licenses and that the motion from the previous meeting regarding reciprocity be sent via hard copy to the Office of Licensure and Compliance. Mr. Bradham seconded the motion, which carried unanimously.

Mr. Hayes asked that all motions made by the Board which affects the Office of Licensure and Compliance be transmitted to that office since that office does not monitor all meetings.

b. [South Carolina Department of Mental Health Clinics - Bobby Bradham, R.Ph.](#)

Mr. Bradham stated the Board had assigned him to work with the mental health clinics regarding non-pharmacy personnel and personnel not under the direct supervision of a pharmacist dispensing medication to patients. He has attended multiple meetings with mental health personnel in an attempt to begin a pilot project or whatever the Board could do which would be similar to other state agencies. He noted the Department of Juvenile Justice (DJJ) may be asking for similar services on a lower scale. He recited information on pilot projects; however, he could not find a loophole or other means for which they are requesting which could be done in accordance with the Board's practice act. He said the Department of Mental Health currently has a proviso which allows the clinics to proceed. He does not have any recommendations on this matter for the Board at this time.

9. New Business

a. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - APS Acquisition, LLC, Jacqueline Daly

On November 30, 2009 the Board received a non-resident wholesale/distributor and/or manufacturer application from APS Acquisition, LLC. The application reflects yes answers to the questions asking, "To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?" and "Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?" On June 5, 2007 APS Acquisition, LLC d/b/a Omnicare Medical Supply Services was reprimanded by the Ohio Respiratory Care Board for providing home medical equipment without a license and entered into a consent agreement to resolve the matter.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Jacqueline Daly appeared before the Board and offered testimony.

MOTION

Mr. Mobley made a motion, seconded by Mr. Livingston and unanimously carried, that the Board approve the non-resident wholesale/distributor/manufacturer application for APS Acquisition, LLC.

b. Request Approval of Non-Resident Pharmacy Application - Ascend Specialty Rx, Rick Coullard

On October 8, 2009 the Board received a non-resident pharmacy permit application from Ascend Specialty Rx. The application reflects yes answers to the following questions, "To the best of your knowledge, has the applicant ever had a permit disciplined, denied, refused or revoked for violations of any pharmacy laws or drug laws in South Carolina or any other state?" and "Have you ever violated the drug laws, rules, statutes and/or regulations of South Carolina or any other state or country?" Ascend Specialty Rx was the subject of a consent order in North Carolina in 2008 for failure to maintain an out-of-state permit. The issue was discovered when Ascend Specialty Rx was acquired by Portland Professional Pharmacy Associates. The company has since developed a system to ensure all required pharmacy licenses are maintained and renewed annually. Ascend Specialty Rx was granted a permit under the consent order, which placed the permit under suspension with the suspension being stayed for ten years. Ascend Specialty Rx is authorized to dispense prescriptions into North Carolina and all other 46 states which require licensure and the District of Columbia without limitation.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Rick Coullard appeared before the Board and offered testimony.

MOTION

Mr. Mobley made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve the non-resident pharmacy application for Ascend Specialty Rx with the provision the company must notify the Board of Pharmacy within ten days of any sanctions or violations that occur with any other license in other states.

c. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - RGH Enterprises, Inc., James B. Long and Kristen Woodrum

On October 12, 2009 the Board received a non-resident wholesale/distributor and/or manufacturer application from RGH Enterprises, Inc. The application reflects yes answers to the questions asking, "Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?" and "Have you ever violated the drug laws, rules, statutes and/or regulations of South Carolina, or any other state or country or the United States?" On November 19, 2001 a division of RGH Enterprises was notified of a violation that it wholesaled and distributed prescription drugs into Florida without being permitted as an out-of-state prescription drug wholesaler and to a person not authorized to purchase or possess prescription drugs. The matter was resolved by paying a \$250.00 fine and making corrective actions to prevent the sale into Florida of products that require a prescription drug wholesale license. On December 15, 2006 RGH Horned Frogs Medical L.P. applied for a device distributor license for the Texas facility. On February 7, 2007 the Texas Department of State Health Services notified the facility that it would need to pay license fees for September 1, 2002 through August 31, 2007 and \$300.00 in delinquency fees, which was paid. RGH Horned Frogs Medical L.P. merged into RGH Enterprises, Inc. effective December 31, 2007. The license issued to RGH Horned Frogs Medical L.P. was transferred to RGH Enterprises and subsequently converted into a multiple products license, which remains current.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

James Long and Kristen Woodrum appeared before the Board and offered testimony.

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that the Board approve the application with the provision staff may approve an application for another RGH entity if these are the only two sanctions listed on the application.

d. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - Cardiac Pacemakers, Inc., Christopher Harrold

On November 4, 2009 the Board received a non-resident wholesale/distributor and/or manufacturer application from Cardiac Pacemakers, Inc., a subsidiary of Boston Scientific CRM, Guidant Sales Corporation. The application reflects a yes answer to the question asking, "To the best of your knowledge, has the applicant ever been charged, convicted, fined, or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor, in South

Carolina or any other state, or in a United States court (d) for any offense involving moral turpitude whether or not a sentence was imposed (if you are unsure, check 'yes')?" On June 12, 2003 Guidant Corporation announced its subsidiary, EndoVascular Technologies had entered into a plea agreement with the US Department of Justice in regard to a previously disclosed investigation regarding the ANCURE ENDOGRAFT System for the treatment of abdominal aortic aneurysms. According to the plea agreement EndoVascular Technologies entered into a five year corporate integrity agreement with the Office of Inspector. On November 6, 2009 Boston Scientific Corporation announced that it had reached an agreement in principle with the US Department of Justice related to product advisories issued by its Guidant subsidiary in 2005. Under the agreement terms Guidant will plead to two misdemeanor charges related to the failure to include information in reports to the US Food and Drug Administration and Boston Scientific will pay \$296 million on behalf of Guidant.

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Travis Dayhoff and Jeff Cruise appeared before the Board and offered testimony.

Mr. Toole informed Mr. Dayhoff the Board would discuss the application in executive session and would render a decision later in the meeting.

f. [Request Approval of Intern Hours - Jean Carlisle](#)

On January 5, 2010 the Board received a letter from Jean Carlisle stating her intern hours for her second and third years could not be registered because she did not complete a notification of employment for each year. She, as well as her PIC, were under the impression the notification of employment only needed to be completed the first year of employment or if there was a change of employment. She has been employed with the same CVS store for the past five years and has not completed any additional notification of employment forms. She is asking the Board to reconsider the hours submitted in 2007 (approximately 1,000 hours) as well as the hours she will be submitting for her fourth year. She understands she already has 700 hours accumulated; however, she is transferring to California, which requires 1,500 hours of practical experience.

Ms. Carlisle withdrew her request on January 19, 2010.

g. [Request Approval of Intern Hours - Andrew Cassell](#)

On January 5, 2010 the Board received a letter from Andrew Cassell stating he had received a letter from the agency informing him that his pharmacy intern hours for 2009 were denied because the agency did not receive a notification of employment to support the hours. He acquired more than 700 hours of clinical experience in 2009. Mr. Cassell's letter also states the notification of employment form for 2009 was submitted to the agency within the required time period and he is asking the Board accept the intern hours that were denied. Andrew Cassell appeared before the Board and offered testimony. He had submitted all hours; however, when he attempted to submit his hours for 2009 he was informed the hours would not be accepted. He hand delivered the documentation. He is currently a third year pharmacy student.

Andrew Cassell appeared before the Board.

The Board verified that Mr. Cassell's 2010 Notification of Employment, dated December 24, 2009 was scanned into ReLAES, the agency's database; however, the document was not date stamped.

10. Executive Session

MOTION

Mr. Bradham made a motion, seconded by Mr. Rose and unanimously carried, that the Board enter executive session to seek legal advice.

11. [Return to Public Session](#)

MOTION

Mr. Bradham made a motion, seconded by Mr. Rose and unanimously carried, that the Board return to public session.

Mr. Toole noted for the record that no official action was taken during executive session.

[Request for Reinstatement - Charles Ledford](#)

MOTION

Mr. Mobley made a motion, seconded by Mr. Bradham and unanimously carried, that the Board deny Mr. Ledford's request.

[Request Release from Order - Johnny Horace](#)

MOTION

Mr. Banks made a motion, seconded by Mr. Livingston and unanimously carried, that the Board approve Mr. Horace's request to be released from his order.

Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - Cardiac Pacemakers, Inc.

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve their request.

[Approval of Intern Hours - Andrew Cassell](#)

MOTION

Mr. Rose made a motion, seconded by Mr. Mobley and unanimously carried, that the Board deny Mr. Cassell's request.

e. [Request Approval of Intern Hours - Haley Edwards](#)

On December 29, 2009 the Board received a letter from Haley Edwards stating she is a third year pharmacy student attending the South Carolina College of Pharmacy School, Columbia campus. She experienced some difficulty obtaining intern hours approved for 2009. There was a misunderstanding on the proper form submitting process. She submitted her intern form to the Board when she began working for Target in November 2008; however, she was unaware she had to re-submit the form within ten days of the first of the year. She is taking full responsibility for not submitting the documentation within the correct time frame and is asking the Board to forgive her mistake and accept the intern hours for 2009.

Ms. Edwards appeared before the Board at this time and offered the following testimony. She is a third year student at the Columbia campus. She thought she was covered throughout the year since she remained with the same employer. She submitted a Notification of Employment in 2008 but did not submit any hours for 2008. She did not submit a Notification of Employment for 2009.

Mr. Mobley noted for the record the Board verified the 2010 notification of employment was on file within the agency's database, ReLAES, with hours reported in conjunction with 2010.

MOTION

Mr. Livingston made a motion, seconded by Mr. Mobley and unanimously carried, that the Board deny the request.

Discussion ensued in regard to making all forms consistent. The discussion also included informing the college deans to inform interns of submitting proper documentation.

12. Lunch

The Board recessed for lunch at 12:30 p.m. and resumed public session at 2:00 p.m.

13. New Business (Continued)

MOTION

Mr. Mobley made a motion the Board request to have both the notification form and the affidavit of practical experience form be represented consistently so that the statute is clear on both of them as to when notification and the affidavit form are required, have a letter sent with the intern packet, that the Board ask OLC to communicate that directly to the interns, that the Board notify OLC and send a copy of that request to Mr. Bryant so the Board knows everyone involved has been notified. If there are ever any changes to the form that occur that the changes be reviewed by Board of Pharmacy staff so it is consistent and clear so the young people are not caused hardship. Mr. Rose seconded the motion, which carried unanimously.

h. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - Owens & Minor Healthcare Logistics, Dwayne Calek

On December 16, 2009 the Board received a non-resident wholesale/distributor and/or manufacturer application from Owens & Minor Healthcare Logistics. The application reflects yes answers to the following questions. "To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws, in South Carolina or any other state?", "Is there any pending disciplinary action?", and "Have you ever had an application for a drug distributor permit, pharmacy or pharmacist license, permit or certificate or a technician license or registration, denied, refused or revoked in South Carolina or any other state or country?" The company is currently in settlement negotiations with the Hawaii Department of Commerce & Consumer Affairs in regard to potential violation of reporting regulations at the company's outsourced distribution center in Kapolei, Hawaii. The negotiations have been ongoing since mid-2008 and it is unknown at this time when the matter will be resolved. The company has resolved the following violations: The Louisiana Board of Wholesale Drug Distributors issued a citation to the company's facility in St. Rose, Louisiana on April 11, 2002 which was related to a referenced violation during an inspection conducted on February 1, 2002. All issues had been rectified to the department's satisfaction and the fine paid prior to the hearing on April 9, 2002. In May 2006 the California Board of Pharmacy issued a citation against the company's distribution centers in Livermore and Lathrop for not notifying the Board of a facility's designated representative's change in a timely manner. Corrections have been made to the company's procedures and the fine has been paid. In February 2007 the Florida Department of Health issued a report referencing alleged violations in regard to licensing and drug pedigrees. All matters have been resolved to the department's satisfaction, the fine has been paid, and the matter has been closed. In May 2008 the company entered into a settlement agreement and disciplinary order with the Missouri Board of Pharmacy regarding temperature controls and monitoring at its Kansas City, Missouri

distribution center. The company remains fully licensed but is under probation for three years. No fine was imposed. On November 2, 2009 the Colorado State Board of Pharmacy issued the company a stipulation order regarding the Denver, Colorado distribution center. The order is in regard to a violation regarding the inadvertent purchase and receipt of prescription drugs on March 5, 2009 from a vender location which was not licensed by the Board to ship prescriptions into Colorado. All issues have been resolved to the Board's satisfaction and the fine has been paid.

Dwayne Taylor, Director of Regulatory and Compliance, appeared before the Board and offered testimony. The company has 52 distribution centers and Owens & Minor is the parent company.

Mr. Toole informed Mr. Calek the Board would discuss this matter in executive session and would render a decision later in the meeting.

i. [Request Approval of Pharmacy Technician Registration Application - Isaac McFadden](#)

The Board has received a pharmacy technician registration application dated November 13, 2009 from Isaac McFadden. Mr. McFadden answered yes to the question asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" "Is there any legal action pending against you or are you currently on probation for any charges or legal action?" Mr. McFadden has been arrested and convicted of unlawful carrying of a weapon, among other charges.

Mr. McFadden did not appear during this meeting and the Board took no action regarding this matter.

j. [Report on NABP 2009 Symposium in Tucson, AZ - Bobby Bradham, R.Ph.](#)

Mr. Bradham briefed the Board on the 2009 NABP Symposium. He noted two major topics were discussed - medical marijuana and public and private partnerships.

k. [Delegate for NABP 106th Annual Meeting, May 22-25, 2010, Anaheim, CA](#)

Mr. Toole asked that Mr. Bradham attend as the delegate and Mr. Rose attend as the alternate delegate. Dr. Rose asked that he be allowed to attend the meeting.

MOTION

Mr. Banks made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board elect Mr. Bradham to attend the meeting as the delegate and Mr. Rose as the alternate delegate.

l. [Request Approval of Non-Resident Pharmacy Application - NextRx, Inc., Steve Haiber and Charlotte Byrd](#)

On December 22, 2009 the Board received a non-resident pharmacy permit application from NetRx, Inc. The application reflects yes answers to the questions asking, "Is there any pending disciplinary action?" and "Have you ever had disciplinary action taken against you, a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent in South Carolina or any other state or country)?"

There is one disciplinary action pending against the company by the Texas Board of Pharmacy, which dates from October 22, 2008.

The California Board of Pharmacy issued an administrative citation on September 18, 2008, which related to a variation from prescription. However, no fine was issued. The company entered into a settlement agreement and order with the Hawaii Board of Pharmacy on September 22, 2005 regarding a Texas agreed order. The matter involved a non-ingestion dispensing error, although no fine was issued. The company entered into a consent agreement with the Louisiana Board of Pharmacy on February 2, 2006 regarding a non-ingestion dispensing error, however, no fine was issued. On January 11, 2006 the Montana Board of Pharmacy issued a stipulation and order regarding a non-ingestion dispensing error. No fine was issued. On February 4, 2004 the Texas Board of Pharmacy issued a stipulation and order regarding a non-ingestion dispensing order. There was no fine issued. On October 18, 2005 the Utah Board of Pharmacy issued a stipulation and order regarding a non-ingestion dispensing error. No fine was issued. On October 28, 2009 the Texas Board of Pharmacy issued a \$1,500.00 fine pending an order related to a patient complaint regarding a non-ingestion dispensing order.

Steve Haiber, Senior Director and Charlotte Byrd appeared before the Board and offered testimony. Mr. Haiber stated the application is submitted as a change of ownership on a permit that has had violations. The company is licensed in the 47 states which require licensure.

The Board informed Mr. Haiber and Ms. Byrd the Board would discuss the matter in executive session and would render a decision later in the meeting.

m. Request Approval of Technician Certification - Susan Parry

On October 16, 2009 the Board received a pharmacy technician registration application from Susan Parry. Ms. Parry was originally registered as a pharmacy technician in Ohio. Ms. Parry included with her application a letter from Penn Foster Career School stating the school was granted accreditation by the Middle States Commission on Secondary Schools for the high school and vocational-technical programs and also the Accrediting Commission of the Distance Education and Training Council in Washington, D.C. She also included a copy of her national pharmacy technician certification from PTCB.

Susan Parry appeared before the Board and offered testimony. Ms. Parry recently transferred to South Carolina from Ohio. She is a PTCB nationally certified technician and took a course which was not approved by the South Carolina Board of Pharmacy. She has worked as a technician a little over two years and then began as a certified pharmacy technician in 2008. She presented documentation regarding the school and the course to the Board.

Upon review of the documentation Mrs. Dantzler stated the school is accredited by certain entities; however, the program is not accredited. She also stated there was insufficient information regarding the curriculum to make the program match the statute. She noted there is a lot of overlap, but not enough to accredit the course.

MOTION

Mr. Bradham made a motion, seconded by Mr. Livingston and unanimously carried, that the Board deny the request.

Executive Session

MOTION

Mr. Rose made a motion the Board enter executive session to seek legal advice. Mr. Bradham seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Bradham made a motion the Board return to public session. Mr. Rose seconded the motion, which carried unanimously.

Mr. Toole noted no official action was taken during executive session.

Non-Resident Wholesale/Distributor/Manufacturer Application - Owens & Minor Healthcare Logistics

MOTION

Mr. Bradham made a motion the Board grant that request pending receipt they are VAWD accredited. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Non-Resident Pharmacy Application - NextRx, Inc.

MOTION

Mr. Mobley made a motion to grant that request pending provision of policies and procedures for staff to review and approve regarding their compounding procedures. Mr. Rose seconded the motion, which carried unanimously.

14. Committee Reports

a. Pharmacy Technician - David Banks, R.Ph., Al Toole, R.Ph., Dan Bushardt, R.Ph.

The committee was unable to meet on the scheduled meeting date and will schedule prior to the next meeting. The committee had no report.

Mr. Hayes appeared before the Board to discuss the pharmacist application Mr. Mobley had discussed earlier in the meeting.

Mr. Hayes made the following remarks. He reviewed the file and spoke with the staff person involved with this matter. The applicant began the application process in September 2009. The application was received September 13, 2009 and several problems were noted on the application at that time. The application was not notarized, no intern hours were documented, the birth certificate was not a certified true copy, and the college affidavit and character vouchers were not received. The Office of Licensure and Compliance mailed the applicant a deficiency letter on November 17, 2009 and on December 4, 2009 the Office of Licensure and Compliance received the college affidavit. The Office of Licensure and Compliance received the notarized application on December 7, 2009 and received the character vouchers on December 21, 2009. However, the office found a problem with the two places for the signatures. The signature with the photograph and the signature on the application did not match. The Office of Licensure and Compliance returned the application to obtain the same signature on both places. The Office of Licensure and Compliance received the applicant's test scores on December 29, 2009. The Office of Licensure and Compliance received documentation from Michigan concerning his hours; however, the document contained 1,500 hours which went for his degree requirement but did not contain any intern hours. The Office of Licensure and Compliance notified the applicant of that problem and received the corrected character vouchers on January 7, 2010. As of this date the office still does not have intern hours. Apparently Michigan only kept up with the degree requirement and not intern hours. As of this date the Office of Licensure and Compliance has not heard from the applicant regarding the intern hours. The Office of Licensure and Compliance also has other considerations regarding this file. The applicant has a conviction for possession of alcohol by a minor that occurred in October 2004 and which will require review by the administrator. This review will

occur when the file is complete. The applicant did disclose the conviction. The Office of Licensure and Compliance also has a concern that the notary public notarized the application after the fact. The applicant signed the application on November 2, 2009 and when the application was returned with the notarized signature the notary public also dated his/her signature on November 2, 2009. The Office of Licensure and Compliance has a concern on each of the character vouchers as the individuals state they have known the applicant for at least one year; however, the applicant graduated from pharmacy school in Michigan in August 2009. Mr. Mobley stated a possibility would be that the applicant was doing his internship during that time. Mr. Hayes stated staff did not know the facts on that matter. The applicant took the NAPLEX in Michigan and will come to South Carolina by score transfer. Mr. Hayes does not know if a license has been issued by the Michigan Board of Pharmacy and he did not research that matter. The Office of Licensure and Compliance has notified the applicant that he needs 500 hours of internship.

Mrs. Bundrick stated she has informed applicant he would need to contact Michigan to see how the intern hours would be transferred from Michigan to South Carolina.

The Office of Licensure and Compliance will forward the application to Mrs. Bundrick as soon as all information is received.

Mr. Mobley stated the Board heard from two interns regarding the process for notification and affidavit. He further stated the Board has made a motion to have consistency in the verbiage on the forms. He noted it was suggested the Office of Licensure and Compliance include a letter to interns for clarification. The Board also has seen that the interns have either walked the forms in or sent in but do not have proof the documents were received. He noted the Board's motion included that he and Mr. Bryant be informed of the motion in writing.

b. [Compounding- Hugh Mobley, R.Ph., Bobby Bradham, R.Ph., Addison Livingston, R.Ph.](#)
This committee had no report.

c. [Legislative - Al Toole, R.Ph., Bobby Bradham, R.Ph., Dr. Richardson, Hugh Mobley, R.Ph.](#)
This committee had no report.

Mr. Cinqueonce stated the legislature is now back in session. He noted all bills submitted during last year's session remain before the legislature.

Mrs. Bundrick stated Bill #S.838 regarding mental health clinics introduced last year remains before the legislature. She further stated she emailed the members a bill sponsored by Senator McConnell regarding license fees. She noted she had asked general counsel for an interpretation on the bill and was told the attorneys are not sure what the bill means.

Mr. Bradham stated he has discussed a bill being introduced to merge the Bureau of Drug Control under the Board of Pharmacy with Mr. Bryant on two occasions. He further stated informed him the Board is having difficulty dealing with functions presently and the offices under the agency and he is not sure this is the time to make such a move. He said given the state of the economy any bill introduced to the legislature which may present cost savings may receive more attention than those that do not present cost savings. He encouraged members to discuss this with Mr. Bryant since he has been delegated to work with the Boards.

Mrs. Bundrick stated the fiscal year 2011 provisos include a proviso regarding DHEC pharmacy permits. She provided the members with information the legislative committee reviewed and

have concerns with. She noted the only way the proviso could be changed would be to meet with DHEC or have a senator oppose the proviso to stop it at a later time.

d. [Nuclear Pharmacy - Dock H. Rose, R.Ph., Bobby Bradham, R.Ph. Hugh Mobley, R.Ph.](#)

Mr. Rose stated the committee met on January 13, 2010. He further stated the only relative topic from the meeting to discuss is Ms. Sanders' findings from the inspections and some problems she found in some of the nuclear pharmacies in regard to when some of the doses were made and the patients for whom the doses were made. There was insufficient information on the prescription label.

Mrs. Sanders stated the statute says a patient's name is to be on the label within 72 hours of the prescription. However, some of the pharmacies are not in compliance with the statute.

The next meeting is scheduled for May 11, 2010.

e. [Pharmacy Practice - Dock H. Rose, R.Ph., David Banks, R.Ph., Hugh Mobley, R.Ph.](#)

Mr. Rose stated the committee met on January 13, 2010 and set meeting dates for first half of year. He further stated everyone would be notified if meetings are cancelled. He said the committee went over goals for the committee and had discussion on matters on which the committee needs to work, which includes definitions. He went on to say Ms. Boguski discussed Rx only for supplies related to oxygen tanks and respiratory supplies. He noted the FDA has found problems with individuals diverting supplies.

f. [Pharmacy Technology-Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., David Banks, R.Ph.](#)

This committee had no report.

g. [Recovering Professional Program - Dr. Richardson](#)

Dr. Richardson stated the committee met on December 11, 2009. He further stated a document containing the latest numbers was presented. He can ask Mr. Sheheen to mail the document to any member who wishes to have a copy.

h. [Medication Integrity Committee - Dan Bushardt, R.Ph., Al Toole, R.Ph., Addison Livingston, R.Ph.](#)

This committee had no report.

15. [Discussion Topics](#)

Mrs. Bundrick stated staff had been informed that the hearing scheduled for January 21, 2010 had been continued.

Mrs. Bundrick asked the Board who would be the Board representative attending the ACPE site survey at the South Carolina College of Pharmacy. She further stated the letter does not specify which campus would be surveyed; however, the survey would take place March 30 through April 1.

Mr. Banks asked that he be allowed to attend the ACPE follow up regarding Presbyterian College.

Mr. Bradham asked for clarification on which campus would be surveyed.

MOTION

Mr. Bradham made a motion Mr. Livingston attend the ACPE as the Board delegate for the Columbia Campus. Mr. Rose seconded the motion, which carried unanimously.

MOTION

Mr. Banks nominated Mr. Bradham attend the ACPE as the Board delegate for the Charleston Campus. Mr. Rose seconded the motion, which carried unanimously.

Mr. Rose stated it seems as though most colleges are moving away from having professors standing in front of students and lecturing from two or three other locations or watching from other locations. He further stated the professors are supposed to be able to communicate with the students.

Mrs. Sanders stated she has lectured at MUSC and USC campuses in regard to compounding. She further stated the lecturer has to stand in front of a computer. She noted the handouts must be ready far advance of the lecture, which the students can purchase for a minimal amount. She further stated the gentleman over the law portion sent an email stating anyone conducting lectures must be able to answer questions from the students at the campus they are lecturing from and the other campus tuning in to the lecture. She said the colleges do find that the campus which only has the students for the lecture has very low attendance and that the participants are also inattentive. She went on to say the campuses have asked for suggestions on this issue and have been informed to allow the lectures to take place at both campuses. She said there is always a question and answer period and the lecturers don't want to be taped, which is being done during the lectures.

16. Public Comments

No public comments were made during this meeting.

17. Adjournment

MOTION

Mr. Banks made a motion, seconded by Mr. Bushardt and unanimously carried, that the meeting be adjourned.

The January 20, 2010 meeting of the SC Board of Pharmacy adjourned at 3:34 p.m.