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MINUTES
South Carolina Board of Pharmacy
Board Meeting

9:00 a.m., January 18, 2011
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Tuesday, January 18, 2011

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1. Meeting Called to Order

Bobby Bradham, R.Ph., chairman, of Charleston, called the regular meeting of the SC Board of Pharmacy to order at 9:00 a.m. Other members participating in the meeting included; Dan Bushardt, R.Ph., Vice Chairman, of Lake City; David Banks, R.Ph., of Simpsonville; Addison Livingston, R.Ph. of Swansea; Hugh Mobley, R.Ph., of Lancaster; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty; Leo Richardson, PhD., of Columbia and Rob Hubbard, Board Member Elect, of Clemson who observed the meeting only but did not participate.

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Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant, Larry Grant R.Ph., Pharmacist Inspector, Clelia Sanders, R.Ph., Pharmacist Inspector, Ernie Shuler, R.Ph., Pharmacist Inspector, Ray Trotter, R. Ph., Part-Time Investigator, Eddie Durant, R.PH., Part-Time Investigator, and Beverly Gould, Administrative Assistant. LLR employees participating during the meeting included: Pat Hanks, Litigating Attorney, Dean Grigg, Hearing Advice Counsel, Sharon Dantzler, Deputy General Counsel, and Michelle Sims, Administrative Assistant.

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Members of the public attending the meeting included: Kristen Burden, Jessica Gaskins, Robert Spires, Jim Walter, Ivy Coleman, Heather Caistetter, Eric Ridings, Justin Knowes, Kevin Smith, Thomas Phillips, Christy Pettit, Leslie Chambers, Lee Gillet, Gary Nas, Vickie Nye, Carmelo Cinqueonce, and Rick Wilson.

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a. Public Notice

Mr. Bradham 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.

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b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

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c. Invocation

Mr. Bradham delivered the invocation.

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2. Introduction of Board Members and all other persons attending

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

3. Chairman's Remarks – Bobby Bradham, R.Ph.

Mr. Bradham made no remarks at this time and reserved the right to do so later.

50 **4. Approval of Minutes for November 16, 2010**

51 **MOTION**

52 Mr. Banks made a motion to approve the minutes of the November 16, 2010 meeting. Mr.
53 Livingston seconded the motion which carried unanimously.

54
55 **5. Approval of Reciprocity Candidates for Licensure**

- 56 a. Dates: November 17, 19, 23, December 1, 3, 8, 13, 15, 2010, January 5, 12,
57 2011.

58 **MOTION**

59 Mr. Livingston made a motion the Board approve the reciprocity candidates. Mr. Rose
60 seconded the motion which carried unanimously.

61
62 **6. Administrator's Report, Lee Ann F. Bundrick, R.Ph.**

63 Mrs. Bundrick delivered the following report:

64
65 Good Morning Mr. Chairman and members of the Board

- 66
67 • As a reminder, the Statement of Economic Interest form needs to be completed by each
68 Board member. Electronic accounts have been set up for you. Please contact the State
69 Ethics Commission to receive your username. As a reminder, the deadline for the form
70 to be completed and received is April 15, 2011 or you will be assessed late-filing
71 penalties starting at \$100.
72
73 • The Ballots for the First Congressional District election were mailed on January 13,
74 2011, to all pharmacists residing in the first congressional district according to their last
75 renewal application. The candidates running for this district are Mr. David A. Proujan,
76 Ms. Carole Small Russell and Mr. James J. Sterrett. We mailed out 1168 ballots. The
77 ballot count will be on February 25, 2011 at 10:30am in Room 204 of the Kingstree
78 Building in order for us to meet the deadline to notify the governor by March 1, 2011.
79
80 • As of this report we have approximately 2,959 active state-certified pharmacy
81 technicians and 6,321 active registered pharmacy technicians. We have 7,026 active
82 licensed pharmacists and 3,887 permitted facilities and 3 Electronic Prescribing Routing
83 Companies.
84
85 • The Pharmacist Inspectors have conducted 131 inspections since the last Board
86 Meeting.
87 o Pharmacy Permit Inspections 88
88 o Non-Dispensing Drug Outlet Permit Inspections 28
89 o EMS Permit Inspections 7
90 o Medical Gas/DME Permit Inspections 8
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92 • Of the 131 inspections, 88 new permits were issued.
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94 • No Citations have been issued since the last Board Meeting.
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96 • 19 Reciprocity Interviews have been conducted since the last Board Meeting. 14 of the
97 19 reciprocity interviews have been done by Board staff.
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- 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, 2011 through Tuesday, March 16, 2011.
- The NABP's 107th Annual Meeting is being held May 21-24, 2011 in San Antonio, Texas. 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.
- As a reminder, all proposed amendments to the NABP Constitution and Bylaws must be submitted in writing to the Executive Director/Secretary between Monday, February 21, 2011 and Thursday, April 7, 2011 to be considered at the 107th Annual Meeting. Recognition Resolutions should be submitted by March 11, 2011.
- My staff and/or I have participated in the following meetings since the November meeting:
 - Telephone IRC Committee- November 30, 2010
 - Mr. Bobby Bradham, Dr. Leo Richardson, Ms. Cle Sanders, Ms. Rosemary Boguski and I attended the Ribbon Cutting Ceremony for South University School of Pharmacy on December 2, 2010.
 - Mr. Bobby Bradham, Ms. Cle Sanders and I attended a meeting regarding the drafting of proposed legislation regarding controlled substances authority along with various medically related board members and organizations with Senator Knotts and Senator Cromer on December 2, 2010.
 - Mr. Hugh Mobley, Mr. Bob Selman and I participated in the SC Association of Chain Drug Stores Legislative Day on December 8, 2010
 - Ms. Cle Sanders, Ms. Beverly Gould and I met with Ms. Vicki Young regarding the implementation of Act 194 regarding Federally Qualified Health Centers on December 9, 2010.
 - Mr. Addison Livingston and I attended the Immunization Bill Signing with Governor Sanford on December 14, 2010.
 - Mr. Randy Bryant, Mr. Rion Alvey and I attended a meeting regarding the drafting of proposed legislation regarding controlled substance authority with involved parties from DHEC, SLED and Senator Knotts on December 15, 2010.
 - Legislative Committee met on January 4, 2011. Mr. Bobby Bradham, Mr. Dan Bushardt, Mr. Hugh Mobley and Dr. Richardson attended as Board

149 Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Cle
150 Sanders and I attended the committee meeting.

- 151 ■ Telephone IRC Committee on January 6, 2011.

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- 153 • Staff has attended agency, board staff, compliance staff and legal counsel meetings.
- 154
- 155 • Ms. Cle Sanders and I have interviewed a total of 7 candidates for the vacant
156 Pharmacist Inspector FTE. Upon completion of the interviews, the appropriate
157 paperwork was submitted to Mr. Randy Bryant for signature and was forwarded to
158 Human Resources on December 13, 2010. I contacted Human Resources on January
159 12, 2011 to find out the status of the Pharmacist Inspector Position.
- 160
- 161 • The Board of Pharmacy has continued to serve as a site for pharmacy students on
162 clinical rotations from SC College of Pharmacy. Mr. Peter Shull from the USC Campus
163 was on rotation with the BOP for the month of December. For the month of January Ms.
164 Leslie Chambers is on rotation with us.
- 165
- 166 • Due to the overwhelming success of the first event, DEA is planning a second National
167 Prescription Drug Take Back Day, Saturday, April 30, 2011. This will be an opportunity
168 for those who missed the first event or who have subsequently accumulated unwanted,
169 unused prescription drugs, to safely dispose of them.

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171 Further information about the second National Prescription Drug Take Back Day,
172 including a link to locate a collection site near you, will be available at
173 <http://www.deadiversion.usdoj.gov/>.

- 174
- 175 • I would like to thank the Board for their continued support of me and the rest of the staff
176 in the office. We always appreciate the encouragement and support you give us.

177
178 I will respectfully answer any questions you may have.

179
180 **7. Reports from**

181 a. Office of Investigation and Enforcement – Lee Ann F. Bundrick
182 Mrs. Bundrick delivered the following report

183
184 Cases handled from January 1, 2010 – December 31, 2010

185 39 active investigations

186 2 cases pending board action

187 2 cases pending board hearing

188 19 cases pending IRC

189 7 cases pending OGC action

190 149 total active cases

191 123 cases closed

192 41 cases that were do not open cases

193 164 cases total for 2010

194
195 b. Office of General Counsel – Pat Hanks
196 Mr. Hanks delivered the following report.

198 There are currently 30 open cases in OGC, 5 of which are pending hearings. As of January
199 2011, OGC closed 31 cases for formal disciplinary action.

200
201 c. Office of Information Services – Lee Ann F. Bundrick
202 There are currently 21,870 active licenses of different designations licensed under the
203 Pharmacy Board.

204
205 d. Finance Report – Tracy McCarley
206 Ms. McCarley was not present for the meeting.

207
208 Mr. Bradham deferred the report for later until Ms. McCarley could be located.

209
210 **8. Compliance and Inspectors Report**

211 a. Agreement to Relinquish

212 i. Case #: 2009-46

213 ii. Case #: 2009-89

214 iii. Case #: 2009-90

215 iv. Case #: 2010-4

216 v. Case #: 2010-116

217 vi. Case #: 2010-144

218 Mr. Bushardt recused himself from voting in regards to Case # 2009-89. Furthermore, Case #
219 2010-116 was excluded from the vote to approve as additional information was required.

220 **MOTION**

221 Mr. Rose made a motion the Board approve the Agreements to Relinquish except those noted.
222 Mr. Banks seconded the motion which carried unanimously.

223 **MOTION**

224 Mr. Banks made a motion the Board approve the Agreement to Relinquish in regards to Case #
225 2009-89. Mr. Livingston seconded the motion which carried unanimously.

226
227 b. Voluntary Surrender

228 i. Case #: 2010-107

229 ii. Case #: 2010-47

230 iii. Case #: 2010-152

231 iv. Case #: 2010-154

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233 The voluntary surrenders were presented to the Board as information only.

234
235 **IRC Report**

236 **Dismissal**

237 **MOTION**

238 Mr. Banks made a motion the Board approve the IRC's recommendation regarding Case #1 for
239 dismissal. Mr. Rose seconded the motion which carried unanimously.

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241 **MOTION**

242 Mr. Banks made a motion the Board approve the IRC's recommendation regarding Case #2 for
243 dismissal. Mr. Bushardt seconded the motion which carried unanimously.

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245 **Formal Complaint**

246 **MOTION**

247 Mr. Rose made a motion the Board accept the IRC's recommendation regarding Cases #3
248 through #13 for formal complaint. Mr. Banks seconded the motion which carried unanimously.

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Letter of Caution

MOTION

Mr. Banks made a motion the Board accept the IRC's recommendation regarding Case #14 for a letter of caution. Mr. Livingston seconded the motion which carried unanimously.

Reconsideration Dismiss

MOTION

Mr. Rose made a motion the Board accept the IRC's recommendation regarding Case #15 for a reconsideration of dismissal. Mr. Banks seconded the motion which carried unanimously.

Resolution Guidelines Report

Consent Agreement

MOTION

Mr. Banks made a motion the Board accept the consent agreement for Case #1. Mr. Rose seconded the motion which carried unanimously.

MOTION

Mr. Banks made a motion the Board accept the consent agreement for Case #2. Mr. Bushardt seconded the motion which carried unanimously.

Dismissal

MOTION

Mr. Livingston made a motion the Board accept the one case recommended for dismissal. Mr. Banks seconded the motion which carried unanimously.

Dismissal with Letter of Concern

MOTION

Mr. Banks made a motion the Board accept the one case recommended for dismissal with a letter of concern. Mr. Bushardt seconded the motion which carried unanimously.

c. Request Release from Order – James Hubbard, R.Ph.

On November 15, 2006 James Hubbard appeared before the Board seeking licensure by reciprocity. During that meeting he offered testimony that he voluntarily surrendered his license to the Alabama Board of Pharmacy in August 2005 and that he entered into treatment program at that time. Upon completion of the program in October of that year, he enrolled in the Alabama Impaired Pharmacists Program and remained in good standing until he moved to South Carolina in September 2006. He immediately enrolled in the South Carolina Recovering Professionals Program (RPP). A Board order dated November 15, 2006 ordered that Mr. Hubbard's license to practice pharmacy in South Carolina was granted but must meet certain conditions. The order stated that Mr. Hubbard must remain compliant with all aspects of his contract with RPP until further ordered by the Board. The order further stated that Mr. Hubbard must not serve as a Pharmacist in Charge or permit holder in South Carolina. Furthermore per the order, Mr. Hubbard's license was placed on probation for a period of five years. In a letter to the Board dated December 1, 2010 Mr. Hubbard is seeking to be released from the order.

The proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

James Hubbard and Frankie Sheheen of RPP appeared before the Board.

300 Mr. Bradham informed Mr. Hubbard the Board would take his testimony under advisement and
301 would render a decision later in the meeting.
302

303 Mr. Bradham welcomed Catherine Templeton, Director of SC Labor, Licensing, & Regulation
304 and had the Board members to introduce themselves to Mrs. Templeton.
305

306 d. Request Release from Order – Terry Nye, R.Ph.

307 On June 21, 2006 Terry Nye entered into a Consent Agreement with the Board. The Consent
308 Agreement reflects that Mr. Nye diverted narcotics without a prescription from an authorized
309 practitioner and as a result his conduct constituted sufficient grounds for disciplinary action
310 under §§ 40-43-140 and 40-1-120. The Agreement stated that Mr. Nye's license would be
311 reinstated and would continue in a probationary status for a period of not less than five (5)
312 years. By entering into the Consent Agreement, Mr. Nye agreed to enroll in the RPP program
313 as well as abstaining from practicing as a pharmacist-in-charge (PIC) or permit holder. In a
314 letter to the Board dated December 8, 2010 Mr. Nye is seeking to be released from his order.
315

316 The proceeding was recorded by a court report in order to produce a verbatim transcript should
317 one be necessary.
318

319 Terry Nye and Tia Cooper of RPP appeared before the Board.
320

321 Mr. Bradham informed Mr. Nye the Board would take his testimony under advisement and
322 would render a decision later in the meeting.
323

324 **Executive Session**

325 **MOTION**

326 Mr. Mobley made a motion the Board enter executive session. Mr. Rose seconded the motion
327 which carried unanimously.
328

329 **Return to Public Session**

330 **MOTION**

331 Mr. Mobley made a motion the Board return to public session. Mr. Banks seconded the motion
332 which carried unanimously.
333

334 Mr. Bradham noted for the record that no official action was taken during executive session and
335 that Mr. Hubbard did not participate in the discussion but was present for instruction and
336 education only.
337

338 Request Release from Order – James Hubbard

339 **MOTION**

340 Mr. Mobley made a motion the Board grant the request. Mr. Banks seconded the motion which
341 carried unanimously.
342

343 Request Release from Order – Terry Nye

344 Mr. Banks recused himself from voting in this matter.

345 **MOTION**

346 Mr. Livingston made a motion the Board approve the request. Mr. Rose seconded the motion
347 which carried unanimously.
348

349 **9. Old Business**

350 Mrs. Bundrick advised the Board that Mr. Trotter obtained the information that the Board was
351 requesting earlier in regards to Case # 2010-116 for misconduct. Mrs. Bundrick advised that
352 the individual was arrested for diversion of controlled substances.

353 **MOTION**

354 Mr. Rose made a motion the Board approve the Agreement to Relinquish in regards to Case #
355 2010-116. Mr. Banks seconded the motion which carried unanimously.

356
357 Mrs. Bundrick advised the Board that the Finance Report should be deferred to the March
358 Board meeting.

359
360 Mr. Bradham noted for the record that the Financial Report would be forthcoming at the March
361 2011 meeting.

362
363 Mr. Livingston asked that when the Financial Reports are submitted in March if they could be in
364 a different format as previous versions were difficult to decipher.

365
366 **10. Committee Reports**

- 367 i. Pharmacy Technician – David Banks, R.Ph., Al Toole, R.Ph., Dan Bushardt,
368 R.Ph.

369 This committee had no report.

- 370
371 ii. Compounding – Hugh Mobley, R.Ph., Addison Livingston, PharmD.

372 This committee had no report but intend to have a meeting that they wish to discuss under 'New
373 Business'.

- 374
375 iii. Legislative – Bobby Bradham, R.Ph., Dr. Leo Richardson, Hugh Mobley, R.Ph.

376 Mr. Bradham stated the committee did meet but did so the same day as the past winter storm.
377 Mr. Bradham is attempting to set up a task force for remote order entry and asked that today be
378 the deadline for any suggestions that others would like him to have.

- 379
380 iv. Nuclear Pharmacy – Dock H. Rose, R.Ph., Bobby Bradham, R.Ph., Hugh
381 Mobley, R.Ph.

382 This committee did not meet but Mr. Rose recommended meeting the first Tuesday in February
383 which would be February 1.

- 384
385 v. Pharmacy Practice – Dock H. Rose, R.Ph., David Banks, R.Ph., Hugh Mobley,
386 R.Ph.

387 This committee did not meet but Mr. Rose wanted to comment in regards to a national initiative
388 to add a combination of controlled substances referred to as 'spice' to the SC Schedule I list.
389 Spice is a recreational drug that contains different ingredients from designer drugs that are not
390 controlled by the Controlled Substances Act. Mr. Rose expressed his desire to have this drug
391 added as a controlled substance. He also stated that the committee wanted to discuss the
392 Central Fill Bill and the new narcotics bill.

- 393
394 vi. Pharmacy Technology – Dan Bushardt, R.Ph., David Banks, R.Ph.

395 This committee had no report.

- 396
397 vii. Recovering Professional Program – Dr. Leo Richardson

398 Dr. Richardson stated that a meeting was held but he did not have the correct minutes to
399 distribute to the Board. He shared that pharmacy technicians are not being included with the
400 RPP program.

401
402 viii. Medication Integrity Committee – Dan Bushardt, R.Ph., Al Toole, R.Ph., Addison
403 Livingston, PharmD

404 This committee had no report.

405
406 ix. Finance Committee – Addison Livingston, PharmD, Bobby Bradham, R.Ph., Dan
407 Bushardt, R.Ph., Hugh Mobley, R.Ph.

408 This committee had no report.

409
410 x. Continuing Education – David Banks, R.Ph., Addison Livingston, PharmD, Hugh
411 Mobley, R.Ph.

412 This committee had no report.

413
414 Dr. Richardson stated that he had a CD that he wanted to share with the Board that contained a
415 segment about RPP.

416

417 **11. New Business**

418 A. Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer
419 Application – Neighborhood Pharmacy – Keton Chaudhari

420 On August 19, 2010 the Board received a request a non-resident
421 wholesale/distributor/manufacture application from Neighborhood Pharmacy. The application
422 reflects a yes answer to the question asking 'Does the facility have VAWD (Verified Accredited
423 Wholesale/Distributor) accreditation? On September 10, 2010 the Board received confirmation
424 from the National Association of Boards of Pharmacy that Neighborhood Pharmacy did not have
425 VAWD accreditation. On November 30, 2010 a letter was sent to Keton Chaudhari advising him
426 of this discrepancy and that he would have to appear before the Board. Mr. Chaudhari stated
427 that the discrepancy on the application was a result of his wife filling out the application after
428 giving birth to their child just weeks before.

429
430 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
431 should one be necessary.

432

433 Keton Chaudhari appeared before the Board and answered questions from the members.

434

435 Mr. Bradham informed Mr. Chaudhari that the Board would take his testimony under advisement
436 and would render a decision later in the meeting.

437

438 B. Proposed Compounding Legislation – Hugh Mobley, R.Ph.

439 Mr. Mobley stated that during a previous Legislative Committee meeting, compounding
440 regulations were discussed and the NABP's model was reviewed. During this meeting Mr.
441 Mobley suggested that a committee be formed to review the compounding sterile and non-
442 sterile portions of the practice act. Mr. Mobley requested that this be an action item that the
443 Board act upon and requested that Mr. Livingston and Mr. Spires be a part of that committee.
444 Furthermore, he recommended that the Board discuss non-resident applications for
445 compounding and what the Board will request from the applicant in order to review the
446 application. Discussion followed regarding the compounding committee meetings.

447

448 C. Elect Delegate for NABP's 107th Annual Meeting, May 21-24, 2011, San Antonio,
449 TX

450 Mr. Bradham asked for those Board members who would be attending to indicate by raising
451 their hand.

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MOTION

Mr. Rose made a motion the Board elect Mr. Bradham to serve as delegate. Mr. Banks seconded the motion which carried unanimously.

MOTION

Mr. Bradham made a motion the Board elect Mr. Bushardt to serve as an alternate delegate. Mr. Rose seconded the motion which carried unanimously.

Mr. Rose commented that he would like to see as many Board members as possible attend the 3rd District Meeting that was coming up in the summer.

Executive Session

MOTION

Mr. Rose made a motion the Board enter executive session. Mr. Mobley seconded the motion which carried unanimously.

Return to Public Session

MOTION

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

Mr. Bradham noted for the record that no official action was taken during executive session and that Mr. Hubbard did not participate in the discussion but was present for instruction and education only.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Neighborhood Pharmacy – Keton Chaudhari

MOTION

Mr. Mobley made a motion the Board deny the request. Mr. Banks seconded the motion which carried unanimously.

D. Committee Member Guidelines – Bobby Bradham, R.Ph.

Mr. Bradham recommended that guidelines be created for committee members as there was currently not a guiding principle in place. Mr. Bradham reviewed some of the proposed guidelines for the Board including those guidelines geared towards alternate committee members and unexcused absences.

E. Request to be PIC in Two Places Locations, CVS #5531 and Planned Parenthood – Donna Mills, R.Ph.

Mrs. Bundrick informed the Board that Mrs. Mills was not present.

Mr. Bradham informed the Board that Mrs. Mills had been granted the approval to be a PIC for two locations in a former Board meeting and since that time has moved and is requesting to be PIC for two separate locations again. Mr. Bradham indicated that Mrs. Mills had provided the documentation necessary for the Board to approve her request and that historically; the Board does not require an individual to appear if they are wishing to be a PIC for two locations.

Mr. Mobley questioned the distance between the two locations as one location was in Columbia and the other was in Orangeburg. Mr. Trotter stated that as it was explained to him the only medication that the Planned Parenthood location distributes is birth control pills and that this location has limited business hours. He said that Mrs. Mills was able to work her Planned

503 Parenthood schedule around her CVS schedule and that her involvement with Planned
504 Parenthood was more of a community service endeavor. Discussion followed as to the hours of
505 Planned Parenthood and the hours that Mrs. Mills would be working at the location. Mr.
506 Bradham commented that he felt as is there was still some unease in granting the request
507 based on the fact that the actual distance between the two locations was unknown. Mr. Mobley
508 recommended that a Memorandum of Understanding be issued that would outline Mrs. Mills
509 parameters of operation for the two locations.

510
511 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
512 should one be necessary.

513
514 **MOTION**
515 Mr. Mobley made a motion the Board that a Memorandum of Understanding be drafted before
516 approval is granted. Dr. Richardson seconded the motion which carried unanimously.

517
518 **12. LUNCH**
519 The Board recessed for lunch at 12:10 p.m. and returned to public session at 2:00 p.m.

520
521 **13. New Business (Continued)**
522 F. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer
523 Application – MDC Acquisition Co., LLC – Steven Copperman, Jim Woodward, J.
524 Marshall Allen, Esq., Melissa Hazell, Esq.

525 On August 12, 2010 the Board received a non-resident wholesale/distributor/manufacturer
526 application from MDC Acquisition Co., LLC. The application reflects yes answers to the
527 questions asking, 'Have you ever: Had disciplinary action taken against you, or a pharmacy or
528 drug distributor facility you owned, or a pharmacy or drug distributor facility where you were
529 employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or
530 country?', 'Violated the drug laws, rules, statutes and/or regulations of South Carolina, or any
531 other state or country of the United States?'

532
533 On October 21, 2009 MDC Acquisition Co., LLC received communication from the Texas
534 Department of State Health Services that there was an unpaid balance of \$300.00 in late fees in
535 connection with their application for an out-of-state wholesale distributor of prescription drugs for
536 their California facility. The fees were paid in full.

537
538 On November 9, 2009 MDC Acquisition Co., LLC received communication from the Arkansas
539 State Board of Pharmacy regarding the shipment of prescription drugs into the State of
540 Arkansas in response to the applications for wholesale distributor license permits for its Ohio
541 and California facilities. On January 6, 2010 MDC Acquisition Co., LLC entered into a Consent
542 Agreement with the Arkansas State Board of Pharmacy where they were ordered to pay a fine
543 for shipping prescription drugs from September 17, 2008 through November 11, 2009 to
544 licensed podiatrists located in Arkansas without being duly licensed.

545
546 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
547 should one be necessary.

548
549 Steven Copperman, Jim Woodard, J. Marshall Allen, and Melissa Hazell appeared before the
550 Board and answered questions from the members.

551
552 Mr. Bradham informed Mr. Copperman, Mr. Woodard, Mr. Allen, and Mrs. Hazell that the Board
553 would take their testimony under advisement and would render a decision later in the meeting.

554
555 G. Request to be Pharmacist-In-Charge in Two Locations, Boyd Pharmacy and
556 Walgreens # 06686 – Art Kaltsounis, R.Ph.

557 The Board received a request from Art Kaltsounis seeking the Board's approval to become PIC
558 in two locations. His request states that Boyd Pharmacy currently fills five to ten prescriptions
559 per month and has filled 52 prescriptions since receiving the pharmacy permit in March 2010.
560 The request also states that Walgreens is his primary place of employment.

561
562 Mr. Kaltsounis' request was brought before the Board at the November 16, 2010 meeting but
563 the Board deferred action on this matter until Mr. Kaltsounis could appear before the Board.

564
565 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
566 should one be necessary.

567
568 Art Kaltsounis appeared before the Board and answered questions from the members.

569
570 Mr. Bradham informed Mr. Kaltsounis that the Board would take his testimony under advisement
571 and would render a decision later in the meeting.

572
573 H. Request Approval of Non-Resident Pharmacy Permit Application – Triad
574 Isotopes, Inc. – Bill McCormick

575 On August 4, 2010 the Board received a non-resident pharmacy application from Triad
576 Isotopes, Inc. The application reflects yes answers to the questions asking, 'To the best of your
577 knowledge, has the applicant ever had a permit disciplined, denied, refused, or revoked for
578 violations of any pharmacy laws, drug laws in South Carolina or any other state?' and 'Have you
579 ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you
580 owned, or a pharmacy or drug distributor facility where you were employed, by the Board of
581 Pharmacy (or its equivalent) in South Carolina or any other state or country?'

582
583 On July 16, 2008 Triad Isotopes entered into a consent agreement with the State of Georgia as
584 a result of a self-reported increased radiation exposure incident on August 23, 2007. The
585 company agreed to pay a \$5,000.00 fine, implement certain new policies and re-train its staff
586 regarding equipment failures. A July 17, 2008 Notice of Violation from the State of Florida
587 resulted from a pharmacy inspection. The pharmacy was cited for inadequate RSO oversight of
588 the employee's personal dosimetry results. The RSO was re-trained and his performance is
589 audited on a regular basis. The pharmacy was also assessed a fine of \$750.00. On August 14,
590 2008 Notice of Violation from the State of Florida resulted from a pharmacy inspection. The
591 pharmacy was also assessed a fine of \$900.00. On January 22, 2009 the pharmacy received a
592 proposed consent agreement as a result of a staff pharmacist's failure to renew licensure in
593 Alabama. The proposed consent agreement was revised and completed by the company on
594 February 9, 2009. The company was fined \$500.00 for employing the pharmacist. The
595 pharmacist was issued a renewed license after paying an administrative fine of \$1,000.00. The
596 PIC was also issued an administrative fine of \$500.00. The staff pharmacist who failed to renew
597 licensure subsequently resigned from the company.

598
599 Mr. McCormick's request was brought before the Board at the November 16, 2010 meeting but
600 the Board deferred action on this matter until Mr. McCormick could appear before the Board.

601
602 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
603 should one be necessary.

604

605 Bill McCormick appeared before the Board and answered questions from the members.

606

607 Mr. Bradham informed Mr. McCormick that the Board would take his testimony under
608 advisement and would render a decision later in the meeting.

609

610 I. Request Approval of Pharmacy Technician Registration Application – Shameka
611 Wise

612 On December 14, 2010 the Board received a pharmacy technician registration application from
613 Shameka Wise. The application reflects yes answers to the questions asking, 'Have you ever
614 been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any
615 legal action pending against you or are you currently on probation for any charges or legal
616 action?'

617

618 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
619 should one be necessary.

620

621 Shameka Wise appeared before the Board and answered questions from the members.

622

623 **MOTION**

624 Mr. Mobley made a motion to approve Ms. Wise's application. Mr. Livingston seconded the
625 motion which carried unanimously.

626

627 **Executive Session**

628

629 **MOTION**

629 Mr. Banks made a motion the Board enter executive session. Mr. Mobley seconded the motion
630 which carried unanimously.

631

632 **Return to Public Session**

633

634 **MOTION**

634 Mr. Mobley made a motion the Board return to public session. Mr. Livingston seconded the
635 motion which carried unanimously.

636

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

638

639 Request Approval of Non-Resident Wholesale/Distributor/Manufacturer

640 Application – MDC Acquisition Co., LLC – Steven Copperman, Jim Woodward, J.

641 Marshall Allen, Esq., Melissa Hazell, Esq.

642

643 **MOTION**

643 Mr. Livingston made a motion the Board accept the request with the provision that they provide
644 the Board with their VAWD accreditation at the next renewal period. Mr. Mobley seconded the
645 motion which carried unanimously.

646

647 Request Approval of Non-Resident Pharmacy Permit Application – Triad

648 Isotopes, Inc. – Bill McCormick

649

649 **MOTION**

650 Mr. Rose made a motion the Board accept the request. Mr. Bushardt seconded the motion
651 which carried unanimously.

652

653 **13. New Business (continued)**

654

J. FQHC Permits

655 Mr. Bradham discussed his appointment as chairman of a task force with regards to Federally
656 Qualified Health Clinics (FQHC) that resulted in Act 194, Section 40-43-70 of the practice act.
657 Mr. Bradham made a motion that the Board of Pharmacy staff design three documents: a
658 FQHC Drug Initial Drug Outlet Application, a FQHC Drug Outlet Permit, and a FQHC Drug
659 Outlet Renewal. These three items were needed in order to comply with Act 194 as well as
660 what the legislature tasked the Board to do. Mrs. Dantzler will work with staff to create these
661 documents.

662
663 **MOTION**

664 Since Mr. Bradham's recommendation came from a task force of which he is the Chairman of,
665 his motion did not require a second. The Board voted and the motion carried unanimously.
666

667 Mr. Bradham further discussed the legislation surrounding FQHC. Mrs. Bundrick asked if Mr.
668 Bradham would like to review the documents prior to the March Board meeting and he
669 confirmed that in fact he would like to have the documents before then.
670

671 Request to be Pharmacist-In-Charge in Two Locations, Boyd Pharmacy and Walgreens
672 # 06686 – Art Kaltsounis, R.Ph.

673 Mr. Kaltsounis could not be located as the Board had additional questions for him and needed
674 clarification.

675
676 The Board did not take action on this matter until further clarification from Mr. Kaltsounis could
677 be obtained.
678

679 **MOTION**

680 Mr. Mobley made a motion to request a copy of the transcripts of Mr. Kaltsounis' testimony that
681 would be attached to his application and request so that if Mr. Kaltsounis appeared at a later
682 date, the Board would have that information available to them. Mr. Livingston seconded the
683 motion and it carried unanimously.
684

685 **14. Discussion Topics**

686 Mrs. Bundrick addressed a question that Mr. Mobley had posed earlier in the meeting regarding
687 the vacant pharmacist FTE (full-time employee) position. Mrs. Bundrick checked with Human
688 Resources and stated that Lynn Rivers, Director of Human Resources, is waiting to review the
689 vacant position with the new agency Director, Catherine Templeton.
690

691 Mr. Mobley asked that a time be set to schedule the various committee meetings. Discussion
692 followed as to when members would be available to attend committee meetings.
693

694 **15. Public Comments**

695 No public comments were made during this meeting.
696

697 **16. Adjournment**

698 **MOTION**

699 There being no further business to be discussed at this time, Mr. Banks made a motion the
700 meeting be adjourned. Mr. Livingston seconded the motion which carried unanimously.
701

702 The January 18, 2011 meeting of the SC Board of Pharmacy adjourned at 3:20 p.m.