

South Carolina Board of Pharmacy

MINUTES

Board Meeting

8:30 a.m., March 16, 2005

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 111

Columbia, South Carolina

Wednesday, March 16, 2005

Bobby Bradham, R.Ph., chairman, of Charleston, called the regular meeting to order at 8:40 a.m. Other board members participating in the meeting included: Terry Lewis, R. Ph., vice chairman, of Darlington; David Banks, R.Ph., of Simpsonville; Davis Hook, R. Ph., of West Columbia; Marvin Hyatt, R.Ph. of Rock Hill; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty.

Leo Richardson, Ph.D, of Columbia, was granted an excused absence.

Staff members participating during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Shirley Davis, Administrative Specialist; Sandra Dickert, Administrative 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, Inspector. LLR employee participating during the meeting included: Sharon Dantzler, Deputy General Counsel, Office of General Counsel.

Members of the public attending the meeting included: Paula Abbott, Julie Letchworth Alley, Jennifer Baker, Barbara S. Boineau, Jim Bracewell, Pam Cain, Teresa Mechelle Chaney, Tanya Ezekiel, Sandra Farrow, Matthew Fisher, Andrea L. Hitzeman, Sarah Kelly Jones, Steve Jones, Simona Lazureanu, Martina Looser, Tommy Martincic, John Owen, Scott Padgett, Thomas Phillips, Eric Ridings, Cheryl Ruff, Nirmesh Shah, Frank Sheheen and Flora Jane Smith, and Malissa Ruth Webb.

Meeting Called to Order

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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Hook delivered the invocation.

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

Chairman's Remarks - J. Robert Bradham, R.Ph.
Mr. Bradham had no remarks at this time.

1. Approval of Minutes for the January 19-20, 2005 Meeting

MOTION

Mr. Hyatt moved the Board approve the minutes of the January 19-20, 2005 meeting.
Mr. Banks seconded the motion, which carried unanimously.

2. Approval of Reciprocity Interview Candidates for Licensure:

November 8, 2004, January 4, 2005, January 11, 2005, January 18, 2005,
January 24, 2005, January 31, 2005, February 1, 2005, February 10, 2005, February 23,
2005, March 2, 2005

MOTION

Mr. Lewis made a motion, seconded by Mr. Banks and unanimously carried, that the Board accept the reciprocity candidates from November 8, 2004, January 4, 2005, January 11, 2005, January 18, 2005, January 24, 2005, January 31, 2005, February 1, 2005, February 10, 2005, February 23, 2005, and March 2, 2005.

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

Ms. Bundrick briefed the Board regarding staff's activities since the last Board meeting.

4. A. Compliance and Inspector's Report- Sheila Young, R.Ph.

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

Ms. Young briefed the Board regarding the compliance staff's activities since the last Board meeting.

· Voluntary Surrenders

Case #: 2005-0004

Case #: 2005-0011

Staff briefed the Board regarding the two cases involving voluntary surrenders. These cases were presented as information for the Board members.

· Agreement to Relinquish

Case #: 2004-0103

Staff briefed the Board regarding the case involving the agreement to permanently relinquish registration as a pharmacist.

MOTION

Mr. Banks made a motion that the Board approve the agreement to relinquish the license

as a pharmacist. Mr. Rose seconded the motion, which carried unanimously.

· Consent Orders

Case #: 2004-0001

Martina Looser and Tommy Martincic, of CVS Pharmacy, appeared before the Board and were sworn to give correct testimony by staff. Mr. Hendrick and Ms. Looser made statements regarding the incident involved in the consent order.

MOTION

Mr. Banks recused himself from voting in this matter.

Mr. Lewis moved the Board accept the IRCs recommendation in this matter. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2004-0011

MOTION

A motion was made by Mr. Hyatt, seconded by Mr. Rose and unanimously carried, that the Board approve the IRCs recommendation in this matter.

Case #: 2004-0025(1)

Case #: 2004-0025(2)

Staff briefed the Board regarding this case after which the Board asked that it be carried over to executive session.

Case #: 2004-0030(1)

Case #: 2004-0030(2)

Staff briefed the Board regarding this case after which the Board asked that it be carried over to executive session.

Case #: 2004-0042

Mr. Rose moved the Board approve the IRCs recommendation regarding this matter. Mr. Hook seconded the motion, which carried unanimously.

Case #: 2004-0078

Paula Abbott, and Frank Sheheen, of RPP, appeared before the Board at this time. Both parties were sworn to give correct testimony and made statements regarding this case. Mr. Sheheen stated Ms. Abbott enrolled in RPP on June 28, 2004.

MOTION

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

Case #: 2004-0108

Case #: 2004-0109

Case #: 2004-0114

MOTION

Mr. Hyatt made a motion, seconded by Mr. Rose and unanimously carried, that the Board accept the IRCs recommendation on these cases.

· Formal Complaints

Case #: 2002-0135

Case #: 2003-0144

Case #: 2003-0145

Case #: 2003-0146

Case #: 2003-0147

Case #: 2004-0115

Case #: 2004-0036

Case #: 2005-0001

Case #: 2005-0009

Case #: 2005-0010

MOTION

Mr. Rose moved the Board accept the IRCs recommendation regarding the formal complaints on the cases listed above. Mr. Banks seconded the motion, which carried unanimously.

· Dismissal with Letter of Concern

Case #: 2004-0115

MOTION

Mr. Banks moved to accept the IRCs recommendation regarding case #2004-0115. Mr. Rose seconded the motion, which carried unanimously.

B. Review for Approval Pharmacy Technician Cease and Desist - Evan R. Lindemuth

This matter was presented to the Board as information.

MOTION

Mr. Hyatt moved the Board accept the Cease and Desist Order. Mr. Hook seconded the motion, which carried unanimously.

5. Application Review

C. Request to waive 1500 Intern Hours - Simona Lazureanu, R.Ph.

Simona Lazureanu is a foreign pharmacist and has successfully passed the FPGEE exam with a score of 140. From April 2000 to March 2004 she worked under the supervision of a pharmacist and has over 8,000 hours of experience. She is requesting the Board to consider waiving the 1,500 intern hours of experience needed for licensure based on her four years of experience. She is also requesting the Board consider the 400 hours of experience she earned as a technician in Illinois. (Ms. Lazureanu's application, with all of

the applicable documentation, is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Ms. Lazureanu presented three letters of recommendation to the Board. She has been in South Carolina since November 2004, however, she has not worked as a technician or as an intern since she has been in this state. She is scheduled to take NAPLEX and MPJE exams the week of March 21, 2005. She was a registered pharmacist for five years in Romania.

CVS Pharmacy has conducted a background check on Ms. Lazureanu, which came back clear, and will complete a drug-screening test shortly.

Mr. Banks recused himself from participating in the discussion and vote regarding this matter.

The Board took the testimony as information and informed Ms. Lazureanu it would make a decision regarding this matter later in the meeting.

D. Request Approval of Pharmacy Technician Application - Flora Jane Smith

On March 10, 2004 the Board received a pharmacy technician registration application from Flora Jane Smith. The application included her Affidavit of Experience, a copy of her high school diploma, a copy of her certification with the Pharmacy Technician Certification Board, Inc. (PTCB), and a resume. (This application, with all documentation, and a copy of Ms. Smith's renewal application are herewith attached and become a permanent part of the record retained at the Board's office.)

Flora Jane Smith and Julie Letchworth Alley appeared before the Board at this time. Both parties were sworn to give correct testimony. Ms. Smith stated she submitted all of the documentation and was granted state certification in March 2004. She passed the national certification on March 31, 1996. She is scheduled to renew that certification in 2006. She renewed her registration as a technician in June 2004 but did not notice that the certificate did not indicate state certified. She received a letter from staff indicating she needed an affidavit of experience documenting her hours. When she contacted staff she was informed her state certification was sent to her in error because she did not meet all of the qualifications. She works under three pharmacists Sandra McKnight, Julie Letchworth Alley, and Charles Gregory. She is currently employed with the Cancer Centers of the Carolinas, which is a physician practice that is not licensed by the Board of Pharmacy. It is, however, regulated by the Board of Medical Examiners. Ms. Smith stated a nurse checks the dispensing of the medications.

Ms. Alley stated Ms. Smith is their most senior technician. She went on to say she has a lot of knowledge in oncology and the physicians respect her. She further stated the physicians come to Ms. Smith for information in regard to reference information on medication. She went on to say staff relies on Ms. Smith. She indicated the technicians work under the supervision of the physicians according to the Medical Practice Act.

Ms. Diana Harder stated Ms. Smith first registered as a pharmacy technician in March 2004. She further stated that the hours of experience listed on the Affidavit of Experience must be obtained under a licensed pharmacist. She could not have been state certified in March 2004.

Ms. Bundrick stated as a registered pharmacist, Ms. Alley receives the Board newsletters, which has had articles relating to technician certification since 1999.

Ms. Alley stated the information released has not mentioned that technicians must be employed with a facility licensed by the Board of Pharmacy. She went on to say a big portion of Ms. Smith's employment was under a licensed pharmacy within the practice, however, a business decision by the practice removed the pharmacy. She indicated the nurses have been trained to check the medication dispensing by technicians.

The Board took the testimony as information and informed Ms. Smith it would make a decision regarding this matter later in the meeting.

E. Request Approval of Pharmacy Technician Application - Sarah Kelly Jones

On January 27, 2005 the Board received a Pharmacy Technician application from Sarah Kelly Jones. Since Ms. Jones answered "yes" to the question that asks "During the past five years, have you been convicted of any criminal or civil charges (other than a minor traffic ticket); is any legal action pending against you or are you currently on probation for any charges or legal action?" the application could not be approved at the staff level and was brought before the Board for their approval or disapproval of the application. (Ms. Jones's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Sarah Kelly Jones and Steve Jones appeared before the Board at this time and both parties were sworn to give correct testimony.

In May 2003 Ms. Jones was involved in a one-car accident, which resulted in a fatality. She was convicted of reckless homicide in October 2004. She further stated she moved to Columbia in December 2003, rented an apartment and worked as a customer service representative at Labor Ready, which is a temporary labor service. She has received pastoral counseling from a pastor with Carolina Pastoral Counseling. After the conviction and sentencing, she moved in with her mother in Camden and began working with her father at Hawthorne Camden Pharmacy. She also stated she has not been nor is she being treated for an alcohol problem.

Mr. Jones stated he is the pharmacist in charge at Hawthorne Camden Pharmacy. He further stated his daughter completed two years of college and had a full time job prior to the accident. He went on to say she moved to Columbia on the advice of her counselor until the sentencing. He indicated he was apprehensive about hiring her when she approached him seeking employment. He noted she is self-motivated and conscientious.

The Board took the testimony as information and informed Ms. Jones it would make a decision regarding this matter later in the meeting.

F. Request Approval of Pharmacy Technician Application - Malissa Ruth Webb

On January 18, 2005 the Board received a Pharmacy Technician Application from Malissa Ruth Webb. Since Ms. Webb answered "yes" to the question that asks "During the past five years, have you been convicted of any criminal or civil charges (other than a minor traffic ticket); is any legal action pending against you or are you currently on probation for any charges or legal action?" the application could not be approved at the staff level and was brought before the Board for their approval or disapproval of the application. (Ms. Webb's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Malissa Ruth Webb and Robert J. Roche, Jr. appeared before the Board at this time and were sworn to give correct testimony.

Ms. Webb moved to South Carolina from the State of Florida, where she was employed with Walgreen's. At the time Florida did not require technicians to register. She mailed her technician application to the Board in February 2005. She has been arrested of two misdemeanors involving theft and simple possession of marijuana. She had been at the home of a friend and was arrested for being at the residence when the police made arrests.

Mr. Roche stated Walgreen's has him, as the pharmacist in charge, complete six steps to employing personnel with Walgreen's. He has contacted her former employer in Walgreen's and received raved reviews regarding Ms. Webb's work. He indicated she has become a model employee and is attempting to become nationally certified.

The Board took the testimony as information and informed Ms. Webb it would make a decision regarding this matter later in the meeting.

G. Request Approval of Pharmacy Technician Application - Teresa

Mechelle Chaney

In May 1999 Teresa Mechelle Chaney submitted a Pharmacy Technician Registration Application and has subsequently renewed her license every year she has lived in South Carolina since 1999. (She lived out of state for one year.) On January 24, 2005 Ms. Chaney sent an email to staff indicating she had decided to take the certification test in November 2004, however, could not link to the site due to problems with the web site. She had decided to take the exam in March 2005 and then learned the Board had made a ruling, which would not allow her to become state certified. (Ms. Chaney's registration application and email are herewith attached and becomes a permanent part of the record retained at the Board's office.)

Teresa Mechelle Chaney appeared before the Board and was sworn to give correct testimony.

Ms. Chaney stated she is asking for an extension in becoming a state certified technician. She has been a technician with Wal-Mart since 1994. She noted she would be taking the national exam on March 19, 2005. She moved to North Carolina in 2003 where she was also registered as a technician. She has been registered as a technician in May 1995 and has been with Wal-Mart for the majority of that time. She indicated she attempted to take the exam on-line in October 2004. However, the web site which links the state site to the national site was down and she was unable to take the exam. She indicated her mother also attempted to connect to the site and was unable to do so. She could not provide documentation from NABP to show she attempted to take the examination. She is scheduled to take the national exam on March 19, 2005. She is asking the Board to allow her to be grandfathered as a state certified technician.

The Board took the testimony as information and informed Ms. Chaney it would make a decision regarding this matter later in the meeting.

H. Request Approval of Pharmacy Technician Application - Barbara S. Boineau

On February 4, 2005 the Board received a letter from Barbara S. Boineau indicating she had submitted the necessary forms to become state certified on December 9, 2004. She was following up on the application and was informed there was not a record of it on file. The pharmacist in charge at the facility where she worked completed a new form using the dates contained on the original application. (Ms. Boineau's letter along with the initial application and all of the necessary documentation and renewal forms, are herewith attached and becomes a permanent part of the record retained at the Board's office.)

Barbara S. Boineau appeared before the Board and was sworn to give correct testimony.

Ms. Boineau stated she became a registered pharmacy technician in 1993 and became nationally certified on July 31, 2003. She heard in December 2004 that technicians needed to submit an application to become state certified. She sent in a letter and, after several weeks, spoke with Ms. Harder. Ms. Harder informed her that staff could not locate the information. She indicated Ms. Harder asked if she had a copy of the application. She found the copy of the application, a copy of the letter, the hour report and a copy of the payroll journal. She noted she has 7,267 hours of experience since 1999. She did not send the first application via certified mail; however, she did send the second application via certified mail. She has been employed with the same pharmacy for the previous five and one-half years.

Ms. Harder noted staff received her application, via certified mail, on January 26, 2005.

The Board took the testimony as information and informed Ms. Boineau it would make a decision regarding this matter later in the meeting.

I. Request Approval of Pharmacy Technician Application - Latoya D. Allen

On January 20, 2005 the Board received a request from Latoya D. Allen to appear during

the March 16, 2005 meeting. The request is a result of being informed her registration would not be accepted due to the application being received after the December 31, 2004 deadline set by the Board. (Ms. Allen's letter and her application are herewith attached and becomes a permanent part of the record retained at the Board's office.)

Latoya D. Allen appeared before the Board at this time and was sworn to give correct testimony

Ms. Allen stated that she was employed with Eckerd Drugs in December 2003; however, she was not initially registered as a technician with the Board until March 2004. She further stated the store manager received the information regarding her hours on December 22, 2004; however, he could not print the information since it was at store level. She received the documentation on December 24, 2004; however, she could not obtain the signature of the pharmacist in charge at that time due to this individual being on vacation at this time. She noted the individual returned to the pharmacy on January 2, 2005, after which the application was signed and sent to the Board. She attended the pharmacy technician class at Spartanburg Technical College and became nationally certified in July 2003. Between March 2004 and December 11, 2004 she completed 1,527.81 hours. She is asking the Board to accept her documentation to become state certified after the December 31, 2004 deadline.

The Board took the testimony as information and informed Ms. Allen it would make a decision regarding this matter later in the meeting.

J. Request Approval of Pharmacy Technician Application - Tammie K. McCutchen
In a letter dated February 23, 2005 Tammie K. McCutchen is requesting to appear before the Board in regard to her Pharmacy Technician certification. Her letter goes on to say she questioned the staff why she did not receive state certification and was informed the documentation was not received by staff. The letter included an affidavit from James McLendon, R.Ph. that stated that the documentation was mailed to the Board. (Ms. McCutchen's letter, along with Mr. McLendon's affidavit and appropriate documentation is herewith attached and becomes a permanent part of this record retained at the Board's office.)

Ms. McCutchen contacted staff on this date and stated she would be unable to attend today's meeting due to complications from surgery. She did not ask that her request be deferred to the June 2005 meeting.

The Board determined it would make a decision on this matter later in the meeting.

K. Request Approval of Pharmacy Technician Application - Angela B. Linke
In a letter dated February 23, 2005 Angela B. Linke, is requesting to appear before the Board in regard to her Pharmacy Technician certification. Her letter goes on to say she questioned the staff why she did not receive state certification and was informed the documentation was not received by staff. The letter included an affidavit from James

McLendon, R.Ph., which stated that the documentation was mailed to the Board. (Ms. Linke's letter, along with Mr. McLendon's affidavit and appropriate documentation is herewith attached and becomes a permanent part of this record retained at the Board's office.)

Ms. Linke contacted staff on this date and stated she would be unable to attend today's meeting. She asked that her request be deferred to the June 15-16, 2005 meeting.

L. Request for Release of Probation of Pharmacist License - Matthew E. Fisher
On or about November 10, 2000 Matthew E. Fisher entered an agreement with the SC Board of Pharmacy, which in part, placed his Pharmacist's license for five years. Mr. Fisher is now requesting that the Board release him from the probationary status contained in that Agreement. (The Board's Agreement, along with letters of reference and documentation from the Ohio Board of Pharmacy are herewith attached and becomes a permanent part of this record retained at the Board's office.)

Matthew E. Fisher appeared before the Board at this time and was sworn to give correct testimony.

Mr. Fisher stated he graduated from the Medical University of South Carolina in 1978. He and his wife moved to Ohio where he obtained licensure as a pharmacist. He also obtained licensure as a pharmacist in Kentucky. In 1997 he had consequences and became an alcoholic and an addict. He self reported an addiction to alcohol and entered Ohio's rehabilitation program, entitled Pro. He also surrendered his Kentucky license, which was reinstated in 1998. His license has been in good standing in Kentucky for the past two years. He appeared before the South Carolina Board of Pharmacy in 2000 to renew his license at which time the Board linked its order to Ohio. He was also ordered to enroll in RPP. He completed the Ohio program and was released from probation in that state on January 25, 2005. He is now asking that the South Carolina Board release him from probation, although he is not currently seeking licensure in South Carolina. He completed South Carolina's RPP requirements at the time he completed the Ohio program.

The Board took the testimony as information and informed Mr. Fisher it would make a decision regarding this matter later in the meeting.

M. Request Approval of Non- Resident Pharmacy Application - Dawn International Pharmacy, Inc., Girish Ray
On February 24, 2005 the Board received a Nonresident Pharmacy Permit Application from Dawn National Pharmacy, Inc. Girish Ray, President of Dawn National Pharmacy, Inc. included a letter with the application informing the Board of three incidents, which have occurred since he first, became licensed. (The permit application and all appropriate documentation are herewith attached and becomes a permanent part of this record retained at the Board's office.)

The Board took the testimony as information and determined it would make a decision in

this matter later in the meeting.

Board Deliberation of Application Reviews

Executive Session

MOTION

Mr. Banks moved the Board enter executive session to seek legal advice regarding the applicants who have appeared before the Board. Mr. Rose seconded the motion, which carried unanimously.

LUNCH

The Board recessed for lunch at 12:20 P.M. and returned to public session at 1:45 p.m.

Return to Public Session

Mr. Bradham noted for the record that no motions were made or offered during executive session.

6. Old Business

· Consent Orders

2004-0025(1)

2004-0025(2)

MOTION

Mr. Banks moved the Board accept the IRCs recommendation. The motion was seconded by Mr. Hook and unanimously carried.

2004-0030(1)

2004-0030(2)

MOTION

Mr. Hook made a motion, seconded by Mr. Rose and unanimously carried, that the Board accept the IRCs recommendation.

Simona Lazureanu, R.Ph.

MOTION

Mr. Lewis moved the Board deny the request to waive the 1,500 intern hours. Mr. Banks recused himself from voting in this matter. Mr. Rose seconded the motion, which carried unanimously.

Flora Jane Smith

MOTION

Mr. Toole moved the Board deny Ms. Smith's request. Mr. Rose seconded the motion, which carried unanimously.

Sarah Kelly Jones

MOTION

Mr. Hook recused himself from voting in this matter.

Mr. Hyatt made a motion, seconded by Mr. Banks and unanimously carried, that the Board accept this application.

Malissa Ruth Webb

MOTION

Mr. Rose moved the Board approve Ms. Webb's request. Mr. Hyatt seconded the motion, which carried unanimously.

Teresa Mechelle Chaney

MOTION

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

Barbara S. Boineau

MOTION

Mr. Hook moved the Board not accept the application. The motion was seconded by Mr. Lewis and unanimously carried.

Latoya D. Allen

MOTION

Mr. Toole moved the Board approve the request. Mr. Rose seconded the motion, which carried unanimously.

Tammie K. McCuthen

MOTION

Mr. Banks moved the Board deny the request. The motion was seconded by Mr. Rose and unanimously carried.

Matthew E. Fisher

MOTION

Mr. Hyatt made a motion, seconded by Mr. Banks and unanimously carried, that the Board release Mr. Fisher from probation.

Dawn International Pharmacy, Inc., Girish Ray

MOTION

Mr. Rose moved the Board deny the request for approval until they appear before the Board with more information. Mr. Banks seconded the motion, which carried unanimously.

There was no further old business to be discussed during the March 16, 2005 meeting.

7. New Business

N. Comments on Proposed Standard for the Electronic Prescribing Under Medicare

Ms. Bundrick received an email from Pamela Cain, R.Ph, regarding proposed standards for the electronic prescribing of medications covered by Medicare Part D and intend for

Part D enrollees. The comments are due to CMS by April 5, 2005. Mr. Bradham stated South Carolina has its own electronic prescribing that the Board has addressed. He has heard comments from the Board members that as long as CMA develops language congruent to the Board or until CMA develops more stringent or less stringent guidelines they must be effective for all Medicare prescribing.

Mr. Hook stated that the Board must comply with CMAs guidelines, which take precedence. Mr. Bradham asked that Mr. Lewis and Ms. Bundrick develop a comment on this matter.

O. DEA Soliciting Comments on the Dispensing of Controlled Substances for the Treatment of Pain

On February 22, 2005 the Board of Pharmacy received a letter from NABP stating that in the January 18, 2005 edition of the Federal Register the Drug Enforcement Administration (DEA) announced it was seeking comments regarding the dispensing of controlled substances for the treatment of pain. The comments are due prior to March 21, 2005. Mr. Hook questioned the Board how they interpret the CIIs that were included in the announcement. He stated the announcement indicated if the physician wanted to give a patient multiple prescriptions, i.e., for two or three refills, the physician is to date the prescriptions all the same date, now that they are good for two months. Mr. Bradham stated it was his understanding that the three prescriptions may be written with the same date and write "Do not fill until (add a later date)".

Mr. Bradham stated he would work with Ms. Bundrick on this item.

8. Committee Reports

- Immunization Task Force - Marvin Hyatt, R.Ph., and Dock H. Rose, R.Ph.
This committee had no report.

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

Mr. Hyatt stated the SC Pharmacy Association would be introducing legislation that would affect PBM. He further stated Mr. Bracewell would be forwarding the legislation to him next week.

Mr. Bradham believes the target is to get the bill introduced, get assigned to a committee and have the committee assign a PBM subcommittee.

- Pharmacy Technology Committee - Terry Lewis, R.Ph.
Mr. Lewis had no report.

Mr. Hyatt left the meeting at this time.

- Recovering Professional Program - Leo Richardson, Ph.D.
Mr. Bradham stated Dr. Richardson was not present.

Ms. Crouch briefed the Board on the last RPP meeting.

- Compounding Task Force - Davis Hook, R.Ph.

Mr. Davis stated the committee has two matters to bring before the Board.

MOTION

Mr. Hook stated that the committee is making a motion that the Board accept the Sterile Compounding Inspection Report. Since the motion came from committee, no second was needed. The motion carried unanimously.

Mr. Hook stated that the committee received a request for endorsement of a product and noted the committee is recommending that the committee is recommending:

The Board of Pharmacy not endorse any clean room product but that the Board expects any product sold in South Carolina meet the requirements of USP 797.

Mr. Bradham did not think any action was required on this item. He believes that is an education process.

Ms. Bundrick stated that in April she, along with the staff inspectors and investigators, would be going to Hugh Mobley's pharmacy to review the inspection report and process.

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

Mr. Rose had no report.

- Pharmacy Technician - Davis Hook, R.Ph. and David Banks, R.Ph

Mr. Banks stated a meeting was scheduled for March 11, 2005; however, he had confusion regarding the time of the meeting. He further stated he has been asked by several individuals regarding technician reciprocity. He noted this matter would be discussed at the next meeting.

Mr. Banks asked Ms. Bundrick to discuss the two letters the committee has been asked to review. Ms. Bundrick stated the Board has received a letter from James R. Couch, the educational director of the Office of Career and Technology Education. The letter states that the public school system is using PassAssured, the training program the Board previously denied. PassAssured is preparing students to become certified technicians in other states if they cannot become certified in South Carolina. The company is informing individuals they could work in North Carolina and Georgia with full technician credentials but could not work in South Carolina. She noted she discussed this matter with Mr. Bradham. She continued by saying the individuals could work in South Carolina as registered technicians, however, they could not work as certified technicians without being fully qualified. She went on to say she checked with Georgia and North Carolina regarding their requirements for technicians. She found that Georgia has no requirements for technicians at this time. However, they have borrowed language from South Carolina in an attempt to propose language to attract technicians. She went on to say North

Carolina registers technicians, with a \$25 initial fee and a \$25 renewal fee. North Carolina has no education with exception of six months of on the job training once they are registration. It is her understanding there is a two to one technician to pharmacist ratio, however, a greater ratio may be requested. She has spoken with Mr. David Worth, the Executive Director of the North Carolina Board of Pharmacy, who informed her that if the Board granted a greater ratio of two to one, the Board is requiring national certification.

Mr. Bradham stated he would work with Ms. Bundrick in developing a response to this letter.

Mr. Bradham there are good programs regarding certification training. He noted the Board has been cautious, but flexible in what they have been doing.

Mr. Banks indicated a letter had been received from Mr. John Owen regarding the certification training requirement for technicians in South Carolina. Mr. Bradham asked Mr. Banks if he would agree to allow him to respond to that letter as well

· Legislative - Davis Hook, R.Ph.

Mr. Hook stated he had met with Ms. Bundrick in regard to tracking several bills, however the committee has not met as a whole. He further stated that the transfer bill had passed. He indicated there are currently two bills which would require emergency rooms to dispense a twenty-four hour or seventy-two hour supply of medication upon discharge.

Mr. Bracewell stated he had not been able to find support for these bills, except among constituents.

It was noted that the DHEC bill has been introduced followed by confusion caused by the incorrect bill being introduced.

· Medication Errors - Al Toole, R.Ph.

Mr. Toole had no report. He appreciates the Association's work on this matter.

· NABP/AACP District III Planning Committee

Ms. Bundrick stated she and Ms. Crouch held a preliminary planning committee meeting last week with Tracy Russell and Mr. Bracewell, of the SC Pharmacy Association. She noted that there were approximately 100 at last year's conference, however, there were 198 participants during the previous conference held in South Carolina. She noted Mr. Peter Edwards, of MUSC, has obtained a promotional video from the Charleston Chamber of Commerce for the committee to review. She hopes to meet with Mr. Peter Edwards, MUSC Pharmacy, and Mr. Mike Humphries, of the incorporated colleges, in April.

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

Mr. Bradham stated this committee has no report. Ms. Young stated Mr. Tom Porter has volunteered to conduct the seminars for the Department of Corrections.

9. Discussion Topics

P. Continuing Education - D. Henry Rose, R.Ph.

Mr. Rose stated an speakers from one of the technical colleges is informing technicians they can only obtain certain ACPE approved programs for their continuing education, which is not true as far as the Board is concerned. Ms. Bundrick stated it depends on what pharmacy the technician is in. It was noted that PTCB does not accept patient counseling continuing education. Mr. Rose stated there was a program given in the low country that was geared toward technician. He went on to say Ms. Bundrick stated that as far as staff is concerned the course is fine as long the course was ACPE approved and met the other requirements. Mr. Bradham stated the Board may wish to consider inserting a statement regarding continuing education in the technician renewal application.

Ms. Bundrick stated that 2005 a continuing education calendar was discussed during the Pharmacy Coalition meeting held the previous night. She noted Mr. Bracewell has offered to take the calendar to his Board for the Association to keep, but stressed that the calendar would be only as good as the individuals who give the information.

Q. Resolution for Joe Dipiro, PharmD - Bobby Bradham, R.Ph.

MOTION

Mr. Bradham moved the Board produce a resolution congratulating Dr. Joe Dipiro for being named the Dean of the South Carolina College of Pharmacy. He noted he met with Dr. Dipiro last week and is interested in receiving information from Ms. Bundrick to take MPJE exam to become licensed in South Carolina. Mr. Banks seconded the motion, which carried unanimously.

Public Comments

Mr. Hook stated he had gotten an inquiry in regard to the free medical clinics. He asked the Board and staff of the status of the free medical clinics. Ms. Young stated staff is receiving phone calls from the clinics asking how to get the medication to the patients, especially if they are in a different program and it shifts to them and then though the Board had said the clinics could have a consultant pharmacist label the medications.

Mr. Hook stated the Board would need to make a decision in this matter and make them become compliant. Ms. Young stated the clinics are compliant with the permitting, however, the problem lies with giving the patients medication with improper labeling or transporting medications from a central pharmacy to the other clinics to be dispensed to the patients.

Discussion on the free medical clinics ensued.

Ms. Bundrick noted that she has alerted the agency's legislative liaison that the clinics are attempting to have a proviso inserted that would allow them to operate without a permit from the Board of Pharmacy.

Ms. Young stated the problem is with the community health clinics. She further stated she had gotten a report and made calls to the health clinics asking them why they were dispensing medications unlabeled. She indicated the health clinics informed her that they were receiving the vials were being received that way from the patient assistance program. She went on to say the health clinics appeared before the Board at which time the Board gave them an alternative. She continued by saying that the consultant pharmacist was coming in to label the vials, however, the health clinics feel they can't do that. She noted they also want the one dispensing pharmacy be able to send those medications to the health clinics to be dispensed to the patients.

Mr. Bradham stated if the health clinics cannot abide by the alternative the only other answer would be for them to cease and desist.

Adjournment

There being no further business to be brought before the Board at this time, Mr. Bradham declared the meeting adjourned.

The March 16, 2005 meeting of the SC Board of Pharmacy adjourned at 2:46 p.m.