

South Carolina Board of Pharmacy

Board Meeting

8:30 a.m., June 15-16, 2005

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Wednesday, June 15, 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; Leo Richardson, Ph.D, of Columbia; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty.

Staff members participating during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Sandra Dickert, Administrative Assistant; Eddie Durant, R.Ph., Temporary Investigator; Jonathan Gabert, Temporary Investigator; Sally Green, Administrative Specialist; Diana Harder, Temporary Administrative Specialist; Tom Porter, R.Ph., Inspector; and Sheila Young, R.Ph, Compliance Manager. LLR employee participating during the meeting included: Sharon Dantzler, Deputy General Counsel, Office of General Counsel.

Members of the public attending the meeting included: Paulette Bentley, Jim Bracewell, Pam Cain, Senator Ronnie Cromer, Andrea English, Genieve English, Kim Farrell, Larry Griffin, April Hannibal, Mary Marsh Hayden, Reverend Nelson Head, Bobby Hinson, Larry Griffin, Leanne Kyzer, Leighann Lucas, Tammy McDowell, Joe Mullinax, Kave Nikbakht, Dominic Ragucci, Virginia Redfearn, Jim Smith, Gary Stout, Lynell Stout, Gray Stewart, and Richard Wartick.

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 attending the meeting 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 March 16, 2005 Meeting

Mr. Hook noted one correction to the Compounding committee report. He noted that the committee had worded the recommendation to read:

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.

MOTION

Mr. Banks moved to accept the amendment to the committee report.

Mr. Banks noted one correction to case #2004-0001. He indicated Tommy Martincic appeared with Ms. Looser.

Dr. Richardson stated on page 15 under the Pharmacy Technician Committee the minutes reflect a letter received from Mr. James R. Couch, educational director of the Office of Career and Technology Education in regard to the public school systems using the PassAssured program, which the Board had previously denied. He asked if the letter came from the SC Department of Education or a local school district. Mr. Bradham indicated Mr. Couch is with the State Department of Education.

MOTION

Mr. Hyatt moved the Board accept the minutes of the March 16, 2005 meeting as amended. Mr. Hook seconded the motion, which carried unanimously.

2. Approval of Reciprocity Candidates for Licensure:

Dates: March 10, 2005, March 14, 2005, March 17, 2005, March 22, 2005, March 28, 2005, April 4, 2005, April 6, 2005, April 12, 2005, April 18, 2005, April 20, 2005, April 25, 2005, May 4, 2005, May 12, 2005, May 16, 2005, May 17, 2005, May 18, 2005

MOTION

Mr. Hook moved to accept the reciprocity candidates. The motion was seconded by Mr. Lewis and carried unanimously.

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

Ms. Bundrick briefed the Board on staff's activities since the March 16, 2005 meeting. She welcomed the members of the LLR Leadership Team to the meeting.

4. Compliance and Inspectors Report, Sheila Young, R.Ph.

IRC Recommendations for dismissals and dismissals with non-disciplinary letters of

concern. Review of proposed Consent Orders and Stipulations and Petitions from the Investigative Review Committee, (IRC):

Ms. Young briefed the Board members on the activities of the Compliance Department since the March 16, 2005 meeting.

· Voluntary Surrender

Case #: 2005-0023

Ms. Dantzler briefed the Board on the voluntary surrender and indicated the case was for the Board's information.

· Agreement to Relinquish Registration of Pharmacy Technician

Case #: 2005-0022

MOTION

Mr. Banks moved the Board accept this Agreement to Relinquish Registration of Pharmacy Technician. The motion was seconded by Mr. Lewis and unanimously carried.

Case #: 2005-0035

MOTION

Mr. Hyatt made a motion, seconded by Mr. Toole and unanimously carried, that the Board accept this Agreement to Relinquish Registration of Pharmacy Technician.

A. Request for Reinstatement of Pharmacist License - Bobby Hinson

Kitty Lindler, a certified court reporter, recorded this matter so the Board would have a complete transcript of this matter.

(A copy of the request for reinstatement, along with the pertinent information, is herewith attached and hereby becomes a permanent part of the record retained at the Board's office.)

Mr. Hinson and Ms. Paulette Bentley, of RPP, appeared before the Board at this time.

The Board informed Mr. Hinson it would render a decision on this matter later in the meeting.

5. Old Business

B. Report from SC Pharmacy Association on Progress of Working with Federally Qualified Health Centers - Jim Bracewell and Senator Ronnie Cromer

A meeting in regard to the federally qualified health centers was held at the offices of the SC Pharmacy Board Association on June 9, 2005. Individuals attending the meeting included Lee Ann Bundrick, R.Ph. and Sheila Young, R.Ph., from the SC Board of Pharmacy, Ms. Lathran Woodard, and Ms. Sue Veer, of the SC Primary Health Care Association, Dr. Lori Malvern and Ms. Dana Tate, of the New Horizon Family Health Services, Mr. Warren Hix, of Sandhills Health Center and a SC Primary Health Care Association Board Member, Mr. Jim Bracewell, of the SC Pharmacy Association, and Leighann Lucas, a USC School of Pharmacy student. (A copy of the report with the

recommendation is herewith attached and hereby becomes a permanent part of the record.)

Senator Cromer and Mr. Bracewell presented a report of the meeting to the Board and indicated that as a result of the meeting the following recommendations were being made.

1. Where the FQHC does not have a pharmacy:

- The FQHC will obtain a drug outlet permit;
- The FQHC will have a consultant pharmacist to perform monthly inspections;
- The Consultant Pharmacist must develop policies and procedures (P&P's) for the labeling on the PAP's by the physicians to include a list of all physicians that will be labeling the PAP medications at each individual clinic;
- The Consultant Pharmacist must develop and monitor these P&P's during their monthly inspection reports;
- One physician per clinic must be responsible as the permit holder and accept responsibility for the overall labeling of the PAP prescription medications;
- All PAP prescription medications must be labeled according to the SC Pharmacy Practice Act with the address of the clinic on the label.

2. FQHC could utilize one of their current pharmacies to label all PAP medications and then the pharmacy would have to mail the prescription to the patients. This recommendation is questionable. PAP medications are mailed from the manufacturers directly to the physician so the logistics would be complicated and burdensome.

3. Seek a working relationship with the FQHC and Commun-I-Care.

MOTION

Mr. Hook moved to accept the report and use it as a starting point to resolve these issues. Mr. Banks seconded the motion, which carried unanimously.

6. New Business

C. Request for Reinstatement of License - Mary Hayden, R.Ph.

Kitty Lindler, a certified court reporter, took this matter to have a complete transcript of this matter. (A copy of Ms. Marsh-Hayden's request for reinstatement is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Mary Hayden, R.Ph., and Bill Gibson, of RPP, appeared before the Board at this time.

The Board informed Ms. Hayden it would render a decision on this matter at a later time in the meeting.

D. Request for Approval of Reciprocity Application - Eric Conrad Bell

Eric Conrad Bell has applied for a pharmacist license via reciprocity in South Carolina. He is currently in nuclear pharmacy and has been living in North Carolina. He moved to Ohio to become educated in nuclear pharmacy and is an authorized nuclear pharmacist in

North Carolina. He has satisfied the disciplinary action taken against him in North Carolina. (A copy of Mr. Bell's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Mr. Bell appeared before the Board and made statements in reference to his education in nuclear pharmacy and the disciplinary action taken against his North Carolina license.

The Board informed Mr. Bell it would render a decision on this matter at a later time in the meeting.

E. Request for Approval of Reciprocity Application - Linda Ann Budniewski

Ms. Budniewski, along with her husband, Thomas Paul Budniewski, has been practicing in New York for twenty years and is relocating to the Myrtle Beach area. The disciplinary action issue with the State of New York has been resolved. She did not respond in a timely manner to a patient regarding a misfill, which involved a dispensing error. (A copy of Ms. Budniewski's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Linda Ann Budniewski appeared before the Board at this time and made statements regarding the disciplinary action taken against her license by the New York Board of Pharmacy.

The Board informed Ms. Budniewski it would render a decision on this matter at a later time in the meeting.

F. Request for Approval of Reciprocity Application - Thomas Paul Budniewski

Mr. Budniewski, along with his wife, has been practicing in New York for twenty years and is relocating to the Myrtle Beach area. His NABP application reflects that he faced disciplinary action in New York regarding non-counseling of patient(s). At that time New York required mandatory counseling on prescription refills as well as new prescriptions. (A copy of Mr. Budniewski's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Thomas Paul Budniewski appeared before the Board at this time and made statements regarding the disciplinary action taken against his license by the New York Board of Pharmacy.

The Board informed Mr. Budniewski it would render a decision on this matter at a later time in the meeting.

G. Request for Approval of Reciprocity Application - Gary Shaun Dillavou

Gary Shaun Dillavou has submitted a reciprocity application to South Carolina. His application indicates he was arrested in Georgia in 2002 for DUI. (A copy of Mr. Dillavou's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Mr. Dillavou stated he notified the Georgia Board of Pharmacy of this arrest, which occurred prior to his graduation from pharmacy school and becoming licensed in that state. He indicated he has since had a clean record. He also said he has already relocated to South Carolina and has employment waiting should the Board approve his license.

The Board informed Mr. Dillavou would render a decision on this matter at a later time in the meeting.

H. Request for Approval of Reciprocity Application - Kave N. Nikbakht

Mr. Nikbakht has applied for licensure via reciprocity from North Carolina. His application reflects a disciplinary action, in regard to a misfill, taken against his license in North Carolina. The final order indicated he would have to attend a continuing education course, which he has completed. (A copy of Mr. Nikbakht's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Kave N. Nikbakht appeared before the Board at this time.

The Board informed Mr. Nikbakht it would render a decision on this matter at a later time in the meeting.

I. Request for Approval of Reciprocity Application - Clarence M. Northington

Mr. Northington has submitted a reciprocity licensure application from Virginia. The application reflects a disciplinary action taken against his license by the Virginia Board of Pharmacy. (A copy of Mr. Northington's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Mr. Northington stated the incident involved the dispensing of a medication during a change of shift. He further stated the investigation revealed that his initials were not on the bag. He went on to say the Board of Pharmacy indicated it could have been improper record keeping.

The Board informed Mr. Northington it would render a decision on this matter at a later time in the meeting.

J. Request for Approval of Reciprocity Application - Richard Dean Wartick

Mr. Wartick's reciprocity application reflects he is relocating from Illinois. Although he was originally licensed in Illinois, he is also licensed, by reciprocity, with Virginia and Maryland. The application reflects an incident that occurred approximately 25 years ago and which had been reported in 2001 when he reciprocated his license with Virginia and Maryland. (A copy of Mr. Wartick's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Mr. Wartick appeared before the Board at this time and made statements in regard to the disciplinary action.

The Board informed Mr. Wartick it would make a decision on this matter at a later time in the meeting.

K. Request for Approval of Pharmacy Technician Application - Tammy McDowell

The Board of Pharmacy has received a Pharmacy Technician Application from Tammy McDowell. Ms. McDowell's application reveals that she was charged with Breach of Trust in 1999. (A copy of Ms. McDowell's application is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. McDowell owned a furniture franchise in 1999. Hurricane Floyd went through the area that year which left several of her customers with damaged furniture. She allowed the customers to repurchase furniture at a deep discount and rang the sales as charitable discounts. When the corporate office investigated Ms. McDowell's franchise and discovered these sales transactions, she was forced to give up the business. She was convicted of breach of trust and ordered to make full restitution of \$23,000 to the company and serve a five-year probation.

Ms. McDowell, Lanell Stout, Reverend Stout, and Gary Stout, RPh., appeared before the Board at this time.

Ms. McDowell stated the furniture corporate office indicated she did not have the authority to ring sales transactions as charitable discounts and forced her to give up the business. She went on to say the business took her to court where she was ordered to make restitution and serve a five-year probation. She went on to say she has completed approximately 80 hours of training that clearly indicates what she can and cannot do as a pharmacy technician.

Reverend Stout, Ms. Stout and Gary Stout spoke on Ms. McDowell's behalf.

Ms. McDowell provided the Board with three sealed documents: 1) a letter from the probation officer indicating she is in full compliance, 2) a recommendation from a case manager, RN, at the Conway Medical Center and 3) a recommendation from a retired educator.

The Board informed Ms. McDowell would render a decision on this matter at a later time in the meeting.

L. Request for Approval of State Certified Pharmacy Technician Application - Demetria Glover

Demetria Glover has submitted an application to become a state certified pharmacy technician. Ms. Glover's application indicates that when she submitted the application to become registered under the grandfather clause, she was unaware that she had to submit a copy of the PTCB certification. (A copy of Ms. Glover's request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. Glover made remarks regarding her request.

The Board informed Ms. Glover it would render a decision on this matter at a later time in the meeting.

M. Request for Approval of State Certified Pharmacy Technician Application - Sheila Davis
Sheila Davis is requesting approval of a state certification pharmacy technician application. The application included an email from PTCB indicating that her application to take the PTCB exam had been received and payment made; however, it did not include Ms. Davis's exam score. She is requesting that the Board approve her application for state certification under the grandfather clause. (A copy of Ms. Davis' request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. Davis stated she assumed PTCB would notify the Board of Pharmacy of her exam results. She also stated she was unaware she had to submit that information to the Board.

Jim Davis, R.Ph, spoke on Ms. Davis' behalf.

Ms. Harder stated the Board did receive a notarized letter, however, it did not include Ms. Davis's hours. She further stated the Board also received a copy of the admission ticket for the exam, however, the Board did not receive the exam results.

The Board informed Ms. Davis it would render a decision on this matter at a later time in the meeting.

N. Request for Approval of State Certified Pharmacy Technician Application - Misty Gerard
Misty Gerard has submitted a request for the Board's approval to become a state certified pharmacy technician. Ms. Gerard indicated in a letter with her application that she was unable to send her Affidavit of Experience due to complications from a pregnancy. (A copy of Ms. Gerard's request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. Gerard stated she was aware of the deadline; however, she was having complications with the pregnancy and delivered in November 2004. She then suffered from post-partum depression and had other issues to deal with and did not submit the information. She is currently nationally certified.

The Board informed Ms. Gerard it would render a decision on this matter at a later time in the meeting.

O. Request for Approval of State Certified Pharmacy Technician Application - Crystal Bailey

The Board of Pharmacy received a request from Crystal Bailey seeking Board approval of

her state certification. The letter indicated she had stood the PTCB exam approximately two years ago and completed an Affidavit of Experience, to become state certified. The letter indicates the documentation had not been mailed from the pharmacy. The Board staff indicated she would have to meet the current requirement to attend courses at an accredited school to become state certified. (A copy of Ms. Bailey's request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Crystal Bailey presented a letter from her pharmacist, copies of W-2's reflecting her hours, and a copy of the documentation she received with her registration. She successfully completed the PTCB test in July 2003.

Bennie Scott, Ms. Bailey's father, spoke on Ms. Bailey's behalf.

The Board informed Ms. Bailey it would render a decision on this matter at a later time in the meeting.

P. Request for Approval of State Certified Pharmacy Technician Application - Alexis Bridges

Alexis Bridges is requesting the Board's approval of a state certified pharmacy technician application. In a letter requesting appearance before the Board during the June 2005 she indicated she was led to believe that state certification would automatically be sent to the technician after successful passage of the PTCB exam. When she contacted staff in February 2005 she was informed of missing the January 1, 2005 deadline which required the submittal of the Affidavit of Experience. (A copy of Ms. Bridges' request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. Bridges submitted letters from two directors of where she is currently employed.

Ms. Bridges stated she first became registered in 1997. She was unaware of the deadlines. She passed the PTCB exam in November 2004.

The Board informed Ms. Bridges it would make a decision regarding this matter at a later time in this meeting.

Q. Request for Approval of State Certified Pharmacy Technician Application - Adrian Marlow

On June 3, 2004 the Board received a pharmacy technician application from Adrian Marlow. In a letter dated March 30, 2005, Ms. Marlow indicates that the Board did not receive her exam scores and is asking for an appearance before the Board. (A copy of Ms. Marlow's request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Adrian Marlow and Wayne Wise appeared before the Board at this time.

Ms. Marlow stated she is currently a registered pharmacy technician and indicated she passed the PTCB exam in July 2004. She went to say she contacted staff and was informed that her exam score had not been received.

The Board informed Ms. Marlow it would render a decision regarding this matter at a later time during this meeting.

R. Request for Approval of Pharmacy Technician Renewal - Andrea English

On March 22, 2005, the Board received a pharmacy technician application from Andrea English. Ms. English's application reflected she was arrested for DUI on September 25, 2004. Staff was unable to approve the application due to the arrest. (A copy of Ms. English's request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. English's ANSAP counselor certifies she completed the South Carolina Alcohol/Drug Safety Action Program on March 2, 2005.

The Board informed Ms. English it would render a decision in this matter at a later time in this meeting.

S. Request for Approval of State Certified Pharmacy Technician Application - Angela Linke

On August 18, 2003 the Board received a pharmacy technician application from Angela Linke. On January 31, 2005 the Board received an Affidavit of Experience indicating Ms. Linke had received 1,600 hours of experience as a pharmacy technician in 2003 and 1,800 hours of experience as a pharmacy technician in 2004. The Board received a letter from Ms. Linke dated February 25, 2005 in which she asked to appear before the Board to ask for approval to be grandfathered as certified pharmacy technician. Ms. Linke was scheduled to appear before the Board during the March 2005 meeting. However, she was unable to appear at that meeting and had asked that this matter be rescheduled for the June 15, 2005 meeting. (A copy of Ms. Linke's request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Angela Linke appeared before the Board at this time and made remarks regarding her request.

The Board informed Ms. Linke that the Board would render a decision in this matter later in the meeting.

T. Request for Bennett Gomez and Jeanelle Washington to be Grandfathered in for Certified Technicians - Valencia Gray-Williams, R.Ph.

Ms. Gray-Williams indicated Ms. Washington was married on June 11, 2005 and would not present at today's meeting. (A copy of Ms. Gray-Williams' request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Ms. Gray-Williams stated she had attempted to enroll Ms. Washington and Ms. Gomez for the PTCB special exam scheduled for November 2004. She further stated she was unable to register the two technicians due to the voice mailbox being full. She is requesting the Board approve the two technicians as certified technicians under the "grandtather" clause until they take the PTCB exam in September 2005.

Neither Ms. Gomez nor Ms. Washington have submitted their Affidavit of Experience to show they have received the required 1,500 hours.

Ms. Gomez indicated she was arrested for driving with a beginner's permit and resisting arrest. She entered and has completed a PTI program in July 2004.

The Board informed Ms. Gray-Williams that the Board would render a decision in this matter later in the meeting.

LUNCH

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

RETURN TO PUBLIC SESSION

New Business (Continued)

U. Pharmacy Technician - Disciplinary Process, Bobby Bradham, R.Ph.

Mr. Bradham, along with Ms. Bundrick and Mr. Randy Bryant, developed a proposal which would create a "sub IRC" and would develop a process for disciplining pharmacy technicians. The hearing officer's decision would be presented to the full board for ratification at the next Board meeting. (A copy of the proposal is herewith attached and becomes a permanent part of the record retained at the Board's office.)

MOTION

Mr. Hook moved the Board endorse this proposal. Mr. Hyatt seconded the motion, which carried unanimously.

Mr. Hook suggested the Board consider Hugh Mobley or Carol Bateman to act as the hearing officer for this committee if Mr. "C" Turner is not willing to accept this additional duty.

V. Request for Exemption for a Non-dispensing Outlet Permit - Medically Fragile Children's Program, Dr. Paul Bush

On May 23, 2005 the Board received a request for exemption from the MUSC Medical Center. This center is opening a Medically Fragile Children's Program in Charleston that would be modeled after the programs in Easley and Columbia. This program would provide special medical care services to children with chronic illnesses and disabilities. The MUSC Medical Center Department of Pharmacy Services would be providing clinical and outpatient pharmacy services to the program. The program is scheduled to open July 1, 2005. Mr. Paul Bush, PharmD, Director of Pharmacy Services, is requesting an exemption to the Non-dispensing Outlet Permit to allow limited dispensing by the

employed physician on this site. (A copy of this request is herewith attached and hereby becomes a permanent part of the record at the Board's office.)

Mr. Bradham recused himself from participating in the discussion of this matter and turned the meeting over to Mr. Lewis.

Dr. Dominic Ragucci, of MUSC, briefed the Board on this request.

Ms. Pam Cain briefed the Board on Palmetto Health Richland's program and noted that Section 40-43-60(I) of the Pharmacy Practice Act pertains to this request.

The Board asked that Dr. Ragucci submit a copy of the Policies and Procedures and the protocols in regard to this matter.

W. Election of 2005-2006 Board Officers

MOTION

Mr. Rose moved that Mr. Lewis be elected chairman and Mr. Hyatt be elected vice-chairman. The motion was seconded by Mr. Hook and unanimously carried

X. Election of 2005-2006 IRC Chairman

MOTION

Mr. Hook moved that Mr. "C" Turner be elected IRC Chairman. Mr. Hyatt seconded the motion, which carried unanimously.

Y. Report of NABP 101st Annual Meeting - Bobby Bradham, RPh.

Mr. Bradham briefed the Board regarding the NABP 101st annual meeting in New Orleans, Louisiana.

Mr. Lewis thanked Ms. Bundrick and the agency for allowing him to attend the meeting.

Mr. Rose stated that during the meeting he attended a seminar in regard to personal learning and planning, which was very good. He went on to say the program dealt with having some of the states looking into having each pharmacist have a personal development plan and would require a new plan to be submitted with each renewal. The plan would be voluntary and would show which areas of competency that the pharmacist would need to work on.

Z. Delegate for 2005 District III NABP/AACP Meeting, August 7-9, 2005 in Knoxville, TN

MOTION

Mr. Rose nominated Mr. Lewis as the Board's delegate. Mr. Hyatt seconded the nomination, which carried unanimously.

AA. Approval of Accredited Schools and Colleges of Pharmacy,
Certified by the American Council on Pharmaceutical Education

Mr. Bradham briefed the Board on Dr. DiPiro's remarks regarding the accreditation.

BB. Engine Act & Bill Comparison - Randy Bryant, Assistant Deputy Director

Mr. Bryant briefed the Board regarding changes to the Engine Act and Bill.

Mr. Bradham stated he had concerns with the amendments in regard to staff changes, input to the budget, and the IRC committee.

Mr. Bradham asked that the Board members review the document for discussion at the next meeting. It was suggested that the bill be turned over to the Legislative Committee for review.

CC. Proposed Electronic Language - Dock Henry Rose, R.Ph.

Mr. Rose asked if the CMS would affect the Board's draft legislation. Mr. Lewis stated the more stringent legislation would kick in.

7. Discussion Topics

DD. Consulting Pharmacist for Mail Order Facilities Having Voice Mail for Patient Access - Davis Hook, R.Ph.

Mr. Hook stated the current statute regarding mail order requires the facilities to provide a pharmacist for counseling; however, he has heard a report from a pharmacist in regard to the mail order facilities not meeting this request. The Board has a requirement that the mail order facilities have twenty-four hour counseling available upon request. He noted that this pharmacist has attempted on several occasions to contact a mail order facility and could never speak with a person and could only get voice mail.

Mr. Bradham stated it would be best if the Board addressed a problem with a facility through the normal complaint process. He feels it would have more effect with this process.

EE. Pharmacy Technicians Clients for Recovering Professional Program (RPP) - Sharon Dantzler

Ms. Dantzler stated as Dr. Richardson has reported over the past year, RPP has moved from DAODAS to LRADAC. She went on to say the agency is now looking at expanding the program to other professionals. She was asked to see if the Board would add the pharmacy technicians to RPP.

Ms. Bundrick stated the technician committee has a certified technician on the committee who has indicated the technicians would not be willing to put forth that extra money.

Public Comments

There were no public comments made during the June 15, 2005 meeting.

Executive Session

MOTION

A motion was made by Mr. Banks, seconded by Mr. Hook and unanimously carried, that the Board enter executive session to discuss disciplinary actions.

Return to Public Session

MOTION

Mr. Hook moved the Board return to public session. Mr. Banks seconded the motion, which carried unanimously.

Mr. Bradham noted that no motions were made and no votes were taken during executive session.

Request for Reinstatement of License - Eric Conrad Bell

MOTION

Mr. Hyatt moved to accept the request. Mr. Rose seconded the motion, which carried unanimously.

Request for Approval of Reciprocity Application - Linda Ann Budniewski

MOTION

Mr. Hyatt moved to accept the request. The motion was seconded by Mr. Rose and unanimously carried.

Request for Approval of Reciprocity Application - Thomas Paul Budniewski

MOTION

Mr. Hyatt moved to accept the request. Mr. Banks seconded the motion, which carried unanimously

Request for Approval of Reciprocity Application - Gary Shaun Dillavou

MOTION

Mr. Hyatt moved to accept the request. Mr. Banks seconded the motion, which carried unanimously.

Request for Approval of Reciprocity Application - Kave N. Nikbakht

MOTION

Mr. Hyatt moved to accept the request. Mr. Banks seconded the motion, which carried unanimously.

Request for Approval of Reciprocity Application - Clarence M. Northington

MOTION

Mr. Banks moved to accept the request. Mr. Hyatt seconded the motion, which carried unanimously.

Request for Approval of Reciprocity Application - Richard Dean Wartick

MOTION

Mr. Banks moved to accept the request. Mr. Lewis seconded the motion, which carried unanimously.

Request for Approval of Pharmacy Technician Application - Tammy McDowell
MOTION

Dr. Richardson moved to accept the request. Mr. Banks seconded the motion, which carried unanimously

Request for Approval of State Certified Pharmacy Technician Application - Demetria Glover
MOTION

Mr. Hook moved to deny the motion. Mr. Hyatt seconded the motion, which carried with a majority vote. Dr. Richardson, Mr. Hook, and Mr. Banks voted nay.

Request for Approval of State Certified Pharmacy Technician Application - Sheila Davis
MOTION

Mr. Hook moved to deny the request. Mr. Hyatt seconded the motion, which carried with a majority vote. Dr. Richardson, Mr. Hook, and Mr. Banks voted nay.

Request for Approval of State Certified Pharmacy Technician Application - Misty Gerard
MOTION

Mr. Hook moved to deny the request. Mr. Hyatt seconded the motion, which carried with a majority voted. Dr. Richardson, Mr. Banks, and Mr. Hook voted nay.

Request for Approval of State Certified Pharmacy Technician Application - Crystal Bailey
MOTION

Mr. Hook moved to deny. Mr. Hyatt seconded the motion, which carried with a majority vote. Dr. Richardson, Mr. Banks, and Mr. Hook voted nay.

Request for Approval of State Certified Pharmacy Technician Application - Alexis Bridges
MOTION

Mr. Hook moved to deny the request. Mr. Hyatt seconded the motion, which carried with a majority vote. Dr. Richardson, Mr. Banks, and Mr. Hook voted nay.

Request for Approval of State Certified Pharmacy Technician Application - Adrian Marlow
MOTION

Mr. Hook moved to deny the request. Mr. Hyatt seconded the motion, which carried with a majority vote. Dr. Richardson, Mr. Banks, and Mr. Hook voted nay.

Request for Approval of Pharmacy Technician Renewal - Andrea English
MOTION

Mr. Hook moved to grant the request. Mr. Hyatt seconded the motion, which carried unanimously.

Request for Approval of State Certified Pharmacy Technician Application - Angela Linke
MOTION

Mr. Hook moved to deny the request. Mr. Hyatt seconded the motion, which carried with a majority vote. Dr. Richardson and Mr. Hook voted nay.

Request for Bennett Gomez and Jeanelle Washington to be grandfathered in for Certified Technicians - Valencia Gray-Williams, R.Ph.

MOTION

Mr. Hook moved to deny the request. Mr. Hyatt seconded the motion, which carried unanimously.

Adjournment

The Board recessed the June 15, 2005 meeting at 4:10 p.m.

South Carolina Board of Pharmacy

Board Meeting

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

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Thursday, June 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; Davis Hook, R.Ph., of West Columbia; Marvin Hyatt, R. Ph. of Rock Hill; Leo Richardson, Ph.D, of Columbia; and Dock Henry Rose, R.Ph., of Greer.

David Banks, R.Ph., of Simpsonville, and Allen Toole, R.Ph., of Liberty, were granted excused absences.

Staff members participating during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Sandra Dickert, Administrative Assistant; Eddie Durant, R.Ph., Temporary Investigator; Jonathan Gabert, Temporary Investigator; Sally Green, Administrative Specialist; Tom Porter, R.Ph., Inspector; and Sheila Young, R.Ph, Compliance Manager. LLR employees participating during the meeting included: Marvin Frierson, Attorney, Office of General Counsel; Edye Lane, Advising Attorney; and Sheridan Spoon, Attorney, Office of General Counsel.

Members of the public attending the meeting included: Kim Farrell, Evan Lindemuth and Leighann Lucas.

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.

Chairman's Remarks - J. Robert Bradham, R.Ph.

Mr. Bradham had no remarks at this time.

Request for Reinstatement of Pharmacy License - Bobby Hinson

MOTION

Mr. Rose moved the Board deny the request of Mr. Bobby Hinson. The motion was seconded by Mr. Hyatt and unanimously carried.

Request for Reinstatement of License - Mary Hayden, R.Ph.

MOTION

Mr. Lewis moved the Board reinstate the license with the stipulation that her license be placed on five years probation, that she will abide with RPP, not be a PIC or permit holder during the five-year period, and comply with the statute regarding continuing education. Mr. Rose seconded the motion, which carried unanimously.

Hearings

In the matter of, Evan Lindemuth

Ms. Kitty Lindler, a certified court reporter, recorded this matter in order for the Board to have a certified transcript, should one be necessary.

MOTION

Mr. Lewis moved the Board accept the signed consent order. Mr. Hook seconded the motion, which carried unanimously.

In the matter of, William Long

Ms. Kitty Lindler, a certified court reporter, recorded this matter in order for the Board to have a certified transcript, should one be necessary.

The Board took the testimony offered in this case under advisement and will render a decision following executive session.

In the matter of, Stephen Anderson

Ms. Kitty Lindler, a certified court reporter, recorded this matter in order for the Board to have a certified transcript in this matter, should one be necessary.

The Board took the testimony offered in this case under advisement and will render a decision following executive session.

In the matter of, Charlotte Moore

Ms. Kitty Lindler, a certified court reporter, recorded this matter in order for the Board to have a certified transcript in this matter, should one be necessary.

The Board took the testimony offered in this case under advisement and will render a decision following executive session.

In the matter of, Emily Coleman

Ms. Kitty Lindler, a certified court reporter, recorded this matter in order for the Board to have a certified transcript in this matter, should one be necessary.

The Board took the testimony offered in this case under advisement and will render a decision following executive session.

Executive Session

MOTION

Mr. Hook moved the Board recess for ten minutes followed by executive session. Mr. Hyatt seconded the motion, which carried unanimously.

Return to Public Session

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

In the matter of, William Long

MOTION

Mr. Rose moved the Board fine Mr. Long \$500 for each of the four violations, that the Board notify DHEC of the closing of the pharmacy, notify Medicare of the billing irregularities and suspend his license, and stay the suspension upon an appearance at the September meeting and that the Board of Pharmacy staff further investigate the closing of the pharmacy and the moving of the medications to the other pharmacy. Mr. Hyatt seconded the motion. Mr. Bradham asked that fine be made payable within thirty days of the order. Mr. Hyatt seconded the amendment. The amended motion carried.

In the matter of, Stephen Anderson

MOTION

Mr. Hyatt moved to permanently revoke Mr. Anderson's registration. Mr. Hook seconded the motion, which carried unanimously.

In the matter of, Charlotte Moore

MOTION

Mr. Hyatt made a motion, seconded by Mr. Rose and unanimously carried; that the Board permanently revoke Ms. Moore's registration.

In the matter of, Emily Hope Coleman

MOTION

Mr. Hyatt moved the Board permanently revoke the registration. The motion was seconded by Mr. Lewis and carried unanimously.

8. Committee Reports

- Immunization Committee - Marvin Hyatt, R.Ph., Dock H Rose, R.Ph.
Mr. Hyatt had no report.

- Pharmacy Technology Committee- Terry Lewis, R.Ph.
Mr. Lewis stated the committee would be meeting before the September 2005 Board meeting.

- Recovering Professional Program Committee - Leo Richardson PhD.
Dr. Richardson made remarks regarding attending the Columbia Luncheon Club instead of the RPP meeting.

Ms. Dickert stated Mr. Frank Sheheen has been named as the new RPP director. She briefed the Board on the new case management software program being used by RPP.

- Compounding Task Force - Davis Hook, R.Ph.
Mr. Hook stated the task force met on June 10, 2005.

The task force is making the following recommendation:

1. The teaching institutions that teach the preparation of sterile/non-sterile compounding products where the final product is not used for patient consumption:
2. Teach the guidelines of all chapters of the USP guidelines concerning sterile and non-sterile compounding;
3. Simulate the required environmental guidelines; and
4. Teaching institutions should seek out preceptors who would offer experience in the implementation of all chapters of USP <797> dealing with sterile and non-sterile compounding.

Since the recommendation came from a committee no second was needed. The Board approved the recommendation unanimously.

Mr. Rose stated ASHP now has a program in regard to sterile compounding meeting the <797> requirements. He thought it would be a good idea to research this item prior to the next meeting.

- Nuclear Pharmacy Committee - Dock H Rose, R.Ph.
Mr. Rose stated he has spoken with NABP regarding the difference nuclear compounding may have from regular compounding. He went on to say there probably would not be many exemptions since New Jersey has had problems with nuclear compounding.

- Pharmacy Technician Committee - Davis Hook, R.Ph., David Banks, R.Ph.
Mr. Hook stated the committee would be meeting on July 22, 2005.

- Legislative Committee - Davis Hook, R.Ph.

Mr. Hook stated the federally qualified health centers had submitted legislation which was defeated. He noted that debate on the pseudoephedrine bill was adjourned.

Mr. Hook stated the Board had submitted three bills in reference to pharmacists administering immunizations, central fill and intern reporting that have stalled within the agency.

Ms. Bundrick stated the bills submitted from a cabinet agency must be approved by the Governor's office prior to submittal to the legislature. She went on to say the bills never made it to the Governor's Office.

- Medication Errors Committee - Al Toole, R.Ph.

Mr. Toole did not have a report.

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

Mr. Hyatt stated he had not report, however, he noted Mr. Bracewell has introduced legislation regarding PBM.

- NABP/AACP District III Planning Committee - Lee Ann F. Bundrick, R.Ph.

Ms. Bundrick stated Dr. DiPiro has appointed Mr. Mike Dunphy from USC to work with the committee. She went on to say she and Mr. Peter Edward had let Mr. Dunphy know that work has already begun on locating a hotel.

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

Mr. Bradham stated this committee had no report.

Ms. Bundrick asked Mr. Bradham if there would be a committee on the federally qualified health centers. Mr. Bradham replied that this committee has been formed and that he, along with Mr. Lewis and other individuals will be serving on this committee.

9. Review of Policies & Procedures

The Board of Pharmacy reviewed the policies and procedures.

Mr. Bradham recommended the Board allow him to discuss with General Counsel regarding the Orders being on the Board's website. The Board agreed and will discuss this policy again during the September 28-29, 2005 Board meeting.

MOTION

Mr. Hook moved the Board approve the policies and procedures, with the exception of Policy and Procedure #055, which will be discussed during the September 2005 meeting.

Mr. Rose seconded the motion, which carried unanimously.

Request for Exemption for a Non-dispensing Outlet Permit - Medically Fragile Children's Program

Mr. Bradham recused himself from participating in this matter and turned the meeting over to Mr. Lewis.

MOTION

Mr. Hyatt moved the Board approve the MUSC program regarding the medically fragile children. Dr. Richardson seconded the motion.

Ms. Bundrick recommended the Board ask MUSC to send the Policies and Procedures for staff' review and to allow staff to conduct an initial inspection. She also asked if the program should report to the Board in a similar way the Palmetto Richland program was required to report.

Mr. Lewis stated the Board should parallel the program to the Palmetto Richland program.

MOTION

Mr. Hook moved the Board allow staff to review the Policies and Procedures of the program and to conduct an initial inspection of the facility and that the program report to the Board on a quarterly basis. The motion was seconded by Mr. Hyatt and unanimously carried.

Adjournment

The June 16, 2005 meeting of the SC Board of Pharmacy adjourned at 12:10 p.m.