

# South Carolina Board of Pharmacy

## MINUTES

Board Meeting

8:30 a.m., March 14, 2007

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

**Wednesday, March 14, 2007**

### **Meeting Called to Order**

Marvin Hyatt, R.Ph., Chairman, of Rock Hill called the regular meeting to order at 8:35 a.m. Other Board members participating in the meeting included: Dock Henry Rose, R.Ph., vice chairman, of Greer; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Davis Hook, R.Ph., of West Columbia; \*Terry Lewis, R.Ph., of Darlington; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Dan Bushardt, R.Ph., of Lake City, member-elect, attended the meeting and sat with the Board members in observance of the meeting. He did not participate in any votes taken by the Board.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Joe Greene, Administrative Specialist; Diana Harder, Administrative Assistant; Linda Moore, R.Ph., Temporary Inspector/Investigator; Clelia Sanders, R.Ph., Pharmacist Inspector; Tom Porter, R.Ph., Pharmacist Inspector; and Sheila Young, R.Ph., Compliance Manager. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Deborah Bowers, Christy Brueckner, David Bull, Paul Bush, Pam Cain, Tia Cooper, Tremain Cooper, Rob Eadie, Robert Eadie, Robbie Eadie, III, Kevin Floyd, Lindsay Geddings, Larry Griffin, Mary Douglass Hayne, Daniel Henderson, Tameka Junious, Ashley Lytjen, Rebecca Long, Mary Ludlow, Creighton McCarley, Hugh Mobley, Edward Nicholson, Bryan Norris, Church Ormond, Jeffrey Phillips, Jessica Rhoden, Latecia Cobbs-Rich, Eric Ridings, Hope Rivers, Tracy Russell, Svielana Saray, Richard Saver, Debra Seabrook, Lori Stepp, Paula Stover, Frank Sheheen, Robert Spires and Valencia Gray Williams.

Mr. Hyatt 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.

### **Invocation**

Mr. Hyatt delivered the invocation.

### **Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Introduction of Board Members and all other persons attending**

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

**Chairman's Remarks – Marvin Hyatt, R.Ph.**

Mr. Hyatt made no remarks at this time.

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

**1. Approval of Minutes for the January 24-25, 2007 Meeting**

**MOTION**

Mr. Banks made a motion, seconded by Mr. Toole and unanimously carried, that the Board approve the minutes of the January 24-25, 2007 meeting as amended.

**2. Approval of Reciprocity Interview Candidates for Licensure:**

January 10, 15, 17, 18, 23, 24, February 1, 2007

**MOTION**

Mr. Banks moved the reciprocity candidates from January 10, 15, 17, 18, 23, 24, and February 1, 2007 be approved. Mr. Hook seconded the motion, which carried unanimously.

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

Mrs. Bundrick briefed the Board on staff's activities since the January 2007 meeting.

Mrs. Bundrick reminded the members the Statement of Interest Form must be submitted to the State Ethics Commission no later than April 16, 2007 or the members would face penalties beginning at \$100.

Mrs. Bundrick noted during her report that elections were held for the Fifth Congressional District seat. She stated Mr. Hugh Mobley and Mr. Marvin Hyatt were the candidates for the seat. She further stated Mr. Mobley won the election and that staff has mailed a letter to Governor Sanford.

**4. 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:

Mrs. Young briefed the Board on the compliance staff's activities since the January 2007 meeting.

- **Agreement to Relinquish**  
Case #: 2005-0024  
Case #: 2006-83  
Case #: 2007-3

**MOTION**

Mr. Hook moved the Board accept the Agreement to Relinquish on the above cases. Mr. Rose seconded the motion. Mr. Banks recused himself from voting in the matter of case #2006-83. The motion carried unanimously.

- **Consent Agreement**

Case #: 2006-76

**MOTION**

Mr. Banks moved the Board accept the consent order in regard to case #2006-76. Mr. Hook seconded the motion, which carried unanimously.

Case #: 2006-77

**MOTION**

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, that the Board accept the consent order in regard to case #2006-77.

Case #: 2005-42

**MOTION**

Mr. Rose moved the Board accept the consent order in regard to case #2005-42. Mr. Hook seconded the motion, which carried unanimously.

**Recess**

The Board recessed at 9:22 a.m. and returned to public session at 9:30 a.m.

**Return to Public Session**

**A. Request for Reinstatement – Daniel Henderson**

On October 1, 2002 Daniel Henderson was arrested for unlawfully obtaining Hydrocodone. He was admitted to AnMed Wellspring and was discharged on October 29, 2002. He signed a contract with the Recovering Professionals Program (RPP) on October 2, 2002 and surrendered his license on December 2, 2002. His license was reinstated on July 16, 2003. Mr. Henderson tested positive for amphetamines on January 15, 2004 and a Temporary Suspension Order was issued on February 3, 2004. He left RPP on February 11, 2004 and re-enrolled on February 10, 2006. He entered Holmesview in Greenville on August 28, 2006 where he completed inpatient treatment and was discharged on September 22, 2006. He did not begin drug testing until December 2006. In a letter dated December 10, 2006 Mr. Henderson states he is seeking the Board's approval for reinstatement of his license.

Daniel Henderson appeared before the Board at this time and gave the following testimony.

Mr. Henderson's appearance at this meeting was his second appearance before the Board. He worked at Ingall's Pharmacy and returned to work there in August 2003. At the time he returned to work in August 2003 he could not serve as a pharmacist in charge (PIC); however, there was a problem with getting two pharmacists to work in the pharmacy and he was working 78 hours, seven days a week. There was no PIC except the supervisor who was in charge of several pharmacies at that time. After working this schedule until January or February 2004 he slipped and took medication to be alert and failed a drug screening because of the medication. The consequences have been devastating as initially he lost his job and then lost his home. He is willing to provide documentation as to why he must have his pharmacist license reinstated to become a certified paramedic. He was tested twice during the time he was in school training to become a paramedic.

Tia Cooper, of RPP, gave the following testimony.

Mr. Henderson was not tested between February 2006 and December 2006 due to financial difficulties. She further stated he began testing once he could afford to have the testing done. She went on to say once he completed inpatient treatment he was able to find a job through vocational rehabilitation. She said he is compliant and attends more than the required self-help classes.

Mr. Bradham informed Mr. Henderson the Board would take this testimony under advisement and would render a decision later in the meeting.

**B. Request for Reinstatement – Jeffrey P. Phillips**

Jeffrey Phillips was arrested by the SC Department of Health and Environmental Control (DHEC) on July 25, 2005 after unlawfully obtaining Hydrocodone. Mr. Phillips contacted Sheila Young, Compliance Manager, and discussed his plan of action. He did not practice pharmacy from the time of arrest on July 25, 2005. He entered the Watershed Treatment Center in Florida for a 35-day program in March 2006. On June 22, 2006 he entered a contract with RPP. He met with Mrs. Young at the Board's office on August 24, 2006 to discuss a consent agreement. He agreed to and signed the consent agreement, which stated that he could not appear before the Board seeking reinstatement of his license for one year from the time he entered the Watershed Treatment Program on March 22, 2006.

Jeffrey P. Phillips appeared before the Board at this time and gave the following testimony.

In March 2006 he entered the Watershed Treatment facility for his addiction. He began practicing pharmacy in 1977 at CVS. His addiction began many years ago when he received a prescription following leg surgery. His treatment at the Watershed facility helped him feel good about himself and made him realize he had a problem that he needed to work on. His recovery is going nicely and he is becoming reacquainted with his family. His support system includes his sponsor and the AA community.

Tia Cooper, of RPP, gave the following testimony

Mr. Phillips enrolled in RPP in June 2006 and is very eager to follow all of the rules. She further stated he has been tested 17 times since his enrollment and all screenings have been negative. She went on to say he is compliant in all aspects of the program.

Mr. Bradham informed Mr. Phillips the Board would take this testimony under advisement and would render a decision later in the meeting.

**C. Request for Reinstatement – Richard L. Saver**

Richard Saver's license was originally placed on probation on June 30, 1988. He was released from probation in 1993. He admitted to obtaining Promethazine, Butalbital/Aspirin, Hydrocodone, Diazepam, Yohimbine and Viagra unlawfully between January 2002 and June 2002. An arrest warrant was issued on June 4, 2002 when Mr. Saver was observed stopped by the side of the road, leaning over the steering wheel and disoriented. A partially consumed bottle of wine was in the passenger seat. He surrendered his license on May 31, 2003. The

Board reinstated his license on January 22, 2004. He tested positive for alcohol on December 29, 2005 and again on March 2, 2006 after which he entered Bradford Health Services in Alabama. An Order of Suspension was issued on April 11, 2006. He appeared before the Board on September 27, 2006 seeking reinstatement; however, the Board denied the request and informed him he may reappear during the March 2007 meeting.

Richard L. Saver appeared before the Board at this time and gave the following testimony.

Since he last appeared before the Board in September 2006 Mr. Saver has maintained and increased a network of support. He continues to see Ms. Seabrook, as well as a marriage counselor with his wife. He is eager to return to work and is more confident and relaxed than he probably would have been in the past. He believes he is now open to change whereas he was not open to change in the past and has a more 'can do' attitude.

Deborah Seabrook, a professional counselor, gave the following testimony.

Ms. Seabrook feels, in her opinion, Mr. Saver has done an excellent job in being compliant with every request from the Board. He has been compliant in attending every meeting, attending therapy and seeing his physician. She has seen remarkable changes in him and is a different man from the one she saw when he first began his sessions with her. She has seen him grow as a person.

Larry Griffin, of RPP, gave the following testimony.

Mr. Saver has been in total compliance with every requirement of RPP including psychiatric follow up, medication, sending RPP prescriptions in a timely fashion, seeing the psychiatrist, and corresponding with RPP.

Mr. Bradham informed Mr. Saver the Board would take this testimony under advisement and would render a decision later in the meeting.

#### **D. Request for Reinstatement – Robert H. Eadie, Jr.**

Robert Eadie was admitted to the Ridgeview Addiction Center in 1980. He was arrested in 1981 for calling in his own narcotic prescriptions. In 1984 he was admitted to the Charlotte Treatment Center for detoxification and placed on Methadone. He entered USC, still on Methadone, on January 21, 1985. He took Vicodin and Tylenol #3 from the Middleburg Pharmacy in 1985. He was arrested in April 1987 after having prescriptions for controlled substances filled at eight different pharmacies from 13 different physicians. He was arrested in 1988 for possession of controlled substances and was admitted to the Lexington/Richland Alcohol and Drug Abuse Center that same year. He completed pharmacy school in December 1988. A year later, in December 1989 the Board granted Mr. Eadie licensure and placed his license on probation. He was arrested in March 1990 for DUI and possession of controlled substances with the intent to distribute. He was admitted to the Perspectives Health Program in June 1990, but relapsed during the program. He was arrested for possession of controlled substances in 1990 and surrendered his license in September 1991. In March 1992 his license was revoked. The courts remanded the case back to the Board for reconsideration for reinstatement in February 1993. He entered a consent agreement in April 1993 in which his license was suspended for three years, which was stayed and his license was placed in probationary status. His license was reinstated in November 1994 following completion of

continuing education and supervised work experience. He requested the probation be lifted in October 1995. In November 1995 the Board received a letter from Mr. Eadie stating he had not completed continuing education coursed for renewal due to back surgery. The Board denied the request to lift restrictions during the Board meeting in November 1995. Mr. Eadie did not receive a license between February 1995 and July 1976 due to failure to renew and no continuing education courses. His license was issued in July 1996.in November 2002 a miss filled TPN was reported to the Board following the death of an eight year old child at the Greenville Hospital. Mr. Eadie was the pharmacist. The family did not want to file charges so a letter of concern was placed in Mr. Eadie's file. He was arrested in Tennessee in September 2003 for driving with a suspended license and possession of controlled substances including an empty vial of Versed. He surrendered his license in September 2003 and enrolled in RPP in October 2003. He was discharged from RPP for noncompliance in June 2005. He re-enrolled in RPP in September 2005 and was again discharged from RPP for noncompliance in January 2006. He re-enrolled in RPP in March 2006. In a letter dated November 30, 2006 Mr. Eadie is requesting the Board reinstate his license.

Robert H. Eadie, Jr. appeared before the Board at this time and gave the following testimony.

Mr. Eadie loves the practice of pharmacy. He misses working in a pharmacy and has not found anything that gives him the personal pleasure of treating patients. He has a family to take care and has not been able to take of them as he would like. He has spent a great deal of time with RPP. He has learned from his past mistakes. He first became licensed in 1988 and last worked at Greenville Memorial Hospital in 2003. His addiction problem began prior to beginning pharmacy school when he began drinking at the age of 15. He misread the RPP requirements and quit calling after three months. He asked RPP to take him back and he has been fully compliant since last entering RPP. He is attending pain management classes in Nashville, Tennessee. He has been out of the practice of pharmacy for three years for a mistake. He is now compliant and would love to get back into the profession. The continuing education classes keep him in touch with the profession. He has a contract with RPP, with his physician and with the Prescription Assistance Program (PAP).

Tia Cooper, of RPP, gave the following testimony.

Mr. Eadie re-enrolled in RPP on March 30, 2006. He has been compliant and consistent with his monitoring requirements. He is in three self-help classes a week and is attending SCRIPT meetings.

Mr. Bradham informed Mr. Eadie the Board would take this testimony under advisement and would render a decision later in the meeting.

#### **E. Request for Release from Probation – David W. Bull**

On October 8, 1999 David Bull admitted to obtaining quantities of Adderall. He voluntarily surrendered his license on October 13, 1999. An arrest warrant was issued on November 17, 1999. He entered a Stipulation and Petition Agreement on January 24, 2000. A second arrest warrant was issued on February 2, 2000 after he failed to comply with the Stipulation and Petition Agreement. He enrolled in RPP on March 1, 2000 and his license was reinstated on March 2, 2001. He tested positive on November 13, 2003 and again on March 22, 2005. Letters from Tammy Bell and Latecia Cobbs-Rich explaining the positive results were provided to the Board. Mr. Bull appeared before the Board on September 27, 2006 seeking the Board's

approval to release him from probation. The Board denied the request at that time; however, the Board stated he could appear before the members again during the March 14, 2007 meeting.

David W. Bull appeared before the Board at this time and gave the following testimony.

Since appearing at the September 2006 meeting he has been attending two to three 12-step meetings a week as well participating in RPP. He continues to work at the hospital in Orangeburg where he has been working for six years. He has great support from his family as well as from his minister and SCRIPT. His original probation was for five years and began in March 2000. There was confusion as to whether or not his last positive screening in 2005 was a false positive; however, he entered a treatment facility following the screening.

Latecia Cobbs-Rich, of RPP, gave the following testimony.

Mr. Bull continues to be in full compliance with all of the Board's requirements as well as the requirements of RPP.

Mr. Bradham informed Mr. Bull the Board would take this testimony under advisement and would render a decision later in the meeting.

## **5. Old Business**

### **F. Donation of Prescription Drugs**

Staff presented the Board members with the following proposed policy on the donation of non-controlled legend drugs/legend devices.

A South Carolina permitted pharmacy may donate legend medications or legend medical devices to free medical clinic operations whose patients are indigent or uninsured.

In order for medications or medical devices to be donated for health care services free of charge the following requirements must be met:

- Any legend drug or legend device to be donated must have been in the chain of custody of a licensed healthcare provider.
- Physical transfer of legend drugs must be done under the supervision of a South Carolina licensed pharmacist with proper paperwork and accountability. The paperwork must include the name and strength of the donated item, quantities of the legend drugs or medical devices transferred, records of the original source of the legend medications or medical devices, lot number, manufacturer and expiration date. The entity donating the legend drugs or devices must keep a copy of the transfer for two years for review upon inspection by the Board of Pharmacy.
- Legend medications or Legend Medical Devices to be donated must be transported with a copy of the above paperwork.
- Any donated legend medication or legend device must be inspected for expiration date, evidence of contamination and

proper identification based on the pharmacist's professional judgment.

- All patient information must be removed from packages containing the legend medication or legend device prior to donation.
- Under no circumstance should medication be accepted for donation from the patient himself/herself.
- No controlled substances shall be accepted for donation.
- Legend Drugs and Legend Medical Devices may not be accepted if misbranded or adulterated.
- The Free Medical Clinic representative must sign for the transfer of the donated legend drugs or medical devices and retain a copy of the transfer for two years for review upon inspection by the Board of Pharmacy.
- The Free Medical Clinic must have an accountability log of the donated legend medications or legend devices to include the name of drug or device, the lot number, the expiration date, the manufacturer and the patient to whom the donated item was given.

Mrs. Young stated staff gathered information from other states and compiled the draft policy. She further stated staff thought the Board may want to review the draft policy, send comments to staff, then review the policy during the June 2007 meeting.

Mary Ludlow of White Oak Pharmacy stated she works for a long term care pharmacy. She went on to say the pharmacy wastes approximately \$100,000 a year in medication due to Medicare Part D. She went on to say there may be problematic areas and would like an opportunity for feedback. She said a concern would be a free medical clinic tracking one to three pills from a single unit dose. She went on to say her pharmacy would only donate a manufacturer's packed unit dose as that is what the free medical clinic would want in order to alleviate their liability.

### **MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board study the issue and receive feedback from each member's respective district for approval or disapproval of the policy during the June 2007 meeting.

The Board should have the feedback to staff prior to April 30, 2007.

- G.** Reconsideration of State Certification Requirements for Pharmacy Technicians Approved January 24, 2007 Meeting – Dock H. Rose, R.Ph.

The Board determined it would discuss this matter in executive session.

## **6. New Business**

- H.** Amendment to MUSC MOA – Paul Bush, PharmD

Paul Bush, PharmD, Director of Pharmacy Services, Clinical Associate Dean and Associate Professor with MUSC, is requesting an amendment to the Memorandum of Agreement (MOA)



between MUSC and the Board to include the recently expanded clinical operations within the Clinical Science Building – Research Support Center, Suite 214. The clinic is located at 96 Jonathan Lucas Street, Charleston and is served by the MUSC Inpatient Pharmacy.

Mr. Bush stated the Board and MUSC entered a MOA in 2001 in regard to allowing specific clinics to fall under specific pharmacies within their large organization. He further stated he appeared before the Board seeking a modification to the MOA in 2004. He said it is in their interest to keep the Board abreast of any changes to the MOA. He noted the cancer clinic has moved which is why he is seeking a modification. He went on to say on July 24, 2005 and August 14, 2005 MUSC had requested amendments to keep up with changes.

Mr. Bradham stated the Clinical Science Building, the Medical Center Hospital, and the children's hospital were all built at different times; however, it now looks like one building.

Mr. Bush stated the original MOA designated the connection of these three buildings. He further stated the clinics in the Hollings Cancer Center surround the pharmacy.

Mr. Bradham recused himself from voting in this matter.

Mrs. Dantzer stated it appears MUSC is asking for an amendment to paragraph five of the original MOA as well as adding the Hollings Cancer Center to the MOA. She further stated if there are four modifications and one interim MOA, it may be best to complete a new MOA every five year to keep the records straight between the two bodies. She noted that as long as MUSC and the Board are in active negotiations the pharmacy would still be able to operate.

The Board authorized staff to negotiate a new MOA for review at the June 2007 Board meeting.

\*Mr. Lewis arrived at the meeting at 11:05 a.m.

#### I. Request Approval of Technician Application – Tameka Junious

Tameka Junious first became licensed as a pharmacy technician in November 1999 and has renewed her registration in the years since. She became nationally certified through the Pharmacy Technician Certification Board (PTCB) on March 31, 2004. On December 12, 2006 the Board received Ms. Junious's Affidavit of Experience; however, the form was returned to Ms. Junious as the back of the form was incomplete. On February 14, 2007 the Board received a letter from Ms. Junious she thought when she became nationally certified that she became state certified. Ms. Junious's letter states she is seeking the Board's approval of state certification.

Tameka Junious appeared before the Board at this time and gave the following testimony.

Ms. Junious became nationally certified in 2004. The pharmacy in which she worked completed her information to be grandfathered as a state certified technician; however, the facility did not complete the required Affidavit. She did not know about the lack of documentation until she accepted her current position and submitted her renewal information.

Mr. Joe Green stated the previous pharmacy had submitted documentation in 2004; however, it was returned to the pharmacy as the back of the Affidavit had not been completed. Staff has no documentation indicating the Affidavit had been fully completed and returned.

Ms. Junious stated the pharmacist provided her with a copy of the Affidavit, which had no back, returned to the pharmacy. She went on to say neither she nor the pharmacy received the Affidavit for completion.

Mr. Bradham informed Ms. Junious the Board would take this testimony under advisement and would render a decision later in the meeting.

**J. Request Approval of Initial Application – Ashley Lytjen**

On February 6, 2007 the Board received a pharmacist application from Ashley Lytjen. Ms. Lytjen provided an explanation in response to the statement on the application that reads, “Applicant must enter the following statement in full, “There have been no charges involving a felony or any of the laws relating to controlled substances, intoxicating liquors or the unlawful sales of dangerous drugs brought against me, nor are any now pending.” If there have been charges, please explain.” Staff could not approve Ms. Lytjen’s application since provided an explanation in response to this statement and she was duly notified to appear at this meeting.

Ashley Lytjen appeared before the Board at this time and gave the following testimony.

Ms. Lytjen would be working with Walgreen’s in the district which runs from Charleston to Savannah. She is applying for licensure in South Carolina as well as Georgia, although she originally began the licensure process in Georgia since she completed her training in that state. She successfully passed the NAPLEX and state law exams; however she must retake the MPJE exam in June. She is unsure at this time whether her primary license will be in South Carolina or in Georgia. Ms. Lytjen stated she was doing something she shouldn’t have been doing. She did not have any controlled substance on her when she was arrested; however she admitted to using a controlled substance. She has completed the Georgia First Offenders Program, paid the appropriate fines and completed the probation and the charge has now been wiped from her record. She has provided the appropriate documentation to the Board.

Mr. Bradham informed Ms. Lytjen the Board would take this testimony under advisement and would render a decision later in the meeting.

**K. Request Approval of Reciprocity Application – David Little**

On October 4, 2006 the Board received a pharmacist reciprocity application from NABP in regard to David Little. Mr. Little answered yes to the question asking, “Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance authority?” He also answered yes to the question asking, “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” The application states the Massachusetts Board of Pharmacy suspended his license for professional misconduct. As he is licensed in Florida and Vermont, those boards then had to take action against his license.

Since Mr. Little did not appear at this meeting the Board did not take action on his application.

**L. Request Approval of Pharmacist Renewal – Scott Miller**

In March 2006 the Board received a pharmacist renewal application from Scott Miller. Mr. Miller answered yes to the question asking, "Since you last registered with this Board, have you been arrested, charged, indicted or convicted of violation of any Federal, State, or Local Law?" Mr. Miller's explanation states he was arrested and charged with four misdemeanors on February 17, 2006.

Since Mr. Miller did not appear at this meeting the Board did not take action on his renewal application.

**M. Request Approval of Intern Hours – Mary Hayne**

On January 12, 2007 the Board received a letter from Mary Hayne stating she did not submit a Notice of Employment form for 2006. The letter goes on to say she worked at the Kroger Pharmacy in Irmo from January 2006 to August 2006; however, she did not submit her intern hours signed by her supervising pharmacist. She is seeking the Board's approval of the intern hours worked from January 2006 to August 2006.

Mary Hayne appeared before the Board at this time and gave the following testimony.

Ms. Hayne is currently a third year pharmacy student at the USC campus. She contacted staff in January to obtain another copy of her intern license and learned there is a discrepancy in her intern hours. Staff had not received a copy of her Notice of Employment form in 2006 and none of the hours she worked at the Kroger Pharmacy in Irmo had been counted. She no longer works at that pharmacy and she is 500 hours short of the required hours to take the NAPLEX. She has no proof that she mailed the Notice of Employment to the Board.

Ms. Diana Harder stated Ms. Hayne submitted an Affidavit of Experience at the beginning of 2006; however, staff did not receive a Notice of Employment. She went on to say Ms. Hayne submitted an Affidavit of Experience and a Notice of Employment in October 2005. She noted staff has not received a Notice of Employment for Kroger Pharmacy for the year 2006 and any hours received after January 2006 would not count. She does not recall anyone informing her she had to mail a Notice of Employment form every year. She does have pay stubs from Kroger Pharmacy.

Mr. Bradham informed Ms. Hayne the Board would take this testimony under advisement and would render a decision later in the meeting.

**N. Request Approval of Intern Hours – Jessica Rhoden**

On February 12, 2007 the board received a letter from Jessica Rhoden stating she neglected to submit a form to the Board to have intern hours counted in 2006. She is seeking the Board's approval of intern hours worked in last year.

Jessica Rhoden appeared before the Board at this time and offered the following testimony.

Ms. Rhoden when she first began employment as an intern she was under the impression she only had to mail the notice when she started a job unless she quit where she was working. She does not remember anyone stating the notice had to be mailed every year. She began working in May 2006 and did not mail the Notice of Employment form until June 2006. She has pay stubs from 2006.

Mr. Bradham informed Ms. Rhoden the Board would take this testimony under advisement and would render a decision later in the meeting.

- O. IRC Chairman and Citation Hearing Officer – Lee Ann Bundrick, R.Ph.

Mrs. Bundrick stated Mr. “C” Turner and Mr. Hugh Mobley are the current co-chairmen of the IRC. She went on to say Mr. Hugh Mobley also serves as the citation hearing officer; however, since he has been elected as the new Board member he would have to recuse himself on the cases that may come before him. She asked the Board to appoint another individual to the IRC.

Mr. Bradham asked if it would be appropriate to appoint Mr. Hyatt as the new IRC co-chairman. Mrs. Bundrick replied it would be a conflict until such time that Mr. Hyatt rotates off the Board.

The Board determined it would ask Mr. Joe Mullinax to serve as interim IRC co-chairman until such time Mr. Hyatt rotates off the Board.

- P. 2008 Board Meeting Dates, January 16-17<sup>th</sup>, March 19<sup>th</sup>, June 18-19<sup>th</sup> Or June 25-26<sup>th</sup>, September 17-18<sup>th</sup>, November 19<sup>th</sup>, 2008

The Board reviewed proposed meeting dates for 2008.

#### **MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, the Board meet on January 16-17, 2008; March 12, 2008 at the Myrtle Beach Marriott, Myrtle Beach in conjunction with the South Carolina Health System Society meeting; on June 18-19, 2008 at the Crowne Plaza, Hilton Head in conjunction with the SC Pharmacy Association annual meeting; on September 17-18, 2008 and November 19, 2008.

- Q. Request for Modification of Eau Claire Telepharmacy Pilot Project - Valencia Gray Williams, R.Ph.

Valencia Gray Williams, R.Ph., appeared before the Board at this time. She stated the Board had previously approved a telepharmacy pilot program. She introduced Mr. Bryan Norris as the program pharmacist.

Mr. Norris stated the telepharmacy pilot program began approximately two years ago and is located at two of their family practice sites. He noted it has been highly successful. He went on to say the medications are located in machines and the program has two certified telepharmacy technicians on site. He further stated prescriptions are faxed to them and they in turn send the prescriptions to the site after which the technicians then tap the screen to obtain the medication from the machine. He said he counsels the patients via a laptop computer. He continued by saying the program handles approximately 30 to 40 prescriptions at each site.

Mr. Norris stated they are building a new after-hours pediatric urgent care center. He further stated the care center would like to utilize the telepharmacy at that site; however, there are no funds to hire another pharmacist, full time or part time, to run the telepharmacy machine. He went on to say they are proposing the program be allowed to have a physician be authorized to run the machine. He said the program would have a pharmacy technician available to act as a liaison. He stated the hours would be from 5:00 p.m. to 9:00 p.m., Monday through Saturday. He noted a pharmacist would be on call at all times.

Mr. Bradham informed Ms. Williams the Board would take this testimony under advisement and would render a decision later in the meeting.

### **LUNCH**

The Board recessed for lunch at 12:20 p.m. and returned to public session at 2:00 p.m.

### **Return to Public Session**

#### **Signing of Licenses**

The Board signed licenses for pharmacists who have been issued initial licensure.

### **Executive Session**

#### **MOTION**

Mr. Rose moved the Board enter executive session. Mr. Lewis seconded the motion, which carried unanimously.

### **Return to Public Session**

Mr. Bradham noted for the record that no motions were offered or made while the Board was in executive session.

Reconsideration of State Certification Requirements for Pharmacy Technicians  
Approved January 24, 2007 Meeting – Dock H. Rose, R.Ph.

#### **MOTION**

Mr. Hook stated the Board should reconsider this matter after legal counsel. He further stated the Board had made a motion that was approved at the last meeting; however, the Board has learned that some of the wording was inappropriate from a legal standpoint. He moved that the Board hold a working session meeting dedicated to the discussion of this matter and reconsideration of the state certification requirement and that the date assigned with public notification. He further moved that the Board receive input from all interested parties in an attempt to resolve the issue as soon as possible. Mr. Rose seconded the motion, which carried with a majority vote. Mr. Banks voted nay.

## **7. Committee Reports**

- Immunization Task Force – Marvin Hyatt, R.Ph., Al Toole, R.Ph.

This committee had no report.

- Pharmacy Technology Committee –David Banks, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

Mr. Banks stated the committee met on February 22, 2007. He further stated a representative from SureScript attended the meeting and spoke in regard to their pilot program. He went on to say the committee had concerns with the faxed prescription form being used which does not

meet the Board's requirements of not having the two dispensing lines. He presented the Board with the corrected copy of the faxed prescription form submitted by SureScript.

Mr. Banks stated two motions were made during the committee:

**MOTION**

A motion was made by Joe Newton and seconded by Dan Hood that we investigate electronic storage of prescriptions, how other states are doing electronic storage and refer this issue to the Legislative Committee. The motion passed unanimously.

Mr. Banks stated the committee would like for the legislative committee to review this matter. He noted no state has passed legislation in this matter; however, there are states that have proposed legislation.

**MOTION**

A motion was made by Joe Newton and seconded by Kevin Floyd that the Committee accept the blank prescription format provided by SureScript with the Dispense as Written line on the left side and the Substitution Permitted line on the right side AND that the Unique System Generated Transaction Identification at the bottom of the electronic prescription be accepted as an electronic signature. The motion passed unanimously.

As this motion came from committee no second was needed. The motion carried unanimously.

Mrs. Bundrick stated the committee has asked SureScript to update the Board on their pilot project. She further stated SureScript has agreed and will meet with the Board on April 3, 2007.

- Recovering Professional Program Committee – Davis Hook, R.Ph., Leo Richardson, PhD.

Dr. Richardson attended the meeting and Ms. Harder attended the meeting. He further stated it was an excellent meeting, however, he did not bring his notes. Ms. Harder stated the committee discussed the quarterly statistics and gave an update on LRADAC.

- Compounding Task Force – Bobby Bradham, R.Ph., Marvin Hyatt, R.Ph., Davis Hook, R.Ph.

This committee had no report.

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

Mr. Rose stated the committee met on February 9, 2007 during which time several recommendations were made regarding the Nuclear Pharmacy Inspection Report. He further stated the committee also discussed USP and Chapter 797 and sterile processing regulations.

**MOTION**

A motion was made by Mary Murphy and seconded by Allen Madden that the committee adopt the changes made to the Nuclear Pharmacy Inspection Report and forward the report to the Board in the March 2007 meeting. The motion passed unanimously. Since the motion came from committee no second was needed. The motion carried unanimously.

- Pharmacy Technician Committee – Davis Hook, R.Ph., David Banks, R.Ph.

This committee had no report.

- Legislative Committee – Davis Hook, R.Ph., Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph.

Mr. Bradham briefed the Board on Bill 528 regarding electronic prescriptions, which has been introduced and referred to committee.

Mrs. Bundrick presented the members with a bill for their information regarding meetings in executive session.

- Medication Errors – Al Toole, R.Ph.

This committee had no report.

Mr. Rose asked Mrs. Bundrick if information could be provided to Mr. Toole in regard to medication errors. Mrs. Bundrick stated she reviews information sent to the office and forwards information pertaining to committees to that member.

- Pharmacy Benefit Management (PBM) -Marvin Hyatt, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

Mr. Hyatt stated the language in the bill proposed by the SC Pharmacy Association is very good.

- Federally Qualified Health Clinics – Bobby Bradham, R.Ph., Dock H. Rose, R.Ph., Marvin Hyatt, R.Ph.

Mr. Bradham stated the committee was schedule to meet on Thursday, March 15, 2007; however, the federally qualified health clinics submitted more appropriate dates for a meeting.

Mrs. Bundrick stated the Board has a copy of a proposed regulation which has been distributed to the federally qualified health clinics for a meeting through their advisory committee held on February 21, 2007. She spoke with Lathran Woodard on Tuesday, March 13, 2007 who said their body had concerns with some of the language in the proposed regulation and that they did not understand what some of the language meant. She further stated Ms. Woodard did not know how to answer the questions and asked that they be allowed to meet with the Board in April 2007 to discuss the proposed regulation and a compromise.

- VAWD Committee – Terry Lewis, R.Ph., Dan Bushardt, R.Ph.

Mrs. Clelia Sanders briefed the Board on a meeting she attended in Philadelphia, Pennsylvania on January 30-31, 2007.

- Methadone Committee – Dock H Rose, R.Ph., Leo Richardson, PhD.

Mr. Rose stated the Committee met on February 9, 2007. He further stated there were representatives from the state and federal government as well as the Board in attendance at the meeting.

- Practice Act Revisions Task Force – Al Toole, R.Ph., Leo Richardson, PhD., David Banks, R.Ph., Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph.

This committee had no report.

- Inspection Report Committee – David Banks, R.Ph.

Mr. Banks stated Mr. Rose gave his report earlier in the meeting.

- Medication Therapy Management Task Force – Davis Hook, R.Ph.

Mr. Hook stated the task force has not met since the January 2007 Board meeting.

### **Executive Session**

#### **MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board enter executive session.

### **Return to Public Session**

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

Request for Reinstatement – Daniel Henderson

#### **MOTION**

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board reinstate Daniel Henderson's license with the conditions: the Board should review the 17 drug tests performed while he was attending paramedic school to ensure the tests were not positive. Once the information indicating there were no positive drug screens has been provided, the license shall be reinstated, however, he cannot serve as PIC or permit holder, that he be enrolled in RPP for five years, and he must meet all qualifications of Section 40-43-110.

Request for Reinstatement – Jeffrey P. Phillips

#### **MOTION**

Mr. Hook moved the Board reinstate Mr. Phillips' license with the conditions that he not serve as PIC or permit holder, that he continue in RPP for five years, continue under probation and he must meet all qualifications of Section 40-43-110. Mr. Banks seconded the motion, which carried unanimously.



Request for Reinstatement – Richard L. Saver

**MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board reinstated Mr. Saver's license with the conditions that he not serve as PIC or permit holder, that he continue in RPP for five years, continue under probation and he must meet all qualifications of Section 40-43-110.

Request for Reinstatement – Robert H. Eadie, Jr.

**MOTION**

Mr. Hyatt moved the Board deny Mr. Eadie's request for reinstatement. Mr. Toole seconded the motion, which carried unanimously.

Mr. Hook and Mr. Rose recused themselves from voting in this matter as they have prior knowledge of the case.

Request for Release from Probation – David W. Bull

**MOTION**

Dr. Richardson made a motion, seconded by Mr. Rose and unanimously carried, that the Board grant Mr. Bull's request to be released from probation.

Request Approval of Technician Application – Tameka Junious

**MOTION**

Mr. Toole moved the Board deny the application. Mr. Hyatt seconded the motion, which carried with a majority vote. Mr. Banks voted nay.

Request Approval of Initial Application – Ashley Lytjen

**MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board grant Ms. Lytjen the ability to take the MPJE.

Request Approval of Intern Hours – Mary Hayne

**MOTION**

Mr. Lewis moved the Board deny Ms. Hayne's request for approval of intern hours. Mr. Rose seconded the motion, which carried with a majority vote. Mr. Banks voted nay.

Request Approval of Intern Hours – Jessica Rhoden

**MOTION**

Mr. Lewis made a motion, seconded by Mr. Rose and carried with a majority vote, that the Board deny Ms. Rhoden's request for approval of intern hours. Mr. Banks voted nay.

Request for Modification of Eau Claire Telepharmacy Pilot Project - Valencia Gray Williams, R.Ph.

**MOTION**

Mr. Hyatt moved the Board deny the request for medication of the Eau Claire Telepharmacy Pilot Project. Mr. Banks seconded the motion, which carried with a majority vote. Dr. Richardson voted nay. Mr. Hook abstained from voting in this matter.

#### **8. Discussion Topic**

Mr. Hook stated Senator Burr and Senator Kennedy have drafted language opposing compounding of any sort on a national level. The Senators have asked those who may be interested in the states maintaining control of regulatory issues involving compounding to contact their senators as to their desire, i.e., if it should be a state issue or if the FDA should regulate the issue.

Mrs. Bundrick stated the Board had a special meeting in February 1998 in regard to the compounding issue and the FDA. She further stated a MOU in regard to the FDA stating compounding should be regulated at the state level.

Discussion on this matter ensued.

Mrs. Bundrick stated she would send the members the MOU from the previous meeting for their review and discussion at a later date.

Mr. Rose presented a copy of a continuing education class in regard to Volunteer Training for the Strategic National Stockpile. He stated the class would be held on March 24, 2007; however he would be unable to attend the class as he has to work. He further stated he would leave the information should any of the members care to attend the class.

#### **Public Comments**

No public comments were made during the March 14, 2007 meeting.

#### **Adjournment**

There being no further business to be discussed by the Board Mr. Bradham declared the meeting adjourned.

The March 14, 2007 meeting of the SC Board of Pharmacy adjourned at 4:40 p.m.