

South Carolina Board of Pharmacy

Board Meeting

MINUTES

9:00 a.m., September 19-20, 2007

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Wednesday, September 19, 2007

Meeting Called to Order

Dock Henry Rose, R.Ph., chairman, of Greer, called the regular meeting to order at 9:00 a.m. Other Board members participating in the meeting included: Davis Hook, R.Ph., vice chairman, of West Columbia; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City; Hugh Mobley, of Lancaster; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Beverly Gould, Administrative Assistant; Diana Harder, Administrative Assistant; Tom Porter, R.Ph., Pharmacist Inspector; Linda Shepherd, Administrative Assistant. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant.

Members of the public attending the meeting included: Ela Amin, Lawrence Benedetto, Mike Blakely, Orlando Bowers, Christy Brueckner, Cynthia Buist, Pam Cain, Brad Cherson, Anthony Coaxum, Nancy Eleazer, Miles Ervin, James Fleming, Kevin Floyd, Pat Godle, Bob Hansen, Bill Heckle, William Holmes, Richard Kimball, Dina Kinaniwala, Joe Kuhn, Mark Longley, Matt Malloy, Tammy McDowell, Christopher Morrison, Scott Padgett, Kimberly Padua, Tom Phillips, Mike Podgurski, Pamela Pronevitch, Thomas Reed, Laticia Cobbs Rich, Eric Ridings, Cheryl Ruff, Robin Robinson, Valerie Kennedy-Robinson, Richard Stamm, K. Shipley, Patricia Shuler, Gray Stewart, Phillip Torf, Byron Udy, Jr., Deanne Walker, Catherine Warner, Jay Watts, Vicki Young.

Mr. Rose 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.

Chairman's Remarks – Dock H. Rose, R.Ph.

Mr. Rose stated at the recent NABP and regional meetings the importance of ensuring the drug supply in the United States is secure and also no unapproved wholesale distributors are

dispensing drugs that are not approved in the United States is currently a big issue. He further stated the only way to ensure there are approved drugs in our supply is to ensure there is a pedigree on each drug from the manufacturer to the dispensing pharmacy or drug outlet. He went on to say the Board would be working on ways to ensure the drug supply in South Carolina is approved by looking at VAWD, pedigrees and other options.

Introduction of Board Members and all other persons attending

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

1. Approval of Minutes for the June 20-21, 2007 Meeting

MOTION

Mr. Banks moved the Board approve the minutes as presented. Mr. Bushardt seconded the motion, which carried unanimously.

2. Approval of Reciprocity Interview Candidates for Licensure

May 31, 2007, June 1, 7, 11, 13, 14, 19, 20, 21, 26, 27, 29, 2007, July 2, 12, 17, 18, 19, 24, 2007, August 1, 7, 2007

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board accept the reciprocity candidates of May 31, 2007, June 1, 7, 11, 13, 14, 19, 20, 21, 26, 27, 29, 2007, July 2, 12, 17, 18, 19, 24, 2007, August 1, and 7, 2007.

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

Mrs. Bundrick gave the following report:

Good Morning Mr. Chairman and members of the Board

- I am pleased to announce that the staff had an exhibit booth at the SC Pharmacy Association Annual Convention, June 21-24, 2007 in Myrtle Beach, SC. Our staff attended. I would also like to thank Mr. Carmelo Cinqueonce and his staff at the association for working with us and making this possible.
- As of this report we have approximately 2,064 active state-certified pharmacy technicians and 3,879 active registered pharmacy technicians. We have 5,993 active licensed pharmacists and 3,239 permitted facilities.
- The SC Society of Health System Pharmacists has offered us an opportunity to have an exhibit booth at their upcoming annual Convention in March. This will be an excellent opportunity for the Board staff to improve public awareness of the Board and its duties and responsibilities.
- First of all, Mr. Bryant would like to apologize for not being able to attend this meeting due to prior work related commitments. As always, he is available by conference call if necessary.

- After the June Board Meeting in Myrtle Beach, Mr. Bryant met with Ms. Adrienne Youmans and Ms. Lynn Rivers to discuss the concerns of the Board regarding compliance staffing issues. Ms. Youmans and Ms. Rivers indicated that he must provide data to support the request(s). Mr. Bryant has instructed me to research and provide data in order to obtain additional FTE's for the program. Staff has assisted me in researching data and I will be submitting this information to Mr. Bryant.
- Mr. Bryant transferred Mr. Ron Cook to act as compliance coordinator for the Pharmacy Program on July 2, 2007. He will supervise the non-licensed compliance staff and act as a liaison between the Pharmacy Program, Office of General Counsel and Office of Investigations and Enforcement.
- Mr. Eddie Durant re-joined LLR as a temporary pharmacist investigator in the Pharmacy Program on July 2, 2007.
- Mr. Bryant and I interviewed Mr. Joe Newton on August 17, 2007 as a candidate for the full time pharmacist inspector position. He has accepted the offer of employment and will begin with us on October 17, 2007.
- Mr. Bryant has asked me to recruit a pharmacist to assist staff with answering phone calls, e-mails and other inquiries. In addition, we are in the process of posting this position. Mr. Bryant and I have asked staff to preserve the questions that are routinely asked by phone, email or fax, so we can evaluate them and better educate the public and/or licensees. The information is due this week and will be evaluated next week.
- Mr. Ray Trotter has re-joined LLR as a temporary pharmacist as of September 4, 2007. He will be conducting investigations and assisting with phone calls, e-mails and other inquiries.
- Mr. Mills Scoggins was interviewed and hired by Mr. Randy Bryant and joined LLR on September 10, 2007. He will be conducting investigations involving pharmacy technicians along with Wayne Whitworth and assisting the licensed compliance staff. He will be located in Florence, SC.
- Mr. Bryant, Ms. Cle Sanders and I participated in a conference call with Melissa Caughman of Rite Aid on September 7, 2007 to discuss the permitting and change of ownership inspections of the former Eckerd's locations now owned by Rite Aid. Ms. Caughman agreed that Rite Aid would notify the BOP when each location has made the necessary conversions of signage and computer systems and is therefore ready for inspection. In addition, as of September 20, 2007, a copy of the Retail Pharmacy Inspection Report will be included with the permit application in order to assist/educate the permit holder/PIC to be compliant with the BOP laws.
- Mr. Bryant requested a meeting with Cheri Crowley with DEA, Mr. Ron Cook and I to discuss many of the internet pharmacy issues. Mrs. Crowley indicated that she was extremely pleased with the Board staff and the ongoing response to internet pharmacy and is satisfied with the working relationship the Board and DEA has at this time. She stated that if we would continue due diligence that we would maintain the current position. Mr. Bryant and I pledged our full cooperation in the investigations and inspections to keep these violators out of South Carolina.

- Mr. Bryant and I have reviewed the history of discipline for the Board. We submitted parameters for routine disciplinary sanctions to Mr. C Turner, our IRC Chairman, for his review. He was very pleased and has recommended these terms be approved and stated that it would streamline the discipline process. We will discuss this further in the IRC portion of the meeting and I am sure Mr. Turner would answer any questions the Board may have in regard to this information.
- The BOP hearing panel will meet on October 31, 2007 for pharmacy technician diversion cases and citation issues. Mr. Joe Mullinax and Mr. Marvin Hyatt will be the hearing officers. We anticipate that this process will alleviate hearings of absentias before the full Board. The recommendations from these hearings will have to be voted on by the full Board.
- My staff and/or I have participated in the following meetings since the June Pharmacy Board meeting:
 - I attended a RFP meeting for DHEC on July 2, 2007 regarding the Controlled Substance Monitoring Program.
 - Staff meeting on July 5, 2007.
 - Ms. Cle Sanders provided a CE program to the 3rd District of SC Pharmacy Association on July 7, 2007.
 - Ms. Cle Sanders provided a CME program to the SC Podiatry Convention on July 13, 2007.
 - I participated in the RFP Panel for bids from vendors for the Controlled Substance Monitoring Program on July 24, 25, 26, and 27, 2007.
 - Investigators had ReLaes Training on July 30, 2007.
 - Mr. Henry Rose, Mr. Bobby Bradham, Mr. David Banks, Dr. Leo Richardson, and I attended the NABP/AACP District III annual meeting in Orlando, FL August 5-August 7, 2007.
 - OIE/Compliance Staff meeting on August 16, 2007.
 - Pharmacy Technician and Legislative Committee met jointly on August 22, 2007.
 - Board of Pharmacy Hearing Date – August 23-24, 2007.
 - Ms. Beverly Gould attended the NABP Program Review and training on August 29-30, 2007 in Chicago, IL.
 - I attended the MALTAGON Conference in Point Clear, AL on September 9-12, 2007.
 - Telephone IRC Meeting on September 13, 2007.
 - Ms. Cle Sanders and I will be participating in the SCPHA Regional Rallies throughout the state. Board staff will be part of a panel discussion with representatives from the SC Pharmacy Association, SC College of Pharmacy, DHHS/Medicaid and DHEC Bureau of Drug Control. Issues of discussion from the Board's perspective include e-prescribing and ACPE changes in continuing education.
- Staff has attended agency, board staff, compliance staff and legal counsel meetings.

- The deadline for the fourth quarter Board of Pharmacy Newsletter to NABP is quickly approaching. If you have any suggestions for articles, please let me know. We have been sending these to you for your review and comments. If anyone is having problems receiving this information, please let me know. As a side note, I'd like to let you know that as part of the fourth quarter newsletter Wilbur Harling will be a guest writer in regards to the new controlled substance monitoring program and how that will affect pharmacists and pharmacies throughout the state. I'm awaiting that article as we speak.
- I am pleased to announce that the Computerized PC MiForms Notebooks are operational. Ms. Cle Sanders went live on August 10, 2007. She has worked diligently with OIS over the past year. Our inspectors will be able to print a copy of the inspection on site and update the Relaes system automatically. We will also be able to print the permit on site. Ms. Sanders will be training the rest of our inspectors in the near future. She has currently permitted 20 new sites with the MiForms to date. Ms. Sanders will be updating the Board with a demonstration at tomorrow's meeting.
- Staff will be conducting a random CE audit for 10% of the pharmacists and 10% of the pharmacy technicians in late October- early November. We will be using other licensing staff members from BRS programs to assist with the audit. Also, we will be staggering the mail out in order to use the staff more effectively.
- Under the administrator's tab on your computer and as a handout, there is an application for 2007-2008 state official license plates. The deadline is October 11, 2007 in our office in order to meet the deadline of October 19, 2007.
- The NABP 2007 Fall Educational Conference was September 15-18, 2007 in Arlington, VA. Ms. Cle Sanders attended to represent the Board and staff. She will be at tomorrow's meeting and can give you an update at that time.
- I have been appointed to NABP's Committee on Law Enforcement/Legislation. The Task Force meets on January 24-25, 2008 in Chicago, IL.
- Handouts for your review that may be of interest to you include: A letter from Mr. Alan E. Lubel, Special Assistant Attorney General in Atlanta, Georgia, regarding NABP vs Board of Regents of the University System of Georgia; a Memo regarding 2007-2008 State Official License Plates; the budget, and last but not least as a handout an article from Drug Topics "Former pharmacist indicted for manslaughter after med error pharmacist is indicted for manslaughter that results in the death of a two-year old girl. It's in the September 17, 2007 issue By: Reid Paul. Please pay particular attention to the New Legislation part of the article for higher standards for pharmacy technicians to include proposed Emily's Law in Ohio for pharmacy technician certification and add educational requirements.
- I would like to thank the Board for their continued support of me and the rest of the staff in the office. We always appreciate the encouragement and support you give us.

I will respectfully answer any questions you may have.

Mr. Bradham stated it was noted, he believes in the NABP meeting, that South Carolina and a state in the west are the two states internet pharmacists like to enter because there are apparently not enough individuals in DEA and other agencies to control internet pharmacies.

Mrs. Bundrick stated DEA and FDA have formed a task force working on the internet pharmacies.

Mrs. Bundrick stated it looks as though NAPLEX would be running in November 2007.

4. Compliance and Inspectors Report

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)

- Agreement to Relinquish
Case #: 2004-38
Case #: 2007-21

Mrs. Bundrick briefed the Board in regard to these two cases.

MOTION

Mr. Banks moved the Board accept the Agreement to Relinquish on these two cases. Mr. Mobley seconded the motion, which carried unanimously.

- Consent Order
Case #: 2006-58

Mrs. Bundrick briefed the Board in regard to the consent order on case #2006-58.

Mr. Bradham asked that language be inserted in paragraph C that would be congruent with Recovering Professional Program's (RPP) drug screening.

MOTION

Mr. Mobley moved the Board reject this consent order following in the pattern with the stance that the Board renegotiate the consent order with the provision that the testing be redefined and that the employer oversee the testing. Mr. Banks seconded the motion, which carried unanimously.

- Formal Complaints
Case #: 2004-38 Case #: 2004-46
Case #: 2006-25 Case #: 2006-42
Case #: 2006-82 Case #: 2007-42
Case #: 2007-51 Case #: 2007-58
Case #: 2007-59 Case #: 2007-83
Case #: 2007-84 Case #: 2007-85
Case #: 2007-86 Case #: 2007-87
Case #: 2007-90

MOTION

Mr. Banks moved the Board accept the above cases as formal complaints. Mr. Hook seconded the motion, which carried unanimously.

- Temporary Suspensions

Case #: 2006-82	Case #: 2007-16
Case #: 2007-21	Case #: 2007-37
Case #: 2007-38	Case #: 2007-42
Case #: 2007-45	Case #: 2007-46
Case #: 2007-47	

Mrs. Bundrick presented the members with these cases for the Board's information.

- Voluntary Surrender

Case #: 2007-90

Mrs. Bundrick presented this case to the Board for their information.

- Proposed Disciplinary Sanctions

Mrs. Bundrick presented the Board with a letter from Mr. C Turner, R.Ph., in regard to the proposed disciplinary parameters. She asked the Board to review the proposed guidelines and to vote in approval or disapproval of the parameters.

MOTION

Mr. Bradham moved the Board receive this document as information and be prepared to vote during the November 2007 meeting regarding this issue. Mr. Banks seconded the motion, which carried unanimously.

- IRC Report

Mrs. Bundrick stated the IRC met and is recommending the following cases be approved as formal complaints.

MOTION

Mr. Banks moved the Board accept the IRC's recommendation on the following twelve cases. Mr. Bradham seconded the motion, which carried unanimously.

2004-46	2005-102	2006-25	2006-42	2007-37	2007-51
2007-58	2007-84	2007-85	2007-86	2007-87	2007-90

A. Request to Modify Order – Christopher K. Steele, R.Ph.

Between July 2006 to November 2006 Christopher Steele, R.Ph., diverted a quantity of Ultram from the Providence Hospital (NE) Pharmacy and ingested the Ultram without a written prescription from an authorized practitioner. Mr. Steele entered into a consent agreement signed by then Board Chairman Marvin Hyatt, R.Ph., on June 20, 2007, which states that Mr. Steele 'shall not practice as a pharmacist-in-charge or permit holder status for a period of five (5) years subsequent to the effective date of this Consent Order.' In a letter dated September 3, 2007 Michael D. Keener, Director of Sunrise Medications Pharmacy, is asking the Board to

consider an appeal to modify the consent agreement and allow Mr. Steele to serve as the pharmacist in charge for his pharmacy. In a letter dated September 4, 2007 Mr. Steele explains the situation at the Providence Hospital and states that he has not practiced in the profession since December 2006. Mr. Steele's letter states he has accepted a position with Sunrise Medications Pharmacy, which is a small closed-door pharmacy specializing in mail order respiratory nebulizer medications. Mr. Steele's letter goes on to state that the Sunrise Medications Pharmacy employs only one pharmacist, which is a pharmacist-in-charge (PIC). He is asking the Board's approval to modify the consent agreement and allow him to serve as a PIC. Staff notified Mr. Steele in writing that he was scheduled to appear before the Board at this meeting to discuss his request and to answer any questions the Board may have.

Christopher Steele appeared before the Board at this time and offered the following testimony.

Mr. Steele began working at Sunrise Medications two weeks ago. Sunrise Medications is mail order pharmacy that only dispenses respiratory care products. There is only one pharmacist employed at the pharmacy, which would require him to become the PIC.

John Davis, of RPP, offered the following testimony.

Mr. Steele enrolled with RPP on December 11, 2006. He was evaluated at the Palmetto Health Center on January 8, 2007. He was subsequently evaluated by LRADAC on March 12, 2007, was admitted to the IOP and successfully discharged on June 8, 2007. He has since been in a monitoring program.

Mr. Rose advised Mr. Steele the Board would take his testimony under advisement and would render a decision later in the meeting.

B. Request for Release from Board Order – William B. Heckle, R.Ph.

William Heckle, R.Ph., was initially licensed on October 23, 1975. He was arrested by the SC Department of Health and Environmental Control (DHEC) in January 1977 and surrendered his license from May 1977 until February 1978. He was again arrested by DHEC three years later and his license was suspended from July 1982 until July 1983; however, his license remained in a probationary status until July 1986. Around June 1993 Mr. Heckle was arrested for dispensing and distributing controlled substances by means of a false or fraudulent prescription, unlawfully obtaining controlled substances by fraud, forgery, deception and subterfuge, among other misconduct. He pleaded guilty in Federal District Court to 78 counts of unlawfully dispensing and distribution of controlled substances. He entered into a Memorandum of Agreement and Stipulations with the Board of Pharmacy on June 22, 2002. A Final Order of the Board, dated August 7, 2002, reinstated Mr. Heckle's license to practice pharmacy with terms and conditions including: completion of 46 continuing education units within one year and prior to reinstatement, providing proof of evidence of no less than 1,000 hours of practice under the on-site supervision of a pharmacist licensed in South Carolina, pass the MPJE exam within one year from the date of the order, his license shall be on probation for no less than five years during which time he shall maintain a written contract with the Recovering Professionals Program (RPP), and he was prohibited from serving as PIC.

In an undated letter, Mr. Heckle is requesting that the Board release him from the Board's Final Order. The letter states he has completed his five-year contract with RPP as well as the other conditions as contained within the Final Order. Staff notified Mr. Heckle in writing that he was scheduled to appear during the September 19, 2007 meeting.

In a letter dated August 2, 2007 Latecia Cobbs Rich, of RPP, states that Mr. Heckle signed a five-year contract with RPP on September 26, 2001. The letter further states he has been compliant throughout the contract and that RPP would support the Board's decision should it grant Mr. Heckle's request for release.

William Heckle and Latecia Cobbs Rich appeared before the Board at this time and offered the following testimony.

Mr. Heckle has completed his five year contract with RPP and has been clean since 1993. He is employed as a part-time pharmacist with Eckerd and provides relief for some of the local stores in Orangeburg. He has been employed as a full-time drug counselor working with adolescents at McCord Center in Orangeburg since 1994. He continues with his recovery program and meetings.

Mrs. Cobbs Rich stated Mr. Heckle enrolled with RPP on September 23, 2001. He is full in compliance and has successfully completed all requirements.

Mr. Rose advised Mr. Heckle the Board would take his testimony under advisement and would render a decision later in the meeting.

C. Request to Modify Order – Nancy Eleazer, R.Ph.

A routine inspection of the Nursing Home Dispensary in Hartsville, South Carolina on or about July 14, 2005 revealed that the pharmacist/technician ratio at this facility was 8:2 instead of the approved 3:1 ratio and that she was out of her scope of practice by supervising more than three technicians. Nancy Eleazer, R.Ph., entered into a Consent Agreement dated June 21, 2006 that suspended her license, which was immediately stayed and placed in probationary status that 'shall remain in effect until further Order of the Board'. The Consent Agreement also required Ms. Eleazer to pay a \$500 fine. On September 5, 2007 the Board received a letter from Ms. Eleazer asking the Board to reinstate her license to good standing. The letter states she is no longer employed with Nursing Home Dispensary and is no longer a PIC. She is not employed with Neighborcare Pharmacy in Florence, South Carolina. Staff notified Ms. Eleazer by letter dated September 2, 2007 that was scheduled to appear before the Board during the September 19, 2007 meeting.

Nancy Eleazer appeared before the Board at this time and offered the following testimony.

During her employment with Nursing Home Dispensary Ms. Eleazer was not in control of staff scheduling although she was PIC. She stayed with Nursing Home Dispensary for six months after the violation. She left Nursing Home Dispensary in January 2006 and is now with Neighborcare Pharmacy in Florence as a nursing home pharmacist consultant. Nursing Home Dispensary has hired one full time pharmacist and two part time pharmacists.

Mrs. Bundrick believes Ms. Eleazer has met all of the requirements and is asking to be released from the order.

Mr. Rose advised Ms. Eleazer the Board would take her testimony under advisement and would render a decision later in the meeting.

5. Old Business

Donations of Prescription Drugs

Mrs. Bundrick stated this matter was discussed during the June 2007 meeting and presented the members, for their information, with the policy which was approved during that same meeting.

Following discussion on this matter the Board asked staff to remove prescription number and insert lot number, manufacturer and expiration date. Mrs. Dantzer asked the Board if staff could research FDA standards to ensure the policy is in compliance with those standards. The Board asked staff to add a sentence to the policy to ensure compliance with the federal law.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

The Board returned to public session at 10:53 a.m.

6. New Business

D. Request to Approve Non-Resident Wholesale/Distributor and/or Manufacturer Application, A. F. Hauser, Inc. – Philip R. Torf, R.Ph., J.D.

On March 30, 2007 the Board received a Non-Resident Wholesale Distributor and/or Manufacturer License Application from A. F. Hauser, Inc., located in Valparaiso, Indiana. The application included a Stipulation and Final Agency Order from the Colorado Board of Pharmacy that fined the company \$5,000 and required the company to submit a new application for registration. The Stipulation and Final Agency Order resulted from the company shipping controlled substances into Colorado on or around May 3, 2006 without being properly licensed in that State. Since the application could not be approved at staff level A. F. Hauser was notified that a company representative must appear before the Board to answer any questions the Board may have. On August 7, 2007 the Board received a letter from Philip R. Torf, R.Ph., J.D., who represents A. F. Hauser, Inc. Mr. Torf's letter asks that he be allowed to represent the company before the Board. Mr. Torf was notified in writing that he was scheduled to appear at this meeting.

Philip R. Torf, R.Ph., J.D., appeared before the Board at this time and offered the following testimony.

A. F. Hauser, Inc. was previously disciplined by the Colorado Board of Pharmacy. It has been a family owned business as a wholesale company licensed in Indiana since 1983 and has been going through the VAWD certification process. The company is currently licensed in 37 states. The company is now licensed in Colorado without restriction. He believes the company is a full service company and it appears they serve independent pharmacies.

Mr. Rose informed Mr. Torf the Board would take his testimony under advisement and would render a decision later in the meeting.

E. Request to Approve Non-Resident Wholesale/Distributor and/or Manufacturer Application, Nationwide Medical/Surgical Inc.

On June 6, 2007 the Board received a Non-Resident Wholesale/Distributor and/or Manufacturer Application from Nationwide Medical/Surgical, Inc. located in Van Nuys, California. The application included a Citation and Fine Order of Abatement issued by the California Board of Pharmacy as a result of a company employee sending letters to pharmacies located in Nevada regarding their purchase program. The letters were designed to allow Nationwide Medical/Surgical to purchase specific products from vendors who were not licensed to wholesale. Since the application could not be approved at staff level Nationwide Medical/Surgical was notified in writing that a company representative must appear before the Board to answer any questions the members may have.

Nationwide Medical/Surgical, Inc. contacted staff and asked that this application be deferred to the November 2007 meeting.

F. Request to Approve Non-Resident Wholesale/Distributor and/or Manufacturer Application – C.T. International

On July 23, 2007 the Board received a Non-Resident Wholesale/Distributor and/or Manufacturer Application from C.T. International located in San Luis Obispo, California. The application included a Stipulated Settlement and Disciplinary Order, dated January 22, 2007 and issued by the California Board of Pharmacy, which has placed the company on probation. Since the application could not be approved at staff level Nationwide Medical/Surgical was notified in writing that a company representative must appear before the Board to answer any questions the members may have.

C.T. International did not appear during this meeting.

G. Request to Provide Donated Medications from Pharmaceutical Partners to Patients – CommuniCare, Kenneth P Trogdon, Jr.

On August 3, 2007 the Board received a letter from Victoria Hollins, Chief Operating Officer for CommuniCare asking that Kenneth Trogdon be placed on the agenda. The letter states CommiCare is asking the Board's permission to allow CommuniCare to provide donated medications from their pharmaceutical partners at no charge to the patients at Central Dallas Ministries in Dallas, Texas. The medications would be filled through CommuniCare's central-fill pharmacy located in Columbia, South Carolina. In a letter dated September 7, 2007 addressed to Mrs. Bundrick, Ken Trogdon states it is CommuniCare's wish to expand their mission to serve more of the working uninsured beyond the state's lines. The letter goes on to say that CommuniCare has the opportunity to partner with Central Dallas Ministries to provide medication at no cost to eligible patients of Dallas, Texas.

Kenneth Trogdon appeared before the Board at this time and offered the following testimony.

CommuniCare has close to 11 drug partners that support this mission. It is being orchestrated by the Texas Tech School of Pharmacy and Baylor Health Care System in Dallas, Texas. He is asking for the Board's support in this endeavor.

Ms. Kendra gave the following statements at this time.

This system would be conducted in a way similar to what is already being done. The prescriptions would be faxed, phoned in or mailed to the center and the prescriptions would be filled for a 90 day supply and shipped to the clinic. There is a nurse practitioner or physician on site to dispense the medication. There is a pharmacy technician who also is on site. The medications would be completely labeled.

Mr. Bradham stated some of what Ms. Kendra and Mr. Trogdon are asking is contrary to some of the things the Free Medical Clinic Committee is working on with the free clinics, such as allowing non-physician dispensing. Physicians or pharmacists dispense medications in the free clinics in South Carolina. His concern is allowing medications to be shipped from South Carolina to be dispensed by individuals that are not allowed to dispense in South Carolina.

Mrs. Bundrick stated the Board approved CommuniCare and its central fill as a pilot project. She further stated that central fill is not legal by any statute, however, the Board has allowed central fill in this pilot project to fulfill the indigent type population's needs.

Mr. Davis stated the Board has been receiving calls regarding the timeliness of the shipments. He stated it seems as though we are struggling to meet the local requirements and asked how South Carolina would have the inventory and the manpower to provide the needs out of state.

Ms. Kendra stated CommuniCare is currently upgrading its system, streamlining its process as well as expanding its staff.

Mrs. Bundrick asked Ms. Kendra if CommuniCare would have a separate inventory for Texas. Ms. Kendra answered affirmatively. Mrs. Bundrick asked Ms. Kendra how CommuniCare would handle a South Carolina patient who needed a medication in the Texas inventory. Ms. Kendra stated the inventory would not be kept in a separate inventory location. She further stated CommuniCare would report separately to Texas on the usage of the products and they would replenish the stock based on how much they use.

Mrs. Bundrick asked what kind of time lag CommuniCare is looking at for getting the prescriptions to South Carolina patients. Mrs. Kendra stated the time lag is five to seven business days; however, it does not usually take that long.

Mr. Rose stated the Board would take this testimony under advisement and would render a decision later in the meeting.

H. Request to Approve Pharmacy Technician Registration Application – Kimberly Padua

On July 16, 2007 the Board received a Pharmacy Technician Registration Application from Kimberly Padua. Ms. Padua answered 'yes' to the question asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?" She included a Trial and Sentencing Order from the Circuit Court of the County of Chesterfield in

Virginia. Ms. Padua was charged with a misdemeanor charge of contributing to the delinquency of a minor. The court suspended 11 months of the contributing to the delinquency of a minor sentence and the 12-month contributing to the delinquency of a minor sentence for a period of three years, for a total suspension of 23 months under the following conditions:

1. Ms. Padua 'shall be of good behavior upon' her release from confinement.
2. She had to pay court costs, attorney fees, if court appointed, and any interest that may accrue until the balance was paid in full.
3. She was remanded to jail.

Since the application could not be approved at staff level Ms. Padua was notified that she must appear before the Board to answer any questions the Board members may have.

Kimberly Padua appeared before the Board at this time and offered the following testimony.

Ms. Padua is currently employed in management with Walgreen's and is mainly managing the retail portion of the store. She has been in South Carolina approximately three months. She moved to South Carolina from Virginia, where registration for pharmacy technicians was not required until the individual became certified. She will complete the certification process in approximately one to two years. She worked in the pharmacy for approximately six months prior to relocating to South Carolina. She was hired by Walgreens on November 14, 2006.

Ms. Padua was sentenced on September 5, 2006 and served 15 days in jail. which she completed. She has completed the supervised probation as stated in the court order. None of the 23 month suspended sentence was now under probation or parole. She completed her entire sentence in Virginia.

Mr. Rose informed Ms. Padua the Board would take her testimony under advisement and would render a decision later in the meeting.

I. Request to Approve Pharmacy Technician Registration Renewal – Pamela Pronevitch

On June 28, 2007 the Board received a Pharmacy Technician Registration Renewal from Pamela Pronevitch. Ms. Pronevitch answered 'yes' to the question asking, "Since you last registered with the Board, have you been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?" Ms. Pronevitch was convicted of a misdemeanor charge of driving under the influence of alcohol on March 22, 2007. She completed an Alcohol and Drug Safety Prevention Program (ADESPP) on May 27, 2007 and was drug tested. The test results were negative. She has been placed on probation until March 2009, supervised until the fines (court, tickets, etc.) are cleared. She will then be released to unsupervised probation for the remainder of the two years. Since the application could not be approved at staff level Ms. Pronevitch was notified that she must appear before the Board to answer any questions the Board may have.

Pamela Pronevitch appeared before the Board at this time and offered the following testimony.

Ms. Pronevitch is currently on probation with the State of Georgia. Georgia has supervised probation and unsupervised probation. She is currently serving supervised probation as she could not pay the total amount of fines at one time. Once she has completed full payment of the

finer, she will serve unsupervised probation. She presented the Board with Court documents which reflect what happened. She has been a pharmacy technician for four years.

The PIC offered testimony on Ms. Pronevitch's behalf. She has been Ms. Pronevitch's supervisor for the past three years. In the past year Ms. Pronevitch successfully passed the national certification test and has gone through the CVS state certification process. Ms. Pronevitch has completed a massage therapy program at Aiken County Technical School. She noted there were unannounced visits.

Mr. Rose informed Ms. Pronevitch the Board would take her testimony under advisement and would render a decision later in the meeting.

J. Request to Approve Pharmacy Technician Renewal – Robin Robinson

On May 31, 2007 the Board received a Pharmacy Technician Registration Renewal from Robin Robinson. Ms. Robinson answered 'yes' to the question asking, "Since you last registered with the Board, have you been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?" Ms. Robinson was arrested for breach of trust. Since the application could not be approved at staff level Ms. Robinson was notified that she must appear before the Board to answer any questions the Board may have.

Robin Robinson appeared before the Board at this time and offered the following testimony.

Ms. Robinson took a part time position with Target in order to purchase a house. On March 7, 2007 Ms. Robinson was called into the office by the security officer and was informed items totaling \$117 were not scanned on five different occasions. The security officer gave her the opportunity to pay for the items at that time, which she refused as she felt it was an honest mistake. She pled guilty and paid restitution and \$500 in court costs. She did not inform her supervisor until she received notice from the Board that she would have to appear before the Board in order to renew her registration.

Mrs. Dantzler stated the court costs were paid on June 18, 2007, Target was paid on June 15, 2007 and on June 12, 2007 Lisa Williams, R.Ph, wrote a letter to the Board giving a character reference on Ms. Robinson's behalf.

Mr. Rose informed Ms. Robinson the Board would take her testimony under advisement and would render a decision later in the meeting.

K. Electronic Will-Call Bin Technology – Wal-Mart, Tim Koch

In an email to Mrs. Bundrick, Tim Koch is asking to make a presentation to the Board in reference to an automated will call bin.

Tim Koch appeared before the Board at this time and made the following presentation.

Mr. Koch introduced Mr. Bill Holmes and Mr. Bob Hanson, two vendors that have the automated call bin technology. The automated will call bin is an automated kiosk that would allow for tighter security. Two forms of identification are necessary which requires an identification number and a pin number. He would like to have initial and refill prescriptions in the kiosk. The machine requires absolute math between the user I.D., the pin number, as well as the coding on

the packaging. The kiosk would free up the pharmacist's time and would be located at the pharmacy's site. The patient has the choice to opt into the kiosk but it is not required. The kiosk is not programmed to take cash and the patient must use a credit card or debit card. No patient information is contained in the kiosk. The pharmacist on call would see the patient profile. This technology has been approved in other states, however, neither North Carolina nor Georgia have approved language for this type of technology. One machine is located in Bentonville, Arkansas and one machine is located in Texas.

This matter has not yet been heard by the Technology Committee as that committee has not met.

Mr. Mobley stated Mr. Bryant had made a proposal in regard to the organizational structure to staff in June.

MOTION

Mr. Mobley moved the Board request position descriptions of all Pharmacy staff prior to the end of today's meeting for the Board's review. Mr. Bradham seconded the motion, which carried unanimously.

LUNCH

The Board recessed for lunch at 12:00 P.M. and returned to public session at 2:00 P.M.

Return to Public Session

K. Electronic Will-Call Bin Technology (Continued) – Wal-Mart, Tim Koch

Tim Koch of Wal-Mart made a presentation to the Board in regard to central processing.

Mr. Koch stated Wal-Mart is interested in doing the data processing and the DUR checks and pharmacist verification off site. He refers to this as work load balancing. He noted there is an audit trail which tells what prescriptions are filled in this process.

Mr. Koch presented the members with copies of his Power Point presentation and with Wal-Mart's Remote Order Review Policies and Procedures.

L. Request to Approve Reciprocity Application – Joseph Kuhn

On June 19, 2007 the Board received a reciprocity pharmacist application from Joseph Kuhn. Mr. Kuhn answered 'yes' to the question asking, Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offense) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" In 2003 Mr. Kuhn was charged and plead 'no contest' to a misdemeanor charge of criminal mischief. The charge stemmed from an incident in which his college roommate and he were picking up an empty dumpster behind their house and accidentally dropped it. Since staff could not process Mr. Kuhn's application in a routine manner because of his 'yes' answer to the question regarding charges or conviction, he was notified by letter dated August 8, 2007 that he must appear before the Board to answer any questions the Board members may have.

Joseph Kuhn appeared before the Board at this time and offered the following statement.

While Mr. Kuhn was in college he and his roommate were charged with picking up an empty dumpster and dumping it over. He further stated it was a misdemeanor charge.

Mr. Rose informed Mr. Kuhn the Board would take his testimony under advisement and would render a decision later in the meeting.

M. Request to Reciprocity Application – Christopher Morrison

On June 18, 2007 the Board received a reciprocity pharmacist application from Christopher Morrison. In response to the statement stating, "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 there any now pending. If there have been charges, please explain." Mr. Morrison was arrested and charged with public drunkenness on February 22, 2004. He was convicted of the charge on March 10, 2004. He was convicted of a misdemeanor offense of Driving under the Influence (DUI) on March 12, 2005. Since Mr. Morrison has an arrest record staff could not process his application in a routine manner. He was notified in writing in a letter dated July 30, 2007 that he must appear before the Board to answer any questions the Board members may have.

Christopher Morrison appeared before the Board at this time and offered the following testimony.

Mr. Morrison moved to South Carolina three weeks ago. He would be working with Greenville Memorial Hospital. He is currently licensed in Florida and is not under probation. He has been tested for substance addiction and was not found to have an addiction to any substances.

Mr. Rose informed Mr. Morrison the Board would take his testimony under advisement and would render a decision later in the meeting.

N. Request to Approve Reciprocity Application – Lawrence Benedetto

On September 25, 2006 the Board received a reciprocity pharmacist application from Lawrence Benedetto. Mr. Benedetto answered 'yes' to the question asking, "Has your pharmacist 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?" His license was suspended for six months for improper record keeping. Since Mr. Benedetto's application contained a 'yes' answer staff could not process the application in a routine manner and he was informed in writing that he must appear before the Board to answer any questions the Board members may have.

Lawrence Benedetto appeared before the Board at this time and offered the following testimony.

Mr. Benedetto is currently licensed in New York and that license is in good standing. The New York State Board of Pharmacy took disciplinary action against his license for improper record keeping in the 1980s. He served his suspension in 1987. He is currently retired.

Mr. Rose informed Mr. Benedetto the Board would take his testimony under advisement and would render a decision later in the meeting.

O. Request to Approve Reciprocity Application – Byron Udy

On April 12, 2007 the Board received a reciprocity pharmacist application from Byron Udy. Mr. Udy 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, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" In April 1987 he entered a guilty plea to conspiracy to distribute a Schedule II controlled substance and surrendered his license in July 1987. His license was reinstated in January 1992. Since Mr. Udy's application contained a 'yes' answer staff could not process the application in a routine manner and he was informed in writing that he must appear before the Board to answer any questions the Board members may have.

Byron Udy appeared before the Board at this time and offered the following testimony.

Mr. Udy is currently licensed in West Virginia. He has not worked in a pharmacy since 1998, although he has kept up the continuing education requirements for West Virginia since 1998. He has completed some live hours of continuing education as West Virginia requires some of the continuing education hours must be live. Since 1998 he has been a sales manager in the housing industry. He has not worked in a pharmacy since 1998 as the West Virginia Board of Pharmacy has prohibited him from working without a waiver from the Drug Enforcement Administration (DEA). He surrendered his license in 1997 and it was reinstated in 2002. He has applied for a waiver while in West Virginia, however, those requests were denied. He was not given a reason for the denials.

Mr. Rose informed Mr. Udy the Board would take his testimony under advisement and would render a decision later in the meeting.

P. Request to Approve Reciprocity Application – Richard Stamm

The Board has received a reciprocity application dated April 2, 2007 from Richard Stamm. Mr. Stamm answered 'yes' to the question asking, "Has your pharmacist 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?" Mr. Stamm misfilled a prescription and received a warning notice from the Board. Since Mr. Stamm's application contained a 'yes' answer staff could not process the application in a routine manner. He was notified in writing that he must appear before the Board to answer any questions the Board members may have.

Richard Stamm appeared before the Board at this time and offered the following testimony.

Mr. Stamm is currently licensed and in good standing in Michigan. He has purchased property in the Aiken area. In 1991 he was reprimanded for a medication error.

Mr. Rose informed Mr. Stamm the Board would take his testimony under advisement and would render a decision later in the meeting.

Q. Request to Approve Reciprocity Application – Scotford Smith

On July 19, 2007 the Board received a reciprocity pharmacist application from Scotford Smith. Mr. Smith answered 'yes' to the question asking, "Has your pharmacist 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?" Mr. Smith was disciplined by the Kentucky Board of Pharmacy for lacking one continuing education credit. Since Mr. Smith's application contained a 'yes' answer staff could not process it in a routine manner. Mr. Smith was notified in writing that he must appear before the Board to answer any questions the Board members may have.

Scotford Smith did not appear at this meeting.

R. Request to Approve Reciprocity Application – Brad Cherson

On April 16, 2007 the Board received a reciprocity application from Brad Cherson. Mr. Cherson answered 'yes' to the question asking, "Have you every 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 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?" and to the question asking, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" In 1992 Mr. Cherson voluntarily entered and completed a Board approved substance abuse program. The Board issued a three month suspension of license, which began on October 1, 1992 and was completed. He was formally charged in U.S. District Court in Georgia of a felony charge of conspiracy to commit wire fraud and committing Medicaid fraud. His license was suspended in June 1992 and upon reinstatement was placed on probation for five years. Since Mr. Cherson answered 'yes' to questions on the application he was notified in writing he must appear before the Board to answer any questions the Board members may have.

Brad Cherson appeared before the Board at this time and offered the following testimony.

Mr. Cherson is a Georgia resident and does not live in South Carolina. He holds a Georgia pharmacist license as well as a New York pharmacist license. Both licenses are currently active and in good standing. He provides pharmacy relief services and part of his agreement requires that he work 40 hours in a practice setting. He last staffed in a Georgia long term care pharmacy on September 17, 2007. He has completed all of the requirements from the state and federal jurisdictions. He would like to do relief work in South Carolina. He completed five years of probation in 1997 and has completed a recovery program.

Mr. Rose informed Mr. Cherson the Board would take his testimony under advisement and would render a decision later in the meeting.

S. Request to Approve Pharmacist Renewal Application – Patricia Bradford

On August 31, 2007 the Board received a Pharmacist Renewal Application from Patricia Bradford. Ms. Bradford suffers from severe anemia and has rheumatoid arthritis. She was terminated from Eckerd, according to policy, for being out of work for six months. She is seeking the Board's approval for reinstatement of her license, which lapsed on April 30, 2007.

Ms. Bradford was notified in writing to appear before the Board during the September 19, 2007 meeting to answer any questions the members may have.

Patricia Bradford appeared before the Board at this time and offered the following testimony.

Ms. Bradford has been employed by Eckerd's for the past five years. She was told of a disability involving a severe case of rheumatoid arthritis and anemia in October 2006. She has been going through treatments for both conditions and underwent surgery in December 2006. She had a double knee replacement in April 2007. She has been cleared to return to work by the orthopedic physician, however, she has not yet been cleared by her rheumatoid physician to return to work as she is in the last stages of rheumatoid arthritis. Staff received her renewal late enough that she was required to appear before the Board in order to renew.

Mr. Rose informed Ms. Bradford the Board would take her testimony under advisement and would render a decision later in the meeting.

T. Request to Approve Pharmacist Application – Ela Amin

On March 9, 2007 the Board received a pharmacist application from Ela Amin. Ms. Amin answered 'yes' to the question asking, "Have there been any charges involving a felony or any other crime involving fraud, drugs, or any of the laws relating to controlled substances, intoxicating liquors or the unlawful sales of dangerous drugs brought against you which you have not previously reported to the Board, or are any now pending?" Since Ms. Amin answered 'yes' to a question on her application staff could not process the application in a routine manner. She was notified in writing that she must appear before the Board to answer any questions the Board members may have.

Ela Amin appeared before the Board and offered the following testimony.

Ms. Amin is a Georgia resident and plans to move to South Carolina. Her Florida license is active; however, her Georgia license was suspended in March 2007. She was originally licensed in Florida. She took allergy medication prescribed for her technician. Her technician willingly shared the medication with her and then turned her in to her employer. She had a good working relationship with the technician until matters at work became slack and she had to speak with the technician regarding unacceptable work habits.

Mrs. Dantzler stated the Columbia County Georgia law enforcement records reflect the criminal justice system treated this incident as a "theft by taking" violation. It does not appear that Georgia has completed any action but may be contemplating action.

Mr. Rose informed Ms. Amin the Board would take her testimony under advisement and would render a decision later in the meeting.

U. Request to Approve Pharmacist Application – James Fleming

Mr. Fleming answered 'yes' to the question asking, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offense) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" He also answered 'yes' to the question asking, "Are you presently or have you within the past five years participated in a chemical substance rehabilitation program?" Mr. Fleming was arrested on two occasions for driving under the

influence. Since Mr. Fleming answered 'yes' to two questions on his application staff could not process it in a routine manner. He was notified in writing that he must appear before the Board to answer any questions the Board members may have.

James Fleming appeared before the Board at this time and offered the following testimony.

Mr. Fleming is currently licensed in Massachusetts and Iowa. When he was in pharmacy school he was charged with DUI on two occasions, one offense occurred in November 1999 and the other offense occurred in May 2003. He was initially licensed in Iowa and his license remains in good standing. When he applied for licensure in Massachusetts the Board of Pharmacy wanted to place him on probation for five years. He entered into an agreement with MPRS for five years. During the October 2007 meeting the Iowa Board of Pharmacy will enter discussion in regard to ending his contract at four years. He is completing his specialty residency at MUSC.

Mr. Rose informed Mr. Fleming the Board would take his testimony under advisement and would render a decision later in the meeting.

V. Request to Approve Reciprocity Application – Patricia Shuler

On June 17, 2007 the Board received a reciprocity pharmacist application from Patricia Shuler. Ms. Shuler answered 'yes' to the question asking, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offense) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" Ms. Shuler along with two other individuals were arrested for trespassing. Since Ms. Shuler answered 'yes' to a question on her application staff could not process it in a routine manner. Staff notified Ms. Shuler in writing that she must appear before the Board to answer any question the members may have.

Patricia Shuler appeared before the Board at this time and offered the following testimony.

Ms. Shuler is currently teaching cardiology at MUSC/South Carolina College of Pharmacy. She is currently licensed in good standing in Ohio and in North Carolina. She was visiting her brother in Florida and they went to a park to see alligators. They saw a gentleman on the ground with a police officer bending over him. They ran over to offer assistance because they thought the man was dead. They were cited with trespassing for crossing over property to go from one path to another, even for a Good Samaritan Act, because there are certain times on Sundays individuals cannot walk on that path. The charge was thrown out, however, she checked 'yes' since the question asked if she had ever been charged. She paid the \$75 fine.

Mr. Rose informed Ms. Shuler the Board would take her testimony under advisement and would render a decision later in the meeting.

W. Palmetto Health Workman's Compensation Prescriptions – Pam Cain, R.Ph., Pharmacy Manager and Valerie Kennedy-Robinson, PharmD, Managed Care

On August 17, 2007 the Board received a request from Pam Cain asking to appear before the Board in regard to Palmetto Health's Employee Health Works program. Mrs. Cain provided the Board with information requesting corporate physician dispensing by Dr. Willie Floyd from Health Works to employees to decrease workman's comp time of employees from patient care. The information included Palmetto Health Policy & Procedure #7072-112 as well as a draft list

of medications for Health Works Floor Stock. The medications include Ciprofloxacin, 500mg; Cyclobenzaprine, 10mg; Ibuprofen, 800mg; Naproxen 500mg; and Promethazine, 25mg.

Pam Cain and Valerie Kennedy-Robinson appeared before the Board at this time and offered the following testimony.

Health Works is a health department for employees who work with Palmetto Health Richland and Palmetto Health Baptist. If an employee has an injury on the job the employee goes to Health Works. If a prescription is needed the employee must bring it to the outpatient pharmacy at Palmetto Health Richland where it is filled and billed back to Health Works. Dr. Floyd is the medical director who oversees the project. He would like to have the opportunity to provide the medication at the time they are seen at Health Works so they can report back to work as soon as possible. She thanked Mr. Hook for working with Dr. Floyd and explaining the Board's concerns in regard to corporate physician safety. She presented the members with a policy developed in 1998 with the Board staff's assistance for a pilot project for corporate physicians. There will only 12 medications available and be no controlled substances will be allowed.

Mrs. Cain stated Mr. Hook explained the Board's concerns to Dr. Floyd, Mrs. Debbie Tapley, Mr. Ron Lindsey, and herself relating to corporate physician dispensing. She further stated the hospitals have tried other avenues that have not worked. She said they explained to Mr. Hook that additional requirements by Palmetto Health Richland Patient Care Committee in the sense that the medications would have to be locked in an automated machine to assure that the documents would be there for the pharmacist and the pharmacy.

Mr. Rose informed Ms. Cain the Board would take her testimony under advisement and would render a decision later in the meeting.

X. Request Clarification of Policy & Procedure #66 – Diana Harder

Ms. Harder stated she has had several conversations with physicians in reference to prescription format and finds that it may come down to digital signatures. She noted a small conflict in paragraph two. Policy 66 implies that a physician can hand a patient a prescription with an electronic signature as long as it is on tamper resistant paper.

MOTION

Mr. Banks moved to eliminate B from the second paragraph on Policy and Procedure #66. Mr. Hook seconded the motion, which carried unanimously.

Policy and Procedure #066 will now read:

The practitioner is responsible for the integrity of the prescription. The pharmacist must use his judgment in accepting and may refuse or check with the practitioner if any doubt exists regarding the prescriptions validity.

Prescriptions received by a pharmacist from a patient must have an original signature of a practitioner.

Electronic signatures are only permissible on prescriptions sent directly from a practitioner to a pharmacy via electronic transfer and cannot be modified in any way.

Rubber stamped signatures are not acceptable.

Y. Proposed Regulation Revision of 61-17, Standards for Licensing Nursing Homes – Tom Porter, R.Ph.

Mrs. Bundrick stated the proposed regulation revision is in regard to licensed nursing homes from DHEC. She noted that comments are due September 29, 2007. She further stated she had asked Mr. Tom Porter to review the document and to discuss concerns with the Board.

Mr. Porter discussed the following sections.

(1) 1303 Administering Medication (II) F. – When residents who are unable to self-administer medications leave the facility for an extended period of time, the proper amount of medications, along with dosage, mode, date, and time of administration, shall be given, to a responsible individual who will be in charge of the resident during his or her absence from the facility; these details shall be properly documented in the MAR. (I)

Mr. Porter recommends giving the patient the whole card, bottle, or box of medications.

(2) 1305 Medication Containers (II) The label shall be brought into accord with the directions of the physician or other legally authorized healthcare provider each time the prescription is refilled.

Mr. Porter recommended a note should be attached to container or MAR restricting to pharmacy staff.

(3) 1305 B – Medication containers that have been damaged, compromised, or without labels, or that have damaged, incomplete or makeshift labels are prohibited and shall be returned to the dispensing pharmacy for ~~relabeling or repackaging~~ destruction.

Mr. Porter believes the medication should be destroyed.

(4) 1308 D. Whenever the emergency medication kit or cart is opened, the use of contents shall be documented by the nursing staff and it shall be restocked and resealed by the pharmacist, pharmacist designee or licensed facility staff within two business days.

Mr. Porter proposed a pharmacist designee or licensed facility staff be allowed to restock the cart.

(5) 1309 A. Upon discharge of a resident, unused medications, biologicals, medicals supplies and solutions ~~may be~~ should be released to the resident, family member, or responsible party, unless prohibited by facility policies and procedures, the attending physician or other legally authorized healthcare provider.

Mr. Porter recommended replacing 'may be' with 'should be'.

MOTION

Mr. Hook moved the Board accept recommendations to the revision made by Mr. Porter. Mr. Banks seconded the motion, which carried unanimously.

Recess

The board recessed at 3:58 p.m. and returned to public session at 4:10 p.m.

**Return to Public Session
Executive Session**

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that the Board enter executive session to seek legal advice on the matters brought before the Board.

Return to Public Session

MOTION

Dr. Richardson moved the Board return to public session. Mr. Bushardt seconded the motion, which carried unanimously.

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

Request to Modify Order – Christopher K. Steele, R.Ph.

MOTION

Mr. Mobley moved the Board deny his request to modify his order. Dr. Richardson seconded the motion, which carried unanimously.

Request for Release from Board Order – William B. Heckle, R.Ph.

MOTION

Mr. Bushardt moved the Board approve Mr. Heckle's request to be released from his order. Mr. Bradham seconded the motion, which carried unanimously.

Request to Modify Order – Nancy Eleazer, R.Ph.

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, the Board release Ms. Eleazer from her Order.

Request to Approve Non-Resident Wholesale/Distributor and/or Manufacturer Application, A. F. Hauser, Inc.

MOTION

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

Request to provide Donated Medications from Pharmaceutical Partners to Patients - CommuniCare

MOTION

Mr. Toole moved the Board deny this request. Mr. Banks seconded the motion, which carried unanimously

Request to Approve Pharmacy Technician Registration Application – Kimberly Padua

MOTION

Dr. Richardson moved the Board deny registration to Ms. Padua. Mr. Mobley seconded the motion, which carried unanimously.

Request to Approve Pharmacy Technician Registration Renewal – Pamela Pronevitch

MOTION

Mr. Bradham made a motion, seconded by Mr. Banks and unanimously carried, that the Board grant Ms. Pronevitch registration.

Request to Approve Pharmacy Technician Renewal – Robin Robinson

MOTION

Mr. Bushardt moved the Board approve Ms. Robinson's registration renewal. Dr. Richardson seconded the motion, which carried unanimously.

Electronic Will-Call Bin Technology and Central Processing – Wal-Mart, Tim Koch

MOTION

Mr. Bradham moved the Board refer this matter to the Technology Committee and for the committee to bring a recommendation to the Board. Mr. Hook seconded the motion, which carried unanimously.

Request to Approve Reciprocity Application – Joseph Kuhn

MOTION

Mr. Mobley moved the Board approve Mr. Kuhn's reciprocity application. Mr. Banks seconded the motion, which carried unanimously.

Request to Approve Reciprocity Application – Christopher Morrison

MOTION

Mr. Hook moved the Board approve Mr. Morrison's reciprocity application. Dr. Richardson seconded the motion, which carried unanimously.

Request to Approve Reciprocity Application – Lawrence Benedetto

MOTION

Dr. Richardson moved the Board grant Mr. Benedetto reciprocity licensure. Mr. Banks seconded the motion, which carried unanimously.

Request to Approve Reciprocity Application – Byron Udy

MOTION

Mr. Toole made a motion, seconded by Mr. Mobley and unanimously carried, that the Board deny Mr. Udy's reciprocity application.

Request to Approve Reciprocity Application – Richard Stamm

MOTION

Mr. Bradham moved the Board grant Mr. Stamm's reciprocity application. Mr. Banks seconded the motion, which carried unanimously.

Request to Approve Reciprocity Application – Brad Cherson

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve Mr. Cherson's reciprocity application.

Request to Approve Pharmacist Renewal Application - Patricia Bradford

MOTION

Mr. Banks moved the Board accept Ms. Bradford's renewal application with the stipulation that she has a medical release from her physician and that she meet the reinstatement requirements of Policy and Procedure #139. Mr. Bradham seconded the motion, which carried unanimously.

Request to Approval Pharmacist Application – Ela Amin

MOTION

Mr. Bushardt moved the Board deny Ms. Amin's pharmacist application. Mr. Banks seconded the motion, which carried unanimously.

Request to Approve Pharmacist Application - James Fleming

MOTION

Mr. Mobley moved the Board approve Mr. Fleming's application with the stipulation that he sign a four-year contract with RPP and until further order of the Board. Mr. Hook seconded the motion, which carried unanimously.

Request to Approve Reciprocity Application – Patricia Shuler

MOTION

Mr. Bushardt made a motion, seconded by Dr. Richardson and unanimously carried, the Board approve Ms. Shuler's application.

Palmetto Health Workman's Compensation Prescriptions

MOTION

Mr. Hook moved the Board deny the request as presented as it does not comply with statutory regulations. Mr. Banks seconded the motion, which carried unanimously

7. Discussion Topics

There were no discussion topics for the September 19-20, 2007 meeting.

Public Comments

There were no public comments made during the September 19, 2007 meeting.

Adjourn

Mr. Hook moved the meeting be adjourned. Mr. Banks seconded the motion, which carried unanimously.

The September 19, 2007 meeting adjourned at 5:10 p.m.

South Carolina Board of Pharmacy

Board Meeting

MINUTES

9:00 a.m., September 20, 2007

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Thursday, September 20, 2007

Meeting Called to Order

Dock Henry Rose, R.Ph., chairman, of Greer, called the regular meeting to order at 9:37 a.m. Other Board members participating in the meeting included: Davis Hook, R.Ph., vice chairman, of West Columbia; Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City, Hugh Mobley, of Lancaster; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

David Banks, R.Ph., of Simpsonville, was excused from the meeting.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Eddie Durant, R.Ph., Temporary Pharmacist Inspector; Program Assistant; Diana Harder, Administrative Assistant; Tom Porter, R.Ph., Pharmacist Inspector and Clelia Sanders, R.Ph., Pharmacy Inspector. LLR employees participating during the meeting included: Sandra Dickert, Administrative Assistant.

Members of the public attending the meeting included: Dale Barris, Carmelo Cinqueonce, Ivy Coleman, Kevin Floyd, Edward Frazier, Candice Geiger, Steve Grove, Tim Koch, Dale Masten, Tammy McDowell, Traci Paschal, Mike Podgurski, Eric Ridings, and Gray Stewart.

Mr. Rose 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 – Dock H Rose, R.Ph.

Mr. Rose made no remarks at this time.

Signing of Licenses

The Board signed licenses for individuals recently granted licensure.

8. Committee Reports

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

Mr. Toole stated a record supply of vaccines is expected for this year. The vaccine can be administered to healthy children 2 years old and up. He noted educating the public is essential. He went on to say Merck is pushing a shingles vaccine and that individuals over 65 should receive a pneumonia shot.

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

Mr. Bradham stated Mr. Newton had been appointed to this committee; however, since he will now be on staff he should not serve. He further stated the committee should finalize a meeting over the next couple of months to discuss the Wal-Mart presentation.

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

Dr. Richardson stated RPP held a meeting; however, he, Mr. Hook nor staff were able to attend. He went on to say the minutes from the last meeting have been attached.

Mrs. Bundrick recommended the Board representatives meet with RPP to discuss their charge for pharmacy technicians to become part of the group.

- 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 is waiting to learn what exemptions nuclear pharmacies would have from USP Chapter <797>.

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

Mr. Hook stated the committee met jointly with the Legislative Committee on August 22, 2007. The committees are making the following motion jointly:

Encourage the Technical Colleges to pursue online training and any other easily accessible training that follows the standardizations of ASHP or other Board approved programs.

Since the motion came from committee no second was needed. The motion carried unanimously.

Mr. Hook stated Ms. Debra Bowers would like to make a presentation to the Board.

Ms. Bowers stated she is employed with the Floyd D. Johnson Technology Center which is part of the York Comprehensive High School. She went on to say they came across information from the SC Department of Education has purchased a pharmacy technician training program called Pass Assured program which is web-based. She said she has reviewed the program and found it lacks some of the statute's requirements. She has spoken with the technology center which feels they could incorporate the few topics the program was lacking from other areas of study they provide. These topics include critical thinking, interpersonal relationships, communications, keyboarding, computers and problem solving. The technology center is interested in adding to and adapting this program into a Board approved program. She noted

there are 46 career development and technology centers across the state, which would solve the access problem. She is asking the Board to consider this program. She stated the Floyd D. Johnson Technology Center would like to present this opportunity to high school seniors.

Mr. Hook stated the SC Department of Education purchased the Pass Assured program prior to discussing the program with the Board. He went on to say two presentations have been made to the Board and the program was denied on both occasions.

Ms. Bowers stated the career centers would like to be allowed to use the program in conjunction with the career programs to make a complete program. She went on to say Pass Assured is recommending no less than a 12 week program; however, the career centers are looking at a one-year program.

Ms. Bowers some of the technical schools are advertising certification for pharmacy technicians that are not ASHP approved and that the public is not aware that those programs are not approved.

It was recommended that the Technician Committee meet with Pass Assured and the technical school system to discuss this matter.

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

Mr. Bradham stated the motion Mr. Hook made during the Technician Committee report came from both the Technician Committee and the Legislative Committee. He further stated the NABP Legislative Committee held a meeting in Arlington, Virginia that Mrs. Clelia Sanders attended.

Mrs. Sanders stated she is not prepared to give a full report; however, she would be giving a full report during the November 2007 meeting. She will be sending the members a synopsis of bills and NABPs position on those bills.

Ms. Sanders said other states are now researching pharmacy technician certification.

Mr. Cinqueonce discussed the mandated Medicaid tamper-resistance prescription pads that will become effective October 1, 2007.

Executive Session

MOTION

Mr. Toole moved the Board enter executive session. Mr. Hook seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Hook made a motion, seconded by Dr. Richardson and unanimously carried, that the Board return to public session.

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

- Medication Errors – Al Toole, R.Ph.

Mr. Toole thanked Ms. Harder for sending articles from Mr. Robert Spires of ASHP. He stated the articles included studies completed in regard to medication errors.

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

Mr. Bushardt had no report.

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

This committee has not had a meeting. The proviso was passed by the legislature so the clinics are continuing to operate for another year. A pharmacist was hired on a part time basis and was going to conduct inspection reports; however, the pharmacist was not licensed in South Carolina and the clinics are waiting until such time that she passes the MPJE.

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

Mr. Bushardt stated with the influx of wholesale distributor applications, the committee is making the following motion.

In order to obtain a non-resident wholesale/distributor and/or manufacturer permit in the State of South Carolina you must have VAWD accreditation.

Since the motion came from committee no second was needed. Following a brief discussion the motion carried unanimously.

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

This committee has not met since the last meeting. The committee is working on the possibility of medication dispensing machines in hospice settings for nurses to use in hospitals for the weekend shift.

- 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.

This committee had no report.

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

This committee had no report.

Consent Agreement

Mr. Eddie Durant, Pharmacist Inspector, briefed the Board on a Consent Agreement in regard to Case # 2004-46.

Julie Sorrells, of RPP, briefed the Board on Ms. Hewitt's recovery program.

Ms. Hewitt has not yet completed all of the continuing education requirements nor has she yet spoken with a licensed pharmacist in regard to completing the 1,000 hours of internship.

Executive Session

MOTION

Mr. Bradham moved the Board enter executive session. Mr. Mobley seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

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

MOTION

Mr. Hook moved the Board accept the Consent Agreement in regard to case # 2004-46. Mr. Bradham seconded the motion, which carried unanimously.

9. Update on Computerized Notebooks for Inspections and Permitting – Clelia Sanders, R.Ph.

Mrs. Sanders made a presentation to the Board regarding the computerized notebooks.

10. USP 797 and 795 Clarifications and Decisions – Clelia Sanders, R.Ph.

Mrs. Sanders stated the enforcement of the intent of USP 797 was to begin on January 1, 2006. She went on to say some pharmacies are waiting on the deadline of the Joint Commission. She is asking the Board to set a date to begin enforcement on the intent of <797> and <795>. She noted the majority of the pharmacies have not yet begun planning in their Gap Analysis. She went on to say some states have incorporated the standards over time.

MOTION

Mr. Hook moved the Board enforce <797> and <795> as it exists today, with an exception of construction requirements which should be in the planning stage and completed by June 2008, violations will be sanctioned. Mr. Mobley seconded the motion, which carried unanimously.

The newsletter should state what the pharmacies should now be doing to be in compliance of the intent of <797> and <795>.

Mrs. Bundrick presented the members with the correct Policy and Procedure #144 regarding donated drugs. She stated this policy was approved during the June 2007 Board meeting. She asked the Board members if they wanted to add the sentence stating, "The donated medications must be in the original manufacturer's containers."

MOTION

Mr. Mobley made a motion, seconded by Mr. Hook and unanimously carried, that the Board add the sentence "The donated medications must be in the original manufacturer's containers." to Policy and Procedure 144.

Mr. Hook stated he had a request from the Columbia Free Medical Clinic. He said the clinic has a limited inventory and relies on contributions from manufacturers. He briefed the Board on the request; however, the Board determined there is no legal way to assist the clinic in that request.

Adjournment

MOTION

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

The September 19-20, 2007 meeting of the SC Board of Pharmacy adjourned at 12:24 p.m.