

South Carolina Board of Pharmacy

MINUTES

Board Meeting

9:00 a.m., March 12, 2009

Marriott Grand Dunes

8200 Costa Verde Drive, Heron Room

Myrtle Beach, South Carolina

Thursday, March 12, 2009

Meeting Called to Order

Davis Hook, R.Ph., of West Columbia, called the regular meeting of the SC Board of Pharmacy to order at 9:05 a.m. Other Board members participating in the meeting included: Al Toole, R.Ph., vice chairman, of Liberty, Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City; Hugh Mobley, R.Ph., of Lancaster; David Banks, R.Ph., of Simpsonville and Dock Henry Rose, R.Ph. of Greer.

Staff members participating during the meeting included: Randy Bryant, Assistant Deputy Director, Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator and Clelia Sanders, R.Ph., Inspector, LLR employees participating during the meeting included: Sharon Dantzler, LLR-Office of General Counsel.

Public attending the meeting included: Pam Cain, Jessica Beasley, Al Carter, Dan Luce, Diana Harder, Jon Davidson, Thomas Phillips, Eric Ridings, Robert Spires, Williams Rogers, Jon Wallace, Natasha Nicol, Joe Mullinax, Elizabeth Lewis, Terry Lewis, Richard Berly, Frank Sheehan, Christy Petit, Bill Ray, Ashley Standish, Kevin Floyd, Carmelo Cinqueonce, Addison Livingston, Cara Leigh Richardson, Sandra Bowers, Billy Peay, David Nesbit, L. E. Connor, Lisa Rice, Sally Green, Roz Bailey Glover, Gwendolyn Greer, Robby Boland, Sherry Wilson, Dwith Hayes, David Christian, J.N. Patel, Cacharel Andrews, Lori Stepp, Katina Richards, Wendy Reaves, Meredith Scheer, Ranarda Jones, Wade Cobb, Mike Dunphy, Ivy Coleman, Kendra Gorby, Terra Varner.

Mr. Hook 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 in the main lobby of the hotel and at the two main entrances of the Kingstree Building.

Invocation

Mr. Bushardt delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Chairman's Remarks – Davis Hook, R.Ph.

Mr. Hook thanked the South Carolina Society of Health Systems Pharmacist for allowing the Board of Pharmacy to have it's meeting in conjunction with their convention, and thanked the staff for their assistance in preparing for the board meeting. Mr. Fred Bender, with SCSHP, welcomed everyone and thanked the Board for having the meeting with their convention.

Introduction of Board Members

The Board members, staff and the members of the public attending the meeting introduced themselves. Mr. Hook stated that Dr. Leo Richardson's absence was excused. After introductions, Mr. Hook discussed the biennial license renewal. He expressed his concerns

about the lack of notice given to licensees and the CE requirements for biennial licensure in conflict with the practice act.

1. Approval of Minutes for the January 21-22, 2009 Meeting

MOTION

Mr. Banks moved that the Board approve the minutes of the January 21-22, 2009 minutes. Mr. Mobley seconded the motion and it carried unanimously.

2. Approval of Reciprocity Interview Candidates for Licensure:

Dates: November 26, 2008, December 3, 19, 22, 2008, January 6, 7, 8, 13, 14, 23, 26, 2009, February 3, 10, 20, 25, 2009, March 3, 5, 6, 2009

Discussion ensued about interviews of reciprocity candidates. Mr. Bryant stated that Mrs. Bundrick would address this issue later.

MOTION

Mr. Rose made a motion to approve the reciprocity candidates for licensure, seconded by Mr. Toole and the motion carried unanimously.

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

Mr. Bryant addressed the Board concerning the Board of Pharmacy being under the Office of Building and Business. He stated that the reason that this board has been placed under this office instead of with the medically related boards is because the Board of Pharmacy permits the facilities, which are businesses. Discussion ensued about the different departments of Labor, Licensing and Regulation. Mr. Bryant informed the Board Members that each department within LLR are separate, and staff in each department reports directly to their supervisor.

Ms. Bundrick gave her report:

Good Morning Mr. Chairman and members of the Board

- Last meeting we provided you with a Statement of Economic Interest form. As a reminder, the deadline for the form to be completed and received is April 15, 2009 or you will be assessed late-filing penalties starting at \$100. If you have not received your form, please let us know.
- The Ballots for the Second Congressional District election were mailed on January 10, 2009, to all pharmacists residing in the second congressional district according to their last renewal application. The candidates running for this district are Mr. Wade Cobb, Mr. Addison Livingston, Mr. Thomas Phillips and Mr. Bryan Mayer. We mailed out 844 ballots. We received 424 ballots to be counted, which is 49.65%. Thirteen (13) ballots were disqualified; Five (5) ballots were disqualified because they were postmarked after February 15, 2009, Seven (7) were disqualified due to the fact that they were not in the sealed inner ballot envelope and one (1) was disqualified because it was not in the proper outer envelope with the licensee's signature. Therefore, 411 ballots were counted. Staff conducted the ballot count on February 26, 2009 at 10:30Am in Room 108 of the Kingtree Building. The results were Mr. Addison Livingston received 220 votes, Mr. Thomas Phillips received 91 votes, Mr. Bryan Mayer received 54 votes and Mr. Wade Cobb received 46 votes. A letter was sent to Governor Mark Sanford on February 26, 2009 with the results and the Board's recommendation that the winner of

- The Office of Licensure and Compliance's Medically Related Renewal Division mailed out the pharmacist renewal notices with passwords and pin numbers for on-line renewals on February 27, 2009, to all licensed pharmacists at their last known address. The licenses will be renewed for a two year cycle with an expiration date of April 30, 2011.
- The Office of Licensure and Compliance will be renewing the pharmacy technicians registrations, the state certified pharmacy technicians and the permitted facilities for a two year cycle starting this year with an expiration date of June 30, 2011.
- The Office of Licensure and Compliance mailed out CE Audit Letters to the randomly selected pharmacists and PIC's on December 15, 2008 with a deadline for submission by January 9, 2009. 595 audit letters were mailed. 593 responses were received and sent to the Board of Pharmacy staff to qualify. Second notices were sent on February 13, 2009 by Board of Pharmacy Staff.
- The Office of Licensure and Compliance mailed out CE Audit Letters to the randomly selected pharmacy technicians and state certified pharmacy technicians on February 5, 2009 with a deadline for submission by February 27, 2009. 206 audit letters were mailed to the Certified pharmacy technicians. 176 responses were received and sent to the Board of Pharmacy staff to qualify. 388 audit letters were mailed to the registered pharmacy technicians. 197 responses were received and sent to the Board of Pharmacy staff to qualify.
- As of this report we have approximately 2,554 active state-certified pharmacy technicians and 4,907 active registered pharmacy technicians. We have 6,400 active licensed pharmacists and 3,545 permitted facilities and 3 Electronic Prescribing Routing Companies.
- The Pharmacist Inspectors have conducted 98 inspections since the last Board Meeting.
 - Ms. Cle Sanders inspected 10 facilities
 - Mr. Tom Porter inspected 7 facilities
 - Mr. Joe Newton inspected 54 facilities
 - Mr. Ernie Shuler inspected 47 facilities
 - Mr. Larry Grant inspected 33 facilities
 - Ms. Rosemary Boguski inspected 59 facilities
- Mr. Tom Porter will be retiring from LLR- Board of Pharmacy on March 16, 2009. I would like to thank him for all of his hard work and dedication. Mr. Bryant and I are planning on hiring Mr. Porter back on a temporary part time basis.
- Mr. Porter's Pharmacist Compounding FTE has been posted. It opened on February 28, 2009 and closed at 11:59 pm on March 9, 2009. A copy of the posting is under the Administrator's tab for your review.

- The Board of Pharmacy has continued to serve as a site for pharmacy students on clinical rotations from SC College of Pharmacy – USC Campus. During the month of February, Ms. Jennifer Harrison was on rotation at the Board office. For the month of March, Ms. Lynsey Plummer is on rotation with us.
- On February 10, 2009, Mr. Bryant and I attended the SC Pharmacy Association Board of Directors Meeting to clear up some information that had been disseminated throughout the pharmacy profession that is not factually correct. After the meeting Mr. Bryant and I sent a follow-up letter to Mr. Carmelo Cinqueonce for dissemination to clear up any misinformation or misconceptions regarding LLR and the Board of Pharmacy. A copy of this letter for your review is under the Administrator's tab in your notebook.
- After the meeting with the SC Pharmacy Association Board of Directors, Mr. Bryant had the LLR web site changed to reflect the Board of Pharmacy under the Office of Health and Medical and the Board of Pharmacy listed under the Office of Building and Business Services for Pharmacy Permits. A handout for your review of these changes has been provided.
- The SC Society of Health System Pharmacists has offered us an opportunity to have an exhibit booth at their upcoming annual Convention in March. This will be an excellent opportunity for the Board staff to improve public awareness of the Board and its duties and responsibilities. It will be in Myrtle Beach at the Marriot Grand Dunes on Thursday, March 12, 2009 through Saturday, March 14, 2009.
- My staff and/or I have participated in the following meetings since the January meeting:
 - Supervisory staff attended OBB staff meeting on January 23, 2009
 - Mr. Larry Grant attended new employee orientation on January 26, 2009
 - Staff meeting with the inspectors on January 28, 2009
 - I attended a Disciplinary Procedures Meeting with Ms. Dantzler and Mr. Bryant on January 29, 2009
 - Staff attended a pharmacy board renewals meeting with OLC on February 3, 2009
 - Mr. Bryant and I attended a meeting with Mr. Davis Hook and Mr. Hugh Mobley to discuss issues that are on the agenda today.
 - Staff attended OBB staff meeting on February 28, 2009
 - Ms. Sanders has continued to train the new pharmacist inspectors
 - Compounding Committee- February 19, 2009
 - Legislative Committee- February 19, 2009
 - Staff attended Pharmacist Renewal Review Meeting with OLC on February 24, 2009
 - Pharmacy Technician Committee –February 27, 2009
 - Pharmacy Practice Committee- February 27, 2009
 - Ms. Cle Sanders presented General and Non-Sterile Compounding at Pharmacy Law class at the USC Campus to 3rd year students with distance telecast to the MUSC Campus
 - Staff attended the agency Wiki Training on March 3, 2009

- Mr. Joe Newton, Ms. Cle Sanders and I attended a meeting regarding jail/detention centers
 - My student and I attended the House 3M sub Committee on H3394(Pharmacy Technician Bill) on March 3, 2009
 - Ms. Cle Sanders presented Sterile Compounding at Pharmacy Law class at the MSC Campus to 3rd year students with distance telecast to the USC Campus
 - Pharmacy IRC- March 9, 2009
 - Ms. Cle Sanders presented a 2 hour continuing education course titled Technician Alert Law for Walgreens in North Charleston on March 10, 2009.
- Staff has attended agency, board staff, compliance staff and legal counsel meetings.
 - The deadline for the 2nd 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 them. Please let me know.
 - Handouts for your review that are under the Administrators Tab that may be of interest to you include: A memo from NABP regarding Drug/Alcohol Impairment Program Survey Results, A letter from IACP to the SC Board of Pharmacy Members informing you of their published policy addressing advertising of compounded medications that they requesting compounding pharmacist to follow, a copy of the Letter to Governor Mark Sanford regarding the 2nd congressional district election and the budget information is also included for your review.
 - 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.
 - Mr. Bryant is here to answer any questions you may have.

And of course, I will respectfully answer any questions you may have.

4. **Compliance and Inspectors Report**

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

- Consent Agreements
Case #: 2006-42
Case #: 2007-134
Case #: 2008-16
Case #: 2008-72
Case #: 2008-123
Case #: 2008-140
Case #: 2008-143
- Agreement
Case # 26970
- Agreement to Relinquish

Case #: 2008-92
Case #: 2008-114
Case #: 2008-118
Case #: 2008-141
Case #: 2009-11
Case #: 2009-12

MOTION

Consent Agreement Case # 2006-42

Mr. Rose made a motion to accept this consent agreement, seconded by Mr. Banks and it carried unanimously.

Consent Agreement Case # 2008-16

Mr. Banks recused himself from voting. Mr. Bradham made a motion to accept this consent agreement, Mr. Rose seconded the motion and it carried unanimously.

Consent Agreement Case # 2008-72

Mr. Mobley made a motion to accept this consent agreement, Mr. Banks seconded the motion and it carried unanimously.

Consent Agreement 2008-123

Mr. Banks made a motion to accept this consent agreement, Mr. Toole seconded the motion and it carried unanimously.

Consent Agreement 2008-140

Mr. Bradham made a motion to accept this consent agreement, Mr. Rose seconded the motion and it carried unanimously.

Consent Agreement 2008-143

Mr. Banks made a motion to accept this consent agreement, Mr. Rose seconded the motion and it carried unanimously.

Agreement # 26970

Mr. Rose made a motion to accept this agreement, Mr. Banks seconded the motion and it carried unanimously.

Agreement to Relinquish

Case # 2008-92
Case # 2008-114
Case # 2008-118
Case # 2008-141
Case # 2009-11
Case # 2009-12

Mr. Mobley made a motion to accept these agreements. Mr. Banks seconded the motion and it carried unanimously.

Consent Order # 2007-134

Mr. Bradham recused himself from voting on this order. The respondent's attorney spoke on the consent agreement. The respondent's sponsor spoke on his behalf stating that he is working

hard in the recovering process. The respondent addressed the board and thanked them for letting him speak. Mr. Mobley made a motion at 10:15 a.m. to go into executive session to discuss this matter. Mr. Rose seconded the motion and it carried unanimously. Mr. Mobley made a motion at 10:30 a.m. to come out of executive session. Mr. Rose seconded it. Mr. Hook stated that no motions were made and no votes taken during executive session. Mr. Banks made a motion to accept this agreement. Mr. Rose seconded the motion and it carried unanimously.

- IRC Report

Mr. Bradham made a motion to accept the IRC report. Mr. Bushardt seconded and it carried unanimously.

- Formal Complaints

Mr. Bradham made a motion to accept the Formal Complaints. Mr. Bushardt seconded the motion it carried unanimously.

- Resolution Guidelines

Mr. Bradham made a motion to accept the Resolution Guidelines. Mr. Toole seconded the motion and it carried unanimously.

- Dismissals with Letter of Concern

Mr. Bradham made a motion to accept the Dismissals with Letter of Concern. Mr. Rose seconded the motion and it carried unanimously.

- **#4A. Request Release from Board Order – Sandra Bowers**

Ms. Bowers diverted schedule III controlled substances November 1, 2006. She signed a consent order March 27, 2008 agreeing to probation for one year, five year contract with Recovering Professional Program and \$100 fine. Ms. Bowers is requesting release from the order. Mr. Mobley made a motion to approve this request. Mr. Banks seconded the motion and it carried unanimously.

- **#4B Request Release from Board Order – Bill Ray**

Mr. Ray voluntarily surrendered his license on November 22, 2000. Between January and November 2000, he made false Medicaid/Medicare claims. During this time he also diverted controlled substances from his employer. An order was signed by Mr. Ray on February 23, 2004 agreeing to 5 year probation and a five year contract with Recovering Professional Program. Mr. Bradham made a motion to approve this request. Mr. Bushardt seconded the motion and it carried unanimously.

- **#4C Request Release from Board Order – Lisa Rice**

Ms. Rice was found to be engaging in pharmacists' duties. Ms. Rice signed a consent order June 21, 2006 agreeing to probation for three years and a \$500 fine. Mr. Toole made a motion to approve this request. Mr. Rose seconded the motion and it carried unanimously.

At 10:50 a.m. Mr. Hook called for a 15 minute break for the court reporter, who recorded minutes for and application hearing, #4D Request Approval of Non- Resident Pharmacy Applications, PSC MedSupply LLC in Greensboro, NC and Punta Gorda, FL
No motion made at this time.

At 11:50 a.m. Mr. Hook called for a short break so that the court reporter could remove equipment.

Mr. Hook requested to move New Business since there were applicants waiting and had flights scheduled.

- **#7M Request Approval of Pharmacy Technician Registration Application – Cacharel Andrews**

Mr. Rose made a motion to approve this request. Mr. Banks seconded the motion and it carried unanimously.

- **#7N Request Approval of Reciprocity Application- Joitabhai Patel**

Mr. Mobley made a motion to approve this request. Mr. Banks seconded the motion and it carried unanimously.

- **6. Overview of Office of Licensure and Compliance/Malpractice Verdict or Settlement #6 Reporting – David Christian III, Assistant Deputy Director of Office of Licensure and Compliance**

Mr. Christian introduced himself and asked that the six staff that came to the meeting with him introduce themselves and give a summary of their duties. The staff included: Sally Green, Sherry Wilson, Dwight Hayes, Robby Boland, Rosalind Bailey Glover and Gwendolyn Green. Mr. Christian stated that his department issues licenses and gave an overview of the Office of Licensure and Compliance. Discussion ensued about on-line information and Mr. Christian stated that the Office of License and Compliance (OLC) want to offer on-line initial licenses services. Board members asked who their contact person would be on certain issues. Mr. Christian also noted that his department was separate from the Board and did not have any Board of Pharmacy staff in the division that works with Pharmacy licensing, permitting or registrations.

Discussion ensued about the continuing educational requirements in relation to biennial licenses. Concerns were offered about the issuance of licenses, permits and registrations without the direction of the Board of Pharmacy.

Mr. Banks made a motion to go into executive session to discuss licensing issues with Mr. Christian. Mr. Mobley seconded the motion and it carried unanimously at 12:30 p.m.

Mr. Banks made a motion to come back into public session at 2:20 p.m. Mr. Mobley seconded the motion. Mr. Hook stated that no motions were made and no votes were taken.

- **#4D Request Approval of Non-Resident Pharmacy Application- PSC MedSupply LLC, Greensboro, NC and Punta Gorda, FL**

Mr. Bushardt made a motion to reinstate the Greensboro, North Carolina facility with two-year probation, random inspections, Pharmacist-in-Charge must take South Carolina law courses, submit quarterly reports certifying they are complying with South Carolina Pharmacy law and \$10,000 fine. Mr. Mobley seconded the motion and it carried unanimously.

Mr. Mobley made a motion to approve the Punta Gorda, FL application. Mr. Banks seconded the motion and it carried unanimously.

- **Consent Order 2007-134**

Respondent's attorney presented an addendum to the previously approved consent order. He requested his client be allowed to Pharmacist-in-Charge at the Darlington facility.

- **#5E Language Added to Relinquishments**

Mrs. Bundrick discussed the language that the Office of General Counsel proposed to clarify the misconduct on relinquishments.

WHEREAS< the State Board of Pharmacy, hereinafter referred to as the Board, has received information regarding professional misconduct with respect to (name) in that he/she was employed as a pharmacist/pharmacy technician by (pharmacy) where he/she is alleged to have (diverted a quantity of _____, was arrested for _____, license was revoked in the State of _____); and

- **#5F Reciprocity Guidelines**

Mrs. Bundrick stated that a meeting she attended with Mr. Bryant, Mr. Mobley, and Mr. Hook that the Agency recommended that professional staff (pharmacists) conduct reciprocity interviews. Mr. Hook stated that candidates should have an option if they would like to interview with a board member in their area or come to Columbia and interview with staff.

Mr. Mobley made a motion that if candidates interview with professional staff or Columbia board member, the candidate should be able to receive their license that day. If they interview with a board member, if available, outside of Columbia, they should receive their license within a reasonable amount of time. Mr. Bushardt seconded the motion and it carried unanimously.

- **#5G Resolution Guidelines**

Mrs. Bundrick discussed the IRC (Investigative Review Committee) Review and process. Board Members had some concerns about issues not coming before the Board. Mrs. Bundrick and Mr. Bryant stated that all cases go before the IRC Chairman, or through resolution guidelines and then before the full Board. Mr. Rose made a motion to accept the recommended changes of the Resolution Guidelines. Mr. Toole seconded the motion. Three Board Members, Mr. Rose, Mr. Toole and Mr. Bushardt, voted to accept the guidelines, three Board Members, Mr. Bradham, Mr. Mobley and Mr. Banks, voted against the guidelines. Mr. Hook broke the tie, voting to accept the guidelines and the motion was carried.

- **#5H. Medco Cards**

Mrs. Sanders discussed the Medco card is to be used for OTC (over the counter medications). She discussed that this is not allowed according to the 40-43-86 (u) of the pharmacy practice act. Mrs. Sanders also discussed that the sales tax isn't being paid on non- prescription medications when using these cards. Discussion ensued that the pharmacist will not know the patients' history or other prescribed medications. Discussion will continue under the Practice Committee Report.

- **#5I Patient Assistance Program (PAP)**

Mrs. Sanders discussed submitting a resolution to NABP (National Association of Boards of Pharmacy) about the patient safety and adequate labeling when patients receive their medications through these programs with no instructions on dosage or other critical information.

- **#5J Update on Board's Request for Additional Questions on Technician Renewals**

Mrs. Bundrick and the Board discussed the questions to be added to the technician renewals. Discussion will continue under the Committee Reports.

- **#5K Policy and Procedure #146**

Mrs. Bundrick reviewed #7 that was added to this policy. *7. When requested by the patient the pharmacist must call the patient within a reasonable timeframe after the prescription is picked up to review any counseling issues that may be appropriate for any prescriptions sold in the absence of a pharmacist.*

Since this motion came from the practice committee it needs no second. The motion carried unanimously.

- **#5L Policy and Procedure #147 Remote Order Entry**

Mrs. Bundrick discussed this policy and its changes. *In the site where the remote order entry occurs by a licensed pharmacist, the site must be permitted by the South Carolina Board of Pharmacy as a pharmacy or a non-resident pharmacy. If the site is non-resident pharmacy, the pharmacist-in-charge must be licensed as a pharmacist in the state of South Carolina.*

Since the motion came from the practice committee the committee it needs no second. The motion carried unanimously.

- **Approval of 2010 Board of Pharmacy Meeting Dates**

After discussion, the Board will address later in the meeting.

- **#6 Overview of Office of Licensure and Compliance/Malpractice Verdict or Settlement Reporting**

Mr. Banks made a motion to deny malpractice verdict or settlement reporting information to be placed on license applications or renewals. Mr. Bushardt seconded the motion and it carried unanimously.

- **#P Publication of Disciplinary Matters**

Mr. Bryant discussed with the board whether disciplinary matters should be published on the website.

After discussion, Mr. Banks made a motion to post consent orders and final orders from the Board's website once the orders have been fulfilled. Mr. Mobley seconded the motion and it carried unanimously.

Mr. Toole made a motion not post citations on the Board's website. Mr. Mobley seconded the motion and it carried unanimously.

- **#7Q Location of Board Meetings**

The Board discussed board meetings being held outside of LLR. The Board had concerns about meeting rooms at LLR not being available and that the Board was embarrassed that the public had to sit on the floor at a past meeting. Mr. Bryant recommended having board meetings in Columbia or at a free public facility. Mr. Bryant assured the board members that room 108 in the Kingstree Building would be available to the Pharmacy Board for their June meeting. The proviso concerning board members not being reimbursed when board meetings are held out of Lexington or Richland counties was briefly discussed.

Mr. Mobley made a motion to have the June 24-25, 2009 board meeting at LLR, in Columbia. Mr. Banks seconded the motion and it carried unanimously.

- **#7O Approval of 2010 Board Meeting Dates**

Discussion ensued about the rooms available for board meetings. No votes were taken.

- **#7R E-prescribing, Faxed or Electronic Prescriptions**

Mr. Hook discussed these types of prescriptions. After discussion the Board decided to put information in the newsletter in attempt to clarify questions licensees or practitioners have about

- **Committee Reports**

Pharmacy Technician Committee

Mr. Banks discussed the February 27, 2009 committee meeting. Mr. Banks discussed the pharmacy technician language that Mr. Robert Spires, SCSHP presented. The committee voted to oppose H3394. Coming from a committee it needs no second. The motion carried unanimously. Mr. Rose abstained from the voting.

Lori Stepp discussed the possibility of having 400 hours of certified technician rotation hours count towards their required hours for certification. Discussion ensued about consistency between on-line or under supervision of preceptors as it relates to ASHP accreditation.

Mr. Mobley made a motion to allow technical colleges' technician students up to 400 hours from rotations, with supporting documents towards the required hours. Mr. Bushardt seconded the motion and it carried unanimously.

Mr. Banks asked for any one who is interested in joining the technician committee to contact him.

Compounding Committee

Mr. Mobley discussed the committee's recommendation that the Board write a letter to Colleges of Pharmacy, in South Carolina, encouraging them to use specific didactic courses to ensure proper sterile and non-sterile compounding is being included into the curriculum. No second needed since it was coming from a committee. The motion carried unanimously.

Mr. Mobley discussed policy and procedure #133. Committee members discussed bulk powders and OTC compounding. Mr. Mobley made a motion to delete policy and procedure #133. Mr. Rose seconded the motion and it was carried unanimously.

Legislative Committee

Mr. Toole asked Carmelo Cinqueonce, SC Pharmacy Association, to discuss current legislation affecting pharmacy. Mr. Cinqueonce discussed the immunization bill. The association is waiting on response from the Medical Board.

Mr. Cinqueonce discussed that some legislators have signed on and they are waiting on the hearing. Mr. Toole encouraged board members to discuss H3063 with their representatives.

The board members discussed the storage of mail order medications being kept at proper temperatures according to manufacturer guidelines.

Mr. Hook made a motion from the committee that facilities submit policies and procedures on storage and handling of medications on Medicare Part D. Since it came from a committee, no second is needed. The motion carried unanimously.

Biennial licenses were discussed in the committee meeting. The committee made a motion to send a letter to LLR's director with concerns about the two-year licensing. Since it came from a committee no second is needed. The motion carried unanimously.

Practice Committee

The Board discussed the Medco cards. The committee made a motion to send a letter to Medco stating that this is in violation of 40-43-86 (u) of the SC Pharmacy practice act. Since it came from a committee no second is needed. The motion carried unanimously.

Apria requested a waiver from expiration dates and hydrostatic testing. Discussion ensued regarding questions presented to the committee that involved DHEC, Drug Control. The Board is waiting on a response from Wilbur Harling, with Drug Control. The committee voted to deny Apria's request. Since it came from a committee no second is needed. The motion carried unanimously.

The committee voted to have the Board write a resolution letter to NABP with their concerns about labeling of medications and the Patient Assistance Program. Since this is coming from a committee no second is needed. The motion carried unanimously.

More discussion ensued about the resolution guidelines. The board agreed it should be referred back to the Practice Committee in May to further discuss and evaluate the RG already approved by the Board.

Technology Committee

Mr. Bradham stated that Tim Koch with Wal-mart has not implemented the workflow balance pilot project yet, due to national computer problems, and he would not be attending the meeting. Dan Luce with Walgreens spoke about their work flow balance project and stated it was going well and had pharmacists and pharmacy technicians employed with Walgreens to speak on behalf of the project. Dan Luce requested that Walgreens be able to include all South Carolina stores.

Mr. Banks made a motion to allow Walgreens to go statewide. Mr. Rose seconded the motion and it carried unanimously. Mr. Bradham abstained from voting.

Recovering Professionals Program

Mr. Frank Sheehen with RPP gave the Board a statistic report from the last RPP meeting.

- Discussion Topics

Mr. Durant stated that in the future all RPP recommendation letters would accompany consent orders in the board books.

- Public Comments

Mr. Banks discussed the possibility of board meetings be considered as continuing education credits. Mr. Hook appointed Mr. Banks to head up a continuing education committee, to check into how to get the meetings ACPE accredited.

Mr. Cinqueonce requested that the board reconsider allowing pharmacy technicians to take pharmacists' continuing education programs.

Mr. Mobley discussed the Pharmacy Board's practice act, 40-43-60 (D) (9) states "The Board shall license..."

Mr. Mobley made a motion that the board send a letter requesting the attorney general to make a ruling about who is to issue the licenses since the practice act states the board shall do this and copy the Director of Labor, Licensing and Regulation, the Deputy Director of the Office of Building and Business and the Deputy Director of the Office of Licensure and Compliance. He also stated he would like to copy the key budget people in the House and Senate, signed by the board chairman. Mr. Bradham seconded the motion and it carried unanimously. Members discussed the safety if an individual was licensed as a pharmacist that is not qualified.

Mr. Banks made a motion to go into executive session to discuss consent order #2007-134 at 5:30 p.m. Mr. Mobley seconded the motion and it carried unanimously.

Mr. Banks made the motion for the board to come back into public session at 6:00 p.m. Mr. Mobley seconded it and it carried unanimously. Mr. Hook stated no motions were made no votes were carried.

Mr. Durant stated that since Mr. Jon Wallace, attorney for consent order 2007-134, left the meeting, he was not included in the executive session as requested by the Board. Mr. Bradham recused himself from the voting. Consent order #2007-134 requested an addendum to his original order that was approved previously in this meeting. Mr. Toole made a motion to deny this request. Mr. Rose seconded the motion and it taken during executive session.

Mr. Hook stated that we would not be able to attend the NABP Annual meeting in May and asked someone to attend as delegate. Mr. Mobley made a motion making Mr. Bradham the delegate and Mr. Rose is the alternate delegate. Mr. Bushardt seconded the motion and it carried unanimously.

Mr. Mobley made a motion to adjourn at 6:05 p.m. Mr. Bushardt seconded the motion and it carried unanimously.

The next Board of Pharmacy meeting will be June 24-25, 2009.