

MINUTES
South Carolina Board of Pharmacy
Board Meeting

9:00 a.m., June 24-25, 2009
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Wednesday, June 24, 2009

Meeting Called to Order

Davis Hook, R.Ph., chairman, of West Columbia, called the regular meeting of the SC Board of Pharmacy to order at 9:02 a.m. Other Board members participating in the meeting included: Allen Toole, R.Ph., vice chairman, of Liberty; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City; Hugh Mobley, R.Ph., of Lancaster, Leo Richardson, PhD., of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Investigator; Clelia Sanders, R.Ph., Pharmacist Investigator and Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel, Office of General Counsel; Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, Office of General Counsel; and Angela Scott, Administrative Assistant.

Members of the public attending the meeting included: Randy Arledge, Erin Blackmon, Mike Blakely, Carmelo Cinqueonce, Ivy Coleman, Travis Combs, Joanne Epley, James Glass, Pat Godley, Cole Kessell, Addison Livingston, Robbie Martin, Vickie Mast, Tracie Mims, Tenny Moss, Joe Mullinax, Sean Muniz, Christy Pettit, Thomas Phillips, James Rivers, Randall Rowe, David Ruch, Megan Schwartz, William Shell, Susan Smith, Robert Spires, Lori Steppe, Nancy Strand, Ed Vess, Stacy Warner, Rick Wilson, and Sonya Wilson.

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 on the bulletin boards at the two main entrances of the Kingstree Building.

Invocation

Mr. Bradham delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Board Members and all other persons attending

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

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

Mr. Hook stated during the twelve years he entered this endeavor he has seen several changes and is most impressed with the diversity of the members. He is thankful for the current and past members who are compassionate.

1. Approval of Minutes for the March 12, 2009

Mr. Hook noted one change to executive session on page eight. He stated he made the statement regarding no motions were made and no votes were taken once the Board returned to public session.

MOTION

Mr. Banks made a motion the Board approve the minutes of the March 12, 2009 meeting as amended. Mr. Rose seconded the motion, which carried unanimously.

2. Approval of Reciprocity Candidates for Licensure:

Dates: March 13, 16, 24, 25, April 1, 6, 7, 16, 17, 21, 24, 29, May 5, 7, 10, 19, 20, 28, June 2, 16, 22, 2009

MOTION

Mr. Bradham made a motion the Board approve the reciprocity candidates for licensure. Mr. Bushardt seconded the motion, which carried unanimously.

- ❖ Recovering Professional Program - Frank Sheehan Introduction of New Medical Director, Dr. Jim Graham

Mr. Frank Sheehan introduced Dr. Jim Graham who is a medical director with the Recovering Professional Program (RPP).

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

Mrs. Bundrick gave the following administrator's report:

Good Morning Mr. Chairman and members of the Board

- As you are aware, the Board of Pharmacy meeting is being audio and video taped with live feed to the Board's web site via the new Granicus system. The meeting's link will be available on the Board's web page for review in the future.
- I am pleased to announce that Governor Sanford has appointed Mr. J. Addison Livingston to the Board of Pharmacy with his term commencing June 30, 2009 and expiring June 30, 2015. He represents the 2nd Congressional District. We look forward to working with Mr. Livingston in his new role.
- Normally at this point of my report, I update you on statistics regarding the renewals of pharmacist licenses, pharmacy technician registrations and pharmacy permits. Since, the Office of Licensure and Compliance's Medically Related Renewal Division is now responsible for all renewals, I will defer to Mr. David Christian, who is on the agenda later this morning. He will be updating you with statistics on the renewal process as well as the initial licensing process.
- As requested at the last Board meeting, staff mailed you a copy of the Office of Licensure and Compliance contact list on March 17, 2009. When we receive an updated version from OLC, we send Board members a copy.
- There is an On-Line Service Change: When a licensee uses the online service to change their address, it will now be automatically changed in the ReLase system. Before now, A licensee would make the change, submit the request and an e-mail would

- Continuing Education audit notices were sent out by the Office of Licensure and Compliance. Once received, they were sent to the Board of Pharmacy staff to perform the actual audit. Upon review, there was a question on how to handle the licensees that did not respond or failed the audit. I have a recommendation from Mr. Turner and the IRC later in the meeting on this matter.
- As of this report we have approximately 2,646 active state-certified pharmacy technicians and 5,205 active registered pharmacy technicians. We have approximately 6,400 active licensed pharmacists, approximately 3,545 permitted facilities and 3 Electronic Prescribing Routing Companies. These numbers may vary because as you know we are in the middle of renewals.
- The Pharmacist Inspectors have conducted 455 inspections since the last Board Meeting:
 - ◊ Pharmacy Permit Inspections 243
 - ◊ Non-Dispensing Drug Outlet Permit Inspections 138
 - ◊ EMP Permit Inspections 12
 - ◊ Medical Gas/DME Permit Inspections 62
- Of the 455 inspections, 50 New Permits were issued.
- 7 Citations have been issued since the last Board Meeting
- 48 Reciprocity Interviews have been conducted since the last Board Meeting. 43 of the 48 reciprocity interviews have been done by Board staff.
- The BOP has 20 current pending investigations. Of these 4 are major investigations.
- As you are aware, LLR investigators have had difficulty in obtaining information from DHEC BDC regarding the Prescription Monitoring Program (PMP). LLR and DHEC BDC have come to an agreement and are developing guidelines on obtaining this information for investigations.
- The Compounding Pharmacist FTE is posted. Recently, I was sent the names of eight candidates. I am in the process of reviewing the applications to set up interviews.
- 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 Ms. Lauren Taylor was on rotation at the Board office.

- The South Carolina Pharmacy Association has offered us an opportunity to have an exhibit booth at the upcoming Pursuit of Pharmacy Excellence Convention starting Friday. Please drop by and see us at the Exhibit Hall. I would like to thank Mr. Cinquaconchay in advance for partnering with the Board in an effort to improve public awareness of the Board and It's duties and responsibilities.

- Mr. Wilbur Harling and I completed the new questions assignment for the MPJE State Specific Law Exam on specific competencies requested and/or any changes to the law. These questions were submitted to NABP on June 5, 2009.

- My staff and/or I have participated in the following meetings since the March meeting:
 - Telephone IRC with Mr. Turner on March 19, 2009
 - Board staff attended a meeting on March 23, 2009 on an Overview of OLC
 - Board staff attended a meeting on the Introduction and Demonstration of the new Licensure Management System on March 31, 2009
 - Ms. Cle Sanders attended LMS Tablet Demonstration for New Software on April 13, 2009
 - OBB staff meeting on April 16, 2009
 - I participated in a Medical Professional Panel on April 17, 2009
 - Legal, Ms. Sanders and I participated in a conference call with SC DMH on April 22, 2009
 - Ms. Sanders met with Community Consultant Pharmacist regarding Patient Assistance Program Medications, Samples and Documentation on April 23, 2009.
 - The Proposed Central Fill Regulation was posted in the State Register on April 24, 2009.
 - Board Staff meeting on May 4, 2009
 - Compounding Committee on May 5, 2009
 - Technology Committee on May 5, 2009
 - Pharmacy Practice Committee on May 5, 2009
 - Nuclear Pharmacy Committee on May 5, 2009
 - I attended a meeting about the Immunization Bill at LLR with the Medical Association, the Medical Board, the SCPhA, and other interested parties with Representative Kit Spires to try to work out our differences to possibly move the bill forward on May 6, 2009.
 - Mr. Davis Hook, Mr. David Banks and I attended a meeting with the SC Society of Health System Pharmacists, SC Pharmacy Association Board, NACDS, Technical Colleges, and other interested parties with Representative Kit Spires to try to work out our differences to possibly move the bill forward on May 6, 2009.
 - Mr. Ernie Shuler presented Introduction to Pharmacy Law to pharmacy technicians at the Professional Medical Training Center in Florence on May 7, 2009
 - Ms. Cle Sander worked with Mr. Theo Washington in Computer Services on re-configuring the New Permits for Field Printing on May 12, 2009.

- Mr. Bobby Bradham, Mr. Henry Rose, Dr. Leo Richardson and I attended the NABP 105th Annual Meeting in Miami, FL May 16-19, 2009
 - Pharmacy Technician Committee on May 22, 2009
 - Continuing Education Committee on May 22, 2009
 - Ms. Cle Sanders met with the Midlands Disaster Planning Group on May 26, 2009.
 - Staff attended Record Retention Meeting on May 28, 2009
 - Telephone IRC with Mr. Turner on May 28, 2009
 - Mr. Hook, Ms. Dantzer and I participated in a Conference Call with NACDS about their comments on the Proposed Central Fill Regulation on May 29, 2009.
 - Ms. Sanders met with Charleston ENT Physicians concerning possibly opening a pharmacy for their practice on June 3, 2009
 - Ms. Sanders met with MUSC concerning USP 797 construction issues on June 4, 2009.
 - Telephone IRC with Mr. Turner on June 15, 2009
 - Mr. Bryant and I met with Senator Knotts, DMH representative and National Home Direct representative about the proposed Senate Bill S.838 on June 18, 2009.
 - Ms. Sanders, Ms. Gould and Ms. Boguski attended the True Colors Workshop on June 18, 2009.
 - Mr. Bryant and I participated in a Conference Call with the Leadership of the Board, Mr. David Christian, Mr. Dwight Hayes and Ms. Roselind Bailey Glover of OLC on June 18, 2009 to discuss issues with reciprocity, licensure and interns.
- Staff has attended agency, board staff, compliance staff and legal counsel meetings.
 - The deadline for the 3rd 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 denial letter to Mr. Thomas French concerning request from Apria Healthcare regarding outdates and the verification of hydrostatic testing of medical gas tanks, a letter to Medco Health Solutions, Inc Pharmacy Services regarding the use of the Care Plus Improvement Plus OTC Card in South Carolina and that the only way to honor this card would be to contact the patient's physician for a legitimate prescription, a letter to The Honorable Larry Martin from Ms. Adrienne Youmans regarding LLR's budget and an update on the NABP-AACP District III Meeting and the budget information.
 - 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.

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

Overview of LLR's Customer Care Center – Connie Huffstetler

Mrs. Connie Huffstetler briefed the members on the agency's customer care center.

❖ **Update on OLC – David Christian, III, Assistant Deputy Director**

Mr. David Christian, III, Assistant Deputy Director of the Office of Licensure and Compliance (OLC), introduced the managers in his area and briefed the Board on the Office of Licensure and Compliance. He noted the Board had shared concerns with meeting the June 30th deadline for permits to be issued. He believes the office is on target for meeting that deadline and that the office is working on approximately 30 permit renewals at this time.

Mr. Christian stated the licensure system now allows candidates the ability to review what documentation has been provided or is pending in the licensure process.

Mrs. Annette Disher briefed the Board on the pharmacist renewal process. She noted the office mailed 4,584 pharmacist renewal notices and 1,693 pharmacist-in-charge (PIC) renewal notices, for an estimated total of 6,277 renewal notices. Of those notices mailed OLC has renewed 6,157 pharmacists. One hundred seventeen pharmacist licenses lapsed, two pharmacists have retired and one pharmacist is deceased. She noted these figures were through April 30, 2009.

Mrs. Disher stated OLC mailed 4,988 pharmacy technician renewal applications, 2,517 certified pharmacy technician renewal applications, totaling 7,505 applications. As of June 23, 2009 OLC had renewed 2,357 pharmacy technician registrations and 1,870 certified pharmacy technician registrations. There are approximately 3,378 pharmacy technicians which have not yet renewed. She noted the office is processing registrations daily.

Mrs. Disher stated OLC mailed 3,388 pharmacy permit renewal forms. She noted as of June 23, 2009 2,880 pharmacy permits have been renewed and approximately 508 facilities have not yet renewed. She noted seven facilities have closed.

Mrs. Disher did not break down the online renewals by pharmacists and pharmacy technicians; however, 5,328 pharmacist licensees renewed online during March 2009, in April 2009 1,767 pharmacists renewed online. In May 2009 2,118 individuals renewed online and in June 2009 948 individuals renewed online. She stated approximately 10,000 individuals have renewed online.

Mr. Mobley asked Mrs. Disher what the turn around time is regarding paper renewals. Mrs. Disher stated she did not have the statistics on the turn around time, although paper renewals usually take a longer period of time to process. She said the office attempts to turn the renewal application around in ten to 14 days.

Mr. Christian stated the Boards are recognizing postmarks. He went on to say a large influx of renewals is received at the beginning of a renewal period and again at the end of a renewal period. He noted such a large amount of mail will affect the turn around time in processing the renewals.

Mr. Christian stated the Board had previously discussed pharmacy intern licensure. He further stated the office had made a determination regarding true interns and individuals who are not truly interns. He went on to say the office had a debate regarding an out of state licensed pharmacist requesting an intern license in South Carolina. He further stated Mrs. Bundrick and some of the executive staff would discuss this matter with the Board later in the meeting. He stated the statute clearly states an individual cannot obtain a temporary license.

Mr. Christian stated some individuals who have submitted initial pharmacist applications are waiting six to eight months to take the MPJE; however, he would not draw a conclusion in this matter. He went on to say he asked Mrs. Bundrick to ask the candidate why it took so long to schedule the MPJE when conducting the interview. He noted he found it is taking the candidates six to eight months to take the exams.

Mr. Hook stated there are interns who have not yet taken the NABPLEX or the law exam but who have obtained residency programs within the state who are true interns. He noted these individuals are not licensed in another state and are eager to take the NABPLEX and MPJE exams.

Mr. Bradham stated he has learned of a problem with an intern moving to the Charleston area from another state who is attempting to obtain a pharmacy intern registration. He said the individual had scheduled a date to take the NABPLEX and the MPJE, however, the problem was that she needed to work for her employer to obtain training. He went on to say when the individual contacted OLC she was informed she need to register as a pharmacy technician, which would put the pharmacist/technician ratio out of whack. He went on to say Mr. Bryant assisted him with that intern. He stated he was informed 30 individuals in the upstate area were attempting to obtain intern registrations. He contacted the office on June 23, 2009 and learned there are over 20 individuals still waiting on those licenses. He said most all of those individual are scheduled to take either the NABPLEX or the MPJE.

Mr. Christian stated that discussion was held on Friday and those licenses are now being printed by Ms. McDaniel and Ms. Young.

Mr. Bradham asked Mr. Christian how many intern licenses are now pending. Mr. Christian stated he does not know that answer. Mr. Bradham stated he had heard there were 191 intern licenses pending and asked if that number was accurate. Mr. Christian stated the applications could be pending for a number of reasons. He does not want to go on record as to why the applications are pending. Mr. Bradham asked if that number of applications is accurate. Mr. Christian stated he does not know the number.

Mr. Rose stated employers would not hire individuals as interns without the certificate or license. He further stated the individuals entering South Carolina to complete hospital residency programs must start July 1 and will not be paid if they do not begin on July 1. He is sure the chain drug stores have the same process.

Mr. Christian stated he did not know of the July 1st deadline for hospital residencies.

Mr. Bushardt asked if there is protocol in place in where there is a problem with the application. Mr. Christian replied affirmatively. He stated a letter is sent to the applicant notifying the individual of what documentation is lacking. He went on to say there is a problem with the last page of the application which is the Affidavit of Eligibility, which identifies the individual's social security number and allows staff to know if the individual can work in South Carolina. Mr. Bushardt stated he has been in contact with an individual who has been assisting his daughter in obtaining her intern license since April 2009.

Mr. Mobley questioned Mr. Christian regarding the approximately 200 students who are waiting on intern certificates. He further stated those students are eligible for those certificates 90 days prior to entrance of pharmacy school by statute. He noted those students who have not received their registrations have missed 30 days of accumulating work hours toward

experience. He stated some of the individuals who are interns did not renew technician registration because they have applied for intern certificates. He noted he has spoken with one individual who received a letter informing her the application was missing the Affidavit of Eligibility; however, when she checked online she saw the application was missing the verification of school. He said it's not fair for the interns to pay for two licenses when only one is needed.

Mr. Mobley questioned Mr. Christian on the assurance quality control process within OLC. Mr. Christian stated the office has established an assurance quality control manager within OLC; however, no benchmarks have been set yet. Mr. Mobley asked if that individual will collect data to make benchmarks. Mr. Christian answered affirmatively and stated the new licensing database will also set benchmarks.

Mr. Mobley asked if any information regarding licensees was lost during the transition from the Board to OLC. Mr. Christian stated he does not know where some information is.

Mr. Mobley stated the second day of the meeting usually involves signing of licenses, which is not on the agenda for this meeting. Mrs. Crouch emailed Ms. Renee Young who stated there were no licenses to be signed.

Mr. Mobley asked Mr. Christian during the transition how many individuals received the wrong licenses, such as a pharmacy technician receiving a pharmacist license. Mr. Christian stated he did not know.

Mr. Mobley questioned Mr. Christian how he feels customer care is in OLC in the year since that office has been in place. Mr. Christian stated he does not think he has received 10 emails from the board members.

Mr. Mobley stated he was reviewing the forms and applications on the website and he does not remember the Board having reinstatement applications. Mrs. Bundrick stated OLC developed the reinstatement form because in past years board staff had been handling reinstatements on renewal forms and penalties and according to the Board's policy and procedure. Mr. Dwight Hayes briefed the Board on the development of the reinstatement form. Mr. Mobley stated the Board usually approves any forms which are used for licensure. He feels the Board should be involved in approving forms and applications.

Mr. Mobley asked Mr. Hayes what created the authority OLC has to issue licenses, registrations and permits and if the Board gave that authority to OLC. Mr. Christian stated it is in the statute and deferred that matter to Ms. Dantzler.

Mr. Mobley read a portion of the minutes of the March 12, 2009 minutes and asked Mr. Christian if he felt this was a correct assessment. . . . "Discussion ensued about on-line information and Mr. Christian stated the Office of License and Compliance (OLC) want of 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." Mr. Christian stated he feels there is misrepresentation in the minutes regarding Board staff because the individuals introduced to the Board work on behalf of the Board of Pharmacy.

Mr. Bradham stated his store recently hired three pharmacy technicians who have been accepted to pharmacy school. He further stated those individuals knew that on or about May 20, 2009 the intern applications were mailed to the office. He instructed the individuals to mail the documents via certified mail. He reviewed at least one of the applications prior to mailing and found it to be complete. He said none of the three have yet to receive intern registrations. He instructed the individuals to renew the pharmacy technician registrations. He further stated another pharmacy intern mailed the intern application in and the check was cashed on June 5, 2009; however, she has not received the certificate. She contacted OLC and was informed the office was behind in handling intern licenses and that she had best renew her technician registration.

Mr. Christian encouraged all licensees to utilize the online services.

4. Compliance and Inspectors Report

IRC Recommendations for Dismissals and Dismissals with Non-disciplinary Letters of Concern. Review of proposed Consent Agreements, Temporary Suspensions, and Voluntary Surrenders from the Investigative Review Committee. (IRC)

- Consent Agreements
Case #: 2008-51

MOTION

Mr. Toole made a motion the Board approve the consent agreement involving case #2008-51. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2008-54

MOTION

Mr. Bradham made a motion the Board approve the consent agreement involving case #2008-54. Mr. Banks seconded the motion, which carried unanimously.

Case #: 2008-60

MOTION

Mr. Banks made a motion the Board approve the consent agreement involving case #2008-60. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2008-65

MOTION

Mr. Bradham made a motion the Board approve the consent agreement involving case #2008-65. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2008-67

MOTION

Mr. Banks made a motion the Board deny the consent agreement and take no action involving the case #2008-67. The motion died due to lack of a second.

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

Case #: 2008-83

MOTION

Mr. Banks made a motion the Board approve the consent agreement involving case #2008-83. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2008-87

MOTION

Mr. Rose made a motion the Board approve the consent agreement involving case #2008-87. Mr. Toole seconded the motion, which carried unanimously.

Case #: 2008-142

MOTION

Mr. Bradham made a motion the Board approve the consent agreement involving case #2008-142. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2009-2

MOTION

Mr. Bradham made a motion the Board defer this consent agreement to executive session. Mr. Banks seconded the motion, which carried unanimously

Case #: 2009-52

MOTION

Mr. Banks made a motion the Board approve the consent agreement involving case #2009-52. Mr. Bradham seconded the motion, which carried unanimously.

- Agreement to Relinquish

Case #: 2007-55

MOTION

Mr. Banks made a motion the Board accept the agreement to relinquish in case #2007-55. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2008-69

MOTION

Mr. Rose made a motion the Board accept the agreement to relinquish in case #2008-69. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2008-105

MOTION

Mr. Banks made a motion the Board accept the agreement to relinquish in case #2008-105. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2009-24

MOTION

Mr. Bradham Mr. Bradham made a motion the Board accept the agreement to relinquish in case #2009-24. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2009-31

MOTION

Mr. Bradham made a motion the Board accept the agreement to relinquish in case #2009-31. Mr. Bushardt seconded the motion, which carried unanimously.

- Voluntary Surrender

Case#: 2009-23

Mr. Hanks stated the voluntary surrender involving case #2009-23 was for the Board's information and that no action was necessary.

IRC Report

Mrs. Bundrick stated the IRC Report from June 24, 2009 had one case for dismissal and two cases for formal complaints.

Dismissal

MOTION

Mr. Banks made a motion the Board the Board approve the IRCs recommendation on the dismissal. Mr. Mobley seconded the motion, which carried unanimously.

Formal Complaints

MOTION

Mr. Bradham made a motion the Board approve the first formal complaint on the June 24, 2009 IRC report. Mr. Rose seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board approve the second formal complaint on the June 24, 2009 IRC report. Mr. Rose seconded the motion, which carried unanimously.

❖ Resolution Guidelines Report

MOTION

Mr. Banks made a motion the Board approve the first case involving a consent agreement. Mr. Rose seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board approve the second case involving a consent agreement. Mr. Bradham seconded the motion, which carried unanimously.

MOTION

Mr. Bradham made a motion the Board accept the third case involving a consent agreement. Mr. Banks seconded the motion, which carried unanimously.

MOTION

Mr. Banks moved to accept the fourth case which involves a dismissal. Mr. Bradham seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board accept the fifth case which involves a dismissal. Mr. Bradham seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board accept the sixth case which involves a dismissal. Mr. Bradham seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board accept the seventh case which involves a dismissal on the resolution guidelines report. Mr. Mobley seconded the motion, which carried unanimously.

MOTION

Mr. Rose made a motion the Board accept the eighth case which involves a dismissal on the resolution guidelines report. Mr. Banks seconded the motion, which carried unanimously.

Dismissals with Letters of Concern

MOTION

Mr. Banks made a motion the Board accept the 14 cases involving dismissals with letters of concern. Mr. Rose seconded the motion, which carried unanimously.

❖ **Proposed Consent Order Terms for CE Audit Failure**

Mrs. Bundrick presented the members with a proposed consent order terms for CE audit failures from Mr. "C" Turner, the Board's IRC chairman. She stated during the last IRC meeting a discussion ensued on how to handle continuing education audits where a licensee or registrant failed or did not respond appropriately. The IRCs recommendation to the Board is to present the licensee or registrant with a consent agreement with the following terms:

1. Continuing education audit failure or inappropriate response for a pharmacist - \$500 fine and submit copies of continuing education certificates for the next two renewal periods.
2. Continuing education audit failure or inappropriate response for a pharmacy technician - \$250 fine and submit copies of continuing education certificates for the next two renewal periods.

MOTION

Mr. Bradham made a motion the Board accept the recommendation, in addition the pharmacist must complete 15 live hours of continuing education and complete the SC Pharmacy Association's law, ethics and medication error continuing education course within six months and the pharmacy technician must complete 10 live hours of continuing education and complete the SC Pharmacy Association's law, ethics and medication error continuing education course within six months and that the fine for the pharmacist be reduced to \$250 and the fine for the technician be reduced to \$100. Mr. Rose seconded the motion, which carried unanimously.

Request Release from Board Order – Randall H. Arledge, R.Ph.

Randall H. Arledge entered into a consent agreement dated June 16, 2004 for diversion of prescription medication while employed as a pharmacist. The consent agreement placed Mr. Arledge's license in a probationary status for five years provided he met all terms and conditions of the consent agreement. On March 19, 2009 the Board received a letter from Mr. Arledge seeking the Board's approval to be released from probation and all aspects of the consent agreement. In a letter dated April 23, 2009 Paulette Bentley of RPP states Mr. Arledge has been compliant with his agreement and that all of the drug screens have been negative. RPP supports Mr. Arledge's request to be released from the consent agreement.

Randall Arledge and Paulette Bentley of RPP appeared before the Board and offered testimony.

MOTION

Dr. Richardson made a motion the Board approve Mr. Arledge's request. Mr. Mobley seconded the motion, which carried unanimously.

Request Release from Board Order – Darryl A. Mast, R.Ph.

Darryl A. Mast entered into a consent agreement with the Board on June 24, 1999 for the distribution of a quantity of anabolic steroids while employed as a pharmacist. The consent agreement suspended Mr. Mast's license for an indefinite period of time after which he must demonstrate three years of continuous compliance of the consent agreement prior to petitioning the Board for reinstatement of his license. Mr. Mast petitioned and appeared before the Board

on September 22, 2004 for modification of the consent agreement. The modification of the consent agreement allowed Mr. Mast to receive a pharmacy intern certificate which required supervision of a South Carolina licensed pharmacist; however, he would continue to be subject to all requirements of his RPP contract and he could not serve as a PIC or permit holder of any location. On May 1, 2009 the Board received a letter from Mr. Mast asking the Board to release him from the RPP program and the June 24, 1999 consent agreement.

Paulette Bentley of RPP appeared before the Board to offer testimony.

Mrs. Bentley stated Mr. Mast could not attend this meeting due to extenuating circumstances and that his wife was present.

Mrs. Mast stated Mr. Mast was called to the pharmacy early this morning as a result of the wife of the other pharmacist went into labor.

MOTION

Mr. Banks made a motion the Board release Mr. Mast from his order. Dr. Richardson seconded the motion, which carried unanimously.

Request Release from Board Order – James C. Rivers, R.Ph.

On June 16, 2004 J. Clifford Rivers entered into a consent agreement with the Board following a diversion of Phentermine while employed as a pharmacist. The consent agreement stayed suspension of Mr. Rivers' license and placed the license in probationary status provided he met with all terms and conditions of the consent agreement. On May 1, 2009 the Board received a letter from Mr. Rivers seeking the Board approval to be released from his consent agreement. The Board also received a letter from Jon Davidson of RPP supporting Mr. Rivers' request.

J. Clifford Rivers and John Davidson appeared before the Board to offer testimony.

Mr. Rivers believes he has done well.

Mr. Graham supports Mr. Rivers in his request.

MOTION

Mr. Bradham made a motion the Board approve Mr. Rivers' request. Mr. Bushardt seconded the motion, which carried unanimously.

Request Release from Board Order – Jason M. Clark, R.Ph.

On June 16, 2004 Jason Clark entered into a consent agreement with the Board following diversion of Oxycontin while employed as a pharmacist. The consent agreement stayed suspension of Mr. Clark's license and placed the license in probationary status provided he met with all terms and conditions of the agreement. The Board has received a letter from Mr. Clark seeking the Board's approval to be released from the consent agreement. The Board has also received a letter from Paulette Bentley of RPP supporting Mr. Clark's request.

Jason Clark and Paulette Bentley appeared before the Board to offer testimony.

Mr. Clark stated he has done well with the help of RPP.

MOTION

Mr. Mobley made a motion the Board approve Mr. Clark's request. Mr. Bushardt seconded the motion, which carried unanimously.

5. Old Business

□ Response to Attorney General's Opinion

Mr. Hook stated the Board had asked for an opinion from the Attorney General's office regarding licensure issues. He read his letter to Mr. Henry McMaster, the Attorney General, which states:

"May 1, 2009

*The Honorable Attorney General Henry McMaster
Post Office Box 11549
Columbia, SC 29211-1549*

Dear Mr. McMaster:

The SC Board of Pharmacy met on March 12, 2009 and was informed by the director of the Office of Licensure and Compliance within the Department of Labor, Licensing and Regulation (LLR) regarding the new process by which Pharmacists, Pharmacy Technicians and Pharmacies receive licenses, registrations and permits respectfully. The director indicated during his presentation that his department "issued" these licenses, registrations and permits. The Board also learned that this was a separate department within LLR. This office has no employees assigned to the SC Board of Pharmacy directing or supervising the licensure, registration and permitting. It is separate from the Board of Pharmacy and has no Pharmacist employed within its office.

The Board is concerned about issues relating to public safety and the Board's ability to govern and regulate resulting from the Office of Licensure and Compliance's issuance of the licenses, registrations, and permits. Specifically S.C. Code of Laws Title 40 Chapter 43 Pharmacists Section 40-43-60 (D)(1) states that the Board shall regulate the practice of pharmacy. Also Section 40-43-60 (D)(9) of the SC Pharmacy Practice Act states that the Board shall license in accordance with this chapter pharmacists who shall practice in this State and permit all facilities which possess or dispense drugs in this State. Section 40-43-81 of the SC Pharmacy Practice Act outlines transfer of pharmacist licenses from other jurisdictions; reciprocity required. Section 40-43-82 of the SC Pharmacy Practice Act outlines the registration process for pharmacy technicians.

Until the change occurred within Labor, Licensing and Regulation and the Office of Licensure and Compliance was created, the Board of Pharmacy was able to directly regulate and protect the public in regards to improper licensing, registration or permitting. At the March Board of Pharmacy meeting, the Board voted to unanimously direct the Chairman of the Board of Pharmacy to request an opinion regarding the legality of a separate office, which has no supervision, or governance from the Board of Pharmacy in regards to the issuance of licenses, registrations, and permits previously under the Board of Pharmacy supervision.

Thank you for your consideration of this matter.

Davis Hook, Jr. RPH
Chairman, SC Board of Pharmacy

cc: Members, SC Board of Pharmacy”

Mr. McMaster’s response to the Board states, in part:

“Conclusion

The Legislature, through the Pharmacy Practices Act, granted specific authority to the Board to issue licenses, issue permits, and register those persons and entities engaged in the practice of pharmacy. However, we found nothing in the Pharmacy Practices Act or any provision in the law generally governing LLR and the regulation of professions and occupations giving similar authority to LLR or a department within LLR. Although, pursuant to section 40-1-50(F), the Board may delegate its authority to issue licenses to LLR, we are not aware of the Board transferring such authority. Therefore, we are of the opinion that while LLR is generally responsible for “administrative, fiscal, investigative, inspection, clerical, secretarial, and license renewal operations . . .” for the Board it does not have authority to issue licenses for the practice of pharmacy, issue permits for facilities dealing with prescription drugs, or register pharmacy technicians as required by law.”

Mr. Mobley stated the record should reflect that the unanimous vote directing the chairman to send the letter was of Board members and that no Board staff or employee of LLR was involved in the decision.

Mr. Hook asked Mrs. Dantzler what direction the Board should take to implement the Attorney General's opinion. Mrs. Dantzler stated she must first submit a copy of the opinion to the director's office prior to advising the Board on this matter.

□ Reciprocity Interviews and Licensing

Mr. Hook asked if there were any complaints regarding the reciprocity process. Mr. Mobley stated he interviewed a candidate and returned the information to the office. He further stated the candidate contacted him approximately one week later informing him the candidate had received a license with another individual’s name on it. He contacted Mr. Christian and asked him to research the matter. He went on to say Mr. Christian said his quality assurance area would review the matter. He said the candidate received a corrected license approximately seven days later.

Mr. Durant stated he has conducted reciprocity interviews for approximately three weeks and has interviewed approximately 27 candidates. He and Mrs. Bundrick stated there have been no problems with the issuance of licenses following the interviews.

Mr. Mobley asked how the interviews are being handled logistically. Mrs. Bundrick stated it is very time consuming. She also stated the Board may want to ask Mr. Hook to conduct interviews following the expiration of his term with the Board.

Mr. Bradham stated he would ask the reciprocity candidates their thoughts on the interview process and was usually informed that the candidates liked the process as it allowed them to

meet with real estate agents and others in their district. He asked why the process has now changed.

Mr. Hook stated there were a couple of concerns including the candidates meeting with individuals who are not state employees and meeting in a private setting which may compromise someone's privacy. He noted the option of interviewing candidates in districts is still an option.

Mrs. Bundrick stated when Mrs. Crouch contacts the candidates regarding the interview the individual is given the option of being interviewed at the office or by a Board member in the respective district. She noted several of the candidates choose to interview with the Board members. She noted if the candidate wants the license the day of the interview the interview must take place at the Board's office.

Mr. Bradham noted when he had an issue of needing a license as soon as possible following an interview the license was provided to him to distribute following the interview.

Mr. Hook stated the Board may be able to inform the agency in advance when an interview would take place and a license could be sent to the member to issue following the interview.

- CE Requirements for Pharmacists and Technicians for a Two Year License

Mr. Hook stated the Board should be able resolve this matter.

Mrs. Bundrick stated this matter would be brought before the Board in the Continuing Education Committee's report.

- Technicians Attending Pharmacist CE

This matter will be handled during committee reports.

Board of Nursing's Revised Position Statement on Joint Pain – Lee Ann Bundrick, R.Ph.

Mrs. Bundrick stated she is providing a revised position statement from Mrs. Joan Bainer, Administrator of the Nursing Board, has informed her the Board of Nursing has revisited the position statement of joint pain and has made revisions. She further stated the Board supported and approved the original statement.

MOTION

Mr. Rose made a motion the Board approve the Board of Nursing's revised position statement on joint pain. Mr. Banks seconded the motion, which carried unanimously.

6. New Business

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Patterson Logistics Services, Sean Muniz and Nancy Strand

The Board received a non-resident wholesale/distributor and/or manufacturer application from Patterson Logistics Services, Inc. dated November 3, 2008. The application could not be approved at staff level because the applicant answered yes to the question asking, "To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused or revoked for violations of any pharmacy laws?" The application reflects eight violations regarding facilities in Alabama, Missouri, and Florida. The violations include failing to renew a permit, relocating a facility and continuing to operate without providing timely notice to the Board,

possessing returned supplies without appropriate registration, not adequately monitoring temperature and meeting minimum recordkeeping requirements, acquiring an existing business without a valid permit during the transition for purchasing prescription drugs from an establishment not permitted with a state board, failure to authenticate and provide pedigree papers to recipients, operating without a certified designated representative and listing a designated representative who had resigned. The facility has also received notice that the Florida Board of Pharmacy intends to deny the facility's application and alleges the facility distribute prescription drugs after its permit expired on July 31, 2007, and distributed prescription drugs without providing complete and accurate pedigree. An agreement has been reached, a fine imposed, and a revised application will be submitted.

Sean Muniz and Nancy Stroud appeared before the Board to offer testimony.

Mr. Muniz stated the company currently has a pharmacy in South Carolina and that the application is a renewal for the facility.

MOTION

Mr. Banks made a motion the Board approve the application. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Medco at Home, LLC, Rod Presnell

On February 3, 2009 the Board received a non-resident pharmacy permit application from Medco at Home, LLC, which is located in Franklin Lakes, New Jersey. The applicant answered yes to the question asking, "Have you ever had disciplinary action taken against you, a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?" Within the last five years Medco and its facilities have been subject to regulatory actions resulting in fines or penalties of \$1,000.00 or more for dispensing and licensing issues. Since the application contained a yes answer, it could not be approved at staff level and the company was notified by letter dated February 13, 2009 that the Board would review the application during this meeting and asked that a representative be present to answer questions from the members.

Bryan Olenik and Rod Presnell appeared before the Board to offer testimony. The company deals mainly with mail order prescriptions.

Mr. Hook stated the Board would expect a policy and procedure in regard to the integrity of the prescription drugs.

MOTION

Mr. Rose made a motion the Board approve the application. Mr. Bradham seconded the motion, which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Meds for Vets, Jan Erickson

On March 5, 2009 the Board received a non-resident pharmacy permit application from Meds for Vets, which is located in Sandy, Utah. The application reflects a yes answer to the question asking if the applicant has any pending disciplinary action. The facility has action pending by the Drug Enforcement Administration (DEA) involving record keeping. The applicant states no criminal charges would be filed.

Jan Erickson appeared before the Board to offer testimony.

Ms. Erickson stated the facility is a veterinarian facility. She went on to say an associate she had trained did not continue to complete documentation as instructed. A settlement was reached and the company voluntarily surrendered its license. She stated most of the drugs are prescription and involve compounding.

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

Request Approval of Reciprocity Application – Earl Campbell

On February 26, 2009 the Board received a reciprocity pharmacist application from Earl Campbell. Mr. Campbell answered yes to the questions asking, "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?", "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?", and "Are you presently or have you within the past five years ever participated in a chemical substance rehabilitation program?" Mr. Campbell noted on his application that he entered into a consent agreement with the Virginia Board of Pharmacy in January 2008 for diversion of Ultram tablets for personal and unauthorized use. His criminal history report reflects a misdemeanor charge of obtaining drugs by false pretense. He completed rehabilitation on August 8, 2008.

Earl Campbell appeared before the Board to offer testimony.

Mr. Campbell stated he answered yes to the question because of a consent order with the Virginia Board of Pharmacy.

Ms. Bentley stated Mr. Campbell enrolled with RPP the week of June 15, 2009.

MOTION

Mr. Mobley made a motion the Board discuss this matter in executive session. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Reciprocity Application – James Glass

On April 7, 2009 the Board received a reciprocity pharmacist application from James Glass. Mr. Glass answered yes to the questions asking, "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" and "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?" On December 16, 2006 he was approached by store security and was told he had been observed removing prescription drugs from the pharmacy. He admitted to diverting the drugs and began seeing a psychiatrist and a family counselor on his own accord. After completing a first time offender program and twelve months of probation no charges were formally processed. He successfully passed the New Mexico MPJE on December 12, 2008 and his license remains in good standing.

James Glass appeared before the Board and offered testimony.

MOTION

Mr. Bradham made a motion the Board approve Mr. Glass' application. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Reciprocity Application – Mary Mischel

On June 6, 2008 the Board received a reciprocity pharmacist application from Mary Mischel. Ms. Mischel answered yes to the question asking, "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" In 1995 while employed as a pharmacist in Iowa Ms. Mischel received a prescription by telephone, which was interpreted incorrectly, which resulted in a child receiving the wrong medication. The Iowa Board of Pharmacy was notified and disciplinary action was taken. She was placed on probation but was allowed to practice during that time.

Mary Mischel appeared before the Board to offer testimony.

MOTION

Mr. Banks made a motion the Board approve Ms. Mischel's application. Mr. Bushardt seconded the motion, which carried unanimously.

Update of Increased Abuse of Prescription Medications – Cheri Crowley, DEA

Ms. Crowley stated DEA has received two applications for automatic dispensing machines (ADMs) in nursing home type facilities. She stated it has come to DEAs attention that there is no state authorization for ADMs currently in South Carolina long term care facilities. The existing DEA, Bureau of Drug Control and Board of Pharmacy licenses are for hospices. She had been working with Mrs. Bundrick and had spoken to the Board when the Board was doing the test programs and the Board was going to authorize the machines. However, no agency has proposed or inserted language in the regulations regarding the use of these machines. Technically the controlled substances in place at the six or seven hospice/long term care facilities approved by the Board are in violation of the law and technically should be removed from the facilities. She stated DEA could remove the controlled substances, but would not do so. She believes it was never determined whether the Bureau of Drug Control or the Board of Pharmacy would draft the regulations. She noted the ADMs must be managed by a retail pharmacy. A second DEA and Board of pharmacy license are needed for the machine in a facility. Currently there is only one license for the pharmacy and the machine in the facilities, which is not the intent of the change in the federal regulations. DEA can no longer approve the machines in long term care facilities or hospices if the facilities store controlled substances. She stated there are three locations in SC which must be brought into compliance as they are being serviced by an out of state pharmacy, which are mailing Schedule IIs. The nurses are receiving the medications, filling the machines and maintaining the documentation. These locations have a consulting pharmacist who visits the facilities to ensure everything is in compliance. The facilities were able to store controlled substances in a locked cabinet prior to the automatic dispensing machines.

Mrs. Bundrick stated the Board may need to file emergency regulations in regard to this matter.

Ms. Crowley stated within the past couple of weeks asked for a report on controlled substances such as Oxycontin as compared with other states. She spoke at length regarding the National Survey on Drug Use and Health and its findings regarding diversion of pharmaceutical controlled substances. She noted the diversion of controlled substances is second only to

marijuana. She asked the members to notify DEA of health care professionals who are prescription laundering.

The Board asked Ms. Crowley if she could produce an article for the upcoming newsletter regarding the illegal diversion by health professionals.

Update on Drug Stockpiles for Pandemics – Joanne Epley, R.Ph.

Ms. Epley presented an MOA to the Board for signature regarding stockpiling for pandemics which was discussed during the November 2008 meeting. She noted Ms. Dantzler has approved the MOA and just needs the signature of the chairman.

Mrs. Epley and Mrs. Susan Williams briefed the Board on the current epidemic.

LUNCH

The Board recessed for lunch at 1:55 p.m. and resumed public session at 2:30 p.m.

New Business (Continued)

Request Approval of Pharmacy Technician Registration Application – Tabitha Bryan

On March 20, 2009 the Board received a pharmacy technician registration application from Tabitha Bryan. Ms. Bryan answered yes to the questions asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" and "Is there any legal action pending against you or are you currently on probation for any charges or legal action?" In July 1999 Ms. Bryan was found guilty of petit theft and was sentenced to six months of probation. She was ordered to perform 40 hours of community service, to take a shoplifting course, and make restitution.

Tabitha Bryan appeared before the Board and offered testimony.

The Board stated she would need a document stating she has the 1,000 of work experience.

MOTION

Mr. Rose made a motion the Board approve Ms. Bryan's application. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Tammy Sass

On January 9, 2009 the Board received a pharmacy technician registration application from Tammy Sass. Ms. Sass answered no to the questions asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" and "Is there any legal action pending against you or are you currently on probation for any charges or legal action?", however, her criminal history report shows a first offense of criminal domestic violence. Her explanation states her ex-husband was arrested at the same time and he was ordered to attend anger management classes. She attended classes for victims of domestic violence.

Tammy Sass appeared before the Board and offered testimony.

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

Request Approval of Pharmacy Technician Registration Application – LaTasha Williams

On February 12, 2009 the Board received a pharmacy technician application from LaTasha Williams. Ms. Williams answered yes to the questions asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" and "Is there any legal action pending against you or are you currently on probation for any charges or legal action?" In August 2006 she was charged and convicted of simple possession of marijuana and was ordered to pay court charges.

LaTasha Williams appeared before the Board and offered testimony.

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

Request Approval of Pharmacist Examination Application – Todd Burnett

On May 13, 2009 the Board received a pharmacist application from Todd Burnett. Approximately two years ago Mr. Burnett was issued a ticket for drinking in public for having an open container in the parking lot of an apartment complex. He pleaded no contest and was fined for the offense.

Todd Burnett appeared before the Board and offered testimony.

MOTION

Mr. Toole made a motion the Board approve Mr. Burnett to take the NABPLEX. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Karessa Graham

The Board received a pharmacy technician registration application dated March 18, 2009 from Karessa Graham. Ms. Graham answered yes to the questions asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" and "Is there any legal action pending against you or are you currently on probation for any charges or legal action?" Ms. Graham's criminal history report reflects an arrest and conviction for harassment and was ordered to pay a fine. The criminal history report also reflects an arrest and conviction for public disorderly conduct and was again ordered to pay a fine.

Karessa Graham appeared before the Board and offered testimony.

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

Request Approval for One Pharmacist to Supervise Two Facilities – Family Pharmacy, and Aiken Compounding Pharmacy, Jay Watts and Tracie Mims

On May 27, 2009 the Board received a request from Jay Watts and Tracie Mims of Family Pharmacy and Aiken Compounding Pharmacy seeking the Board's approval to have one pharmacist as PIC of both locations.

Jay Watts and Tracie Mims appeared before the Board and offered testimony.

Mrs. Clelia Sanders stated they are asking if one pharmacist could supervise both facilities.

MOTION

Mr. Mobley made a motion the Board approve the request for one pharmacist to supervise both facilities. Mr. Bradham seconded the motion, which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Young Acquisitions Company, Bob Seal And David Ruch

On March 17, 2009 the Board received a non-resident wholesale/distributor and/or manufacturer application from Young Acquisitions Company. The applicant answered yes to the questions asking, "Have you ever had an application for a drug distributor permit, pharmacy or pharmacist license, permit or certificate or a technician license or registration, denied, refused or revoked in South Carolina or any other state or country?" and "Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?" Biotrol International, LLC entered a settlement agreement with the Florida Board of Pharmacy in which the company neither admitted nor denied the violations. The company was not permitted in Florida at the time of the violations and was ordered to pay a fine. The company was issued a license on August 14, 2008 which will expire on August 31, 2010.

David Ruch appeared before the Board to offer testimony.

None of the drugs are Class II and most of the drugs are over the counter (OTC).

MOTION

Mr. Banks made a motion the Board approve the application pending VAWD accreditation. Mr. Rose seconded the motion, which carried unanimously.

Approval of Accredited Schools and Colleges of Pharmacy, Certified by the American Council on Pharmaceutical Education Pharmacy School Student Curriculum

Nancy Culbertson and Randy Rowan appeared before the Board.

Mr. Rowan noted there are approximately 110 individuals attending school on the Columbia campus and approximately 80 individuals attending school on the Charleston campus. He hopes to have full accreditation for the College of Pharmacy by the summer of 2010.

Ms. Culbertson stated the school had received complaints from the students regarding labs. She noted the school has adjusted the schedule to relieve the students of attending two labs in one semester. She presented the members with a document regarding the school and highlighted some of the items contained in the document. She school is permitted as a non-dispensing drug outlet; however, the products are not used for human consumption.

MOTION

Mr. Rose made a motion the Board approve the USC College of Pharmacy. Mr. Banks seconded the motion, which carried unanimously.

South University

Mr. William Wendt of South University in Savannah appeared before the Board. The school is ACPE accredited and is an accelerated program. The school hopes to expand into South Carolina. The school would begin with 65 students and could expand to 90 students. The school hopes the first class will begin on June 14, 2010. The Savannah campus currently has 94 students.

Request Approval of Pharmacy Technician Registration Application – Rossie Martin

The Board has received a pharmacy technician registration application dated June 1, 2009 from Rossie Martin. Ms. Martin answered yes to the questions asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" and "Is there any legal action pending against you or are you currently on probation for any charges or legal action?"

Rossie Martin appeared before the Board to offer testimony.

Ms. Martin attempted to make restitution on the check; however, it had already been turned over to the magistrate's office. She has had the matter expunged from her record.

MOTION

Dr. Richardson made a motion the Board approve Ms. Martin's pharmacy technician registration application. Mr. Banks seconded the motion, which carried unanimously.

The Board and FDA Regulations – Tenny Moss, R.Ph.

On June 15, 2009 the Board received a letter from Tenny Moss of Moss Pharmacy and Nutrition Center in regard to the regulation of the practice of pharmacy and asked to be placed on the agenda for this meeting.

Mr. Moss discussed the May 2009 newsletter article regarding lunch hours for pharmacists and employs of a pharmacy. He stated the school of pharmacy calls for one hour lunch for interns. He asked how the Board could set guidelines for lunch hours.

Mr. Moss is concerned and distressed that Policy and Procedure #133 regarding OTC compounding is being deleted as a result of the Food and Drug Administration regulations and USP 795 standards that would require a physician-patient-pharmacist relationship with prescriptions.

Mr. Hook stated the Board's intent regarding the policy and procedure regarding lunch was for those pharmacies that cannot close the store.

Mr. Moss stated he had been making deodorant, which he can no longer make it according to the newsletter. This matter was referred back to the compounding committee and will be discussed during the next meeting.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer – Arrow International Inc.

On March 5, 2009 the Board received a non-resident wholesale/distributor and/or manufacturer application from Arrow International, which is located in Asheboro, North Carolina. The applicant answered yes to the questions asking, "To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?" and "Have you ever violated drug laws, rules statutes and/or regulations of South Carolina, or any other state or country or the United States?" In February 2008 the company agreed to pay a \$2,750.00 fine to the Florida Department of Health. Since the application could not be approved at staff level the company was notified by letter dated April 9, 2009 that a representative would need to appear before the Board to answer questions the members may have regarding the application.

Mike Tygertte appeared before the Board and discussed the Florida violation, which was a pedigree violation. He stated the company received notice of another violation from the Florida Department of Health on Thursday, June 18, 2009 and now faces a \$10,000 fine.

MOTION

Dr. Richardson made a motion the Board approve the application pending the outcome of the latest violation. The motion died due to lack of a second.

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

Request Approval of Non-Resident Pharmacy Application – Cantrell Drug Company, James McCarley

On April 8, 2009 the Board received a non-resident pharmacy permit application from Cantrell Drug Company. The applicant answered yes to the question asking, "To the best of your knowledge, has the applicant ever been charged, convicted, fined or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor in South Carolina or any other state, or in a United States court for any offense relating to drugs, narcotics, controlled substances, or alcohol, whether or not a sentence was imposed?" Since the application could not be approved at staff level a letter dated April 22, 2009 was mailed to the company stating a representative must be present during the meeting to answer questions regarding the application from the members.

The company asked that it be allowed to appear during the next scheduled meeting.

Request Approval Pharmacy Technician Registration Application – Sonya Wilson

The Board received a pharmacy technician registration application dated May 14, 2009 from Sonya Wilson. Ms. Wilson answered yes to the questions asking, "Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?" and "Is there any legal action pending against you or are you currently on probation for any charges or legal action?" Ms. Wilson's criminal history report reflects misdemeanor fraudulent check charges and convictions, a misdemeanor criminal domestic violence charge, and a violation of protective order.

Ms. Wilson was unaware of the charge and thought money was in the bank. Her ex-husband withdrew more money than she thought. She believes the checks happened within one week. She has a position with a pharmacy if approved for registration.

The Board deferred this matter to executive session.

Committee Report

- Recovering Professional Program – Dr. Richardson, Davis Hook, R.Ph.

Mr. Frank Sheheen and Mr. Rick Wilson appeared before the Board and discussed the June 12, 2009 RPP meeting. RPP is currently monitoring over 500 participants, of which 66 are pharmacists. He noted pharmacy technicians have also been enrolled in the program.

Discussion Topics

There were no discussion topics.

Public Comments

No public comments were made during this meeting.

Executive Session

MOTION

Mr. Bradham made a motion the Board enter executive session to seek legal advice. Mr. Banks seconded the motion, which carried unanimously.

Public Session

MOTION

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

Mr. Hook noted for the record that no official action was taken during executive session. He also noted that Addison Livingston, a pharmacist who has been elected to the Board and will begin serving his term on July 1, 2009 observed the members during executive session; however, he did not participate in the discussions.

Case # 2008-67

MOTION

Mr. Mobley made a motion the Board approve the case as presented. Mr. Rose seconded the motion, which carried unanimously.

Case #2009-2

MOTION

Mr. Bushardt made a motion the Board deny the consent agreement as written but to approve a consent agreement with no PIC or permit holder recommendation. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Meds for Vets

MOTION

Mr. Mobley made a motion the Board request of Mr. Meetze copies of policies and procedures in regard to sterile and non sterile compounding for review by staff, policies and procedures regarding provision of compounding products to practitioners, and policies and procedures regarding shipping and storage of compounded and non-compounded medications for staff to review and if compliant with staff, the Board will issue a license. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Reciprocity Application – Earl Campbell

MOTION

Mr. Bradham made a motion the Board approve with Mr. Campbell's application with the condition that Mr. Campbell come under RPP for five years and that during that time he not serve as PIC or permit holder. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Tammy Sass

MOTION

Dr. Richardson made a motion the Board approve Ms. Sass' application. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – LaTasha Williams

MOTION

Dr. Richardson made a motion the Board approve Ms. Williams' application. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Karessa Graham

MOTION

Mr. Banks made a motion the Board approve the application. Mr. Mobley seconded the motion, which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer – Arrow International Inc.

MOTION

Mr. Bushardt made a motion the Board approve the application. Mr. Rose seconded the motion, which carried unanimously.

Request Approval Pharmacy Technician Registration Application – Sonya Wilson

MOTION

Mr. Rose made a motion the Board approve Ms. Wilson's application. Mr. Bradham seconded the motion, which carried unanimously.

Adjournment

MOTION

Mr. Mobley made a motion the meeting be adjourned. Mr. Rose seconded the motion, which carried unanimously.

The June 24, 2009 meeting adjourned at 5:43 p.m.

MINUTES
South Carolina Board of Pharmacy
Board Meeting

9:00 a.m., June 24-25, 2009
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, June 25, 2009

Meeting Called to Order

Davis Hook, R.Ph., chairman, of West Columbia, called the regular meeting of the SC Board of Pharmacy to order at 9:03 a.m. Other Board members participating in the meeting included: Allen Toole, R.Ph., vice chairman, of Liberty; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City; Hugh Mobley, R.Ph., of Lancaster, and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Investigator; Clelia Sanders, R.Ph., Pharmacist Investigator and Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel, Office of General Counsel; Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, Office of General Counsel; and Angela Scott, Administrative Assistant.

Members of the public attending the meeting included: Carmelo Cinqueonce, Ivy Coleman, Addison Livingston, Joe Mullinax, Thomas Phillips, Ed Vess, and Rick Wilson.

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. This notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

Mr. Hook noted Dr. Leo Richardson was excused from today's meeting.

Invocation

Mr. Bushardt delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Board Members and all other persons attending

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

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

Mr. Hook made no remarks at this time.

Hearings

In the Matter of, Tami D. Knight, PhT

This proceeding was recorded by a court reporter in order to provide a verbatim transcript should one be needed in accordance with the law.

Mr. Banks recused himself from participating and voting in this matter.

MOTION

Mr. Rose made a motion the Board revoke Ms. Knight's registration. Mr. Bradham seconded the motion, which carried unanimously.

At this time Mr. Hook read into the record a document from David Christian, III regarding pharmacy interns. Mr. Hook gave the document to Mrs. Bundrick for the record.

The letter states:

*"To: Davis Hook, Jr. RPH
Chairman*

*From: David Christian, III, Assistant Deputy Director
Office of Licensure and Compliance*

*cc: Adrienne R. Youmans
Randy Bryant
Lee Ann Bundrick
Sharon Dantzler*

Re: The Issuance of Pharmacy Intern Certificates

The Office of Licensure & Compliance (OLC) would like to address your concern regarding the issuance of Pharmacy Intern Certificates.

Since our inception in 2008, OLC has initiated safeguards within the licensing process to ensure that all licenses, certificates, permits and registrations are issued in accordance with board statutes.

I've discovered through extensive research that the most outstanding deficiency for Pharmacy Intern Certificate applicants is the following:

*Students submit their application for Intern Certificates prior to receiving their official pharmacy school acceptance letter. Applicants apparently do not know the difference between **a letter of acceptance** and **a contingency letter** from their pharmacy school. From my research, it appears that the contingency letters were accepted in the past by the Pharmacy Board prior to OLC managing the licensing process.*

*Today, however, OLC follows the requirements of SC Code of Laws, Title 40, Chapter 43, Pharmacists **Section 40-43-84**. When a contingency letter is submitted with an intern application instead of the official acceptance letter, a deficiency letter is sent to the applicant. Internship certificates are not released until the official pharmacy school letter of acceptance is received. When a matter*

is contingent it is a possibility but the result is not assured, the outcome is uncertain (Black's Law Dictionary).

SC Code of Laws, Title 40, Chapter 43 Pharmacists, Section 40-43-84:
Internship and externship certificates; program requirements; intern and extern restrictions; requirements for supervisory site and pharmacist.

*(A) No intern/extern may receive credit for practical experience unless he has been issued a certificate by the board. **Such certificate must be granted ONLY to individuals who have been ACCEPTED by or graduated from an approved college of pharmacy**, but no sooner than three months before beginning pharmacy school. No credit shall be given for internships worked more than three months before beginning pharmacy school or if the student does not matriculate."*

Election of 2009-2010 Board Officers

MOTION

Mr. Mobley made a motion the Board elect Mr. Toole as chairman. Mr. Bushardt seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board elect Mr. Bradham as vice chairman. Mr. Bushardt seconded the motion, which carried unanimously.

Election of 2009-2010 IRC Chairman

MOTION

Mr. Bushardt made a motion the Board elect Mr. C Turner as the IRC chairman. Mr. Rose seconded the motion, which carried unanimously.

Election of 2009-2010 Hearing Panel Officers

MOTION

Mr. Banks made a motion the Board elect Mr. Hook and Mr. Joe Mullinax as hearing panel officers. Mr. Bradham seconded the motion, which carried unanimously.

Report of NABP's 104th Annual Meeting, May 16-20, 2009, Miami, FL – Bobby Bradham, R.Ph.

Mr. Bradham and Mr. Rose briefed the members on the NABP annual meeting held May 16-20 in Miami, Florida. Over 40 states now have regulations regarding pharmacy technicians. A big topic discussed was multi-state licensure which will happen in the future. The 2010 annual meeting will be held in Anaheim, California.

Elect Delegate for District III NABP/AACP Meeting, August 2-4, 2009 in Lexington, KY

MOTION

Mr. Toole made a motion the Board elect Mr. Bradham as the delegate for the District III NABP/AACP meeting. Mr. Bushardt seconded the motion, which carried unanimously.

Representative for MALTAGON (no dates or location at this time)

Mrs. Bundrick stated this meeting is usually held in September. She further stated MALTAGON is attempting to determine location and dates. She went on to say she would e-mail the members once the location and date have been determined.

The members determined it would select a representative once the information has been received regarding the date and location.

June 2010 Board Meeting Dates

MOTION

Mr. Bradham made a motion the Board approve the following meeting dates for 2010. Mr. Bushardt seconded the motion, which carried unanimously.

January 20-21, 2010

March 17, 2010

June 16-17, 2010

September 15-16, 2010

November 17, 2010

Pharmacy Coupon Abuse – Davis Hook, R.Ph.

Mr. Hook stated Mr. Joe Newton had received information from physicians regarding coupons.

Mr. Newton stated he received a call from a physician who has concerns regarding transfer coupons some of the chain pharmacies are distributing. He went on to say it is creating problems in his office as the program is spreading the prescriptions over two to three pharmacies.

MOTION

Mr. Mobley made a motion the Board issue a statement to be published in the Small Doses newsletter that the encourages patients to use a single pharmacy source for medications so that they can be subject to drug utilization review, medication management, and potential avoidance of life threatening interactions and receive counseling, and that using opportunities provided by businesses to move from business to business creates health risks and hindrance of that ability, and the purpose for which the pharmacist serves. Mr. Rose seconded the motion, which carried unanimously.

Student Intern Certificate Program – Davis Hook, R.Ph.

Mr. Hook stated he received a call from Dean Rowan asking if the Board could issue intern certificates with no expiration date. He suggested renewals on a semi-annual or on an annual basis and require the students answers questions.

Mr. Bradham suggested representatives from college of pharmacy campuses, staff members and Board members meet to collectively discuss the issue.

Mr. Hook stated he would represent the Board on a task force to discuss this matter.

Mr. Newton asked the Board if there should be a moratorium on the yes answer for something which happened 20 years prior. Mrs. Bundrick stated she believes that's the way the agency developed the applications. She further stated the initial application contains a question asking if the applicant has ever been arrested and the renewal form contains a question asking if the individual has been arrested within the past year. She said the resolution guidelines allow staff to dismiss first time DUI arrests; however, a second offense requires the applicant to appear before the Board or go through the IRC.

Elect Delegate for NABP Symposium, Tucson, AZ, December 3-4, 2009

MOTION

Mr. Mobley made a motion the Board elect Mr. Rose, Mr. Bradham, Mrs. Bundrick and an inspector as attendees for the NABP symposium. Mr. Banks seconded the motion, which carried unanimously.

Committee Reports

- Pharmacy Technician – David Banks, R.Ph., Al Toole, R.Ph., Dan Bushardt, R.Ph., Davis Hook, R.Ph.

This committee had no report.

- Compounding – Hugh Mobley, R.Ph., Bobby Bradham, R.Ph., Davis Hook, R.Ph.

Mr. Mobley stated the committee met on May 5, 2009. However, the committee could take no action as there was no quorum present. The committee asked for an increase of committee members. Ivy Coleman, Davis Hook, Bobby Bradham Keith Albert, Addison Livingston, Sarah Braga, Joel Melroy, and Varner Richards are individuals who have expressed interest in serving on the committee. Mr. Mobley will send a request to Tenny Moss asking him to serve on the committee.

Mr. Mobley stated the committee postponed action on the USP <795> and <797> inspection forms pending recommendations from USP. The committee also discussed quality assurance for USP <795> and the fact that businesses should have internal training. He went on to say there are websites available, which should be utilized on a regular basis for FAQs. He went on to say the committee discussed negative compounding, flavoring and re-flavoring.

Mr. Mobley hopes to schedule a meeting in August.

- Legislative – Al Toole, R.Ph., Bobby Bradham, R.Ph., Dr. Richardson, Hugh Mobley, R.Ph.

Mr. Toole stated the committee has not met. He asked that anyone who wishes to serve on the committee to contact him. Mr. Cinqueonce stated the PBM bill is sitting in the legislature and hopes more sponsors will attach their names to the bill. He stated the association has been working with the medical community in regard to the immunization bill and have made some minor revisions. He further stated the association is working on a technician education requirement bill and is working with the health system pharmacists on this matter.

Mr. Cinqueonce stated language was added to a livestock bill regarding compounding, specifically for polo horses. He further stated the language basically requires a pharmacist certify the ingredients in the compounding and sets penalties against the pharmacist if the certification is not completed. The certification would not be required at any time other than prior to a polo match.

Ms. Ivy Coleman asked if the Board sees anything happening since DHEC would not be providing rabies vaccines after July 1, 2009. A brief discussion on this matter ensued.

Mr. Hook asked Mr. Cinqueonce regarding the proviso exempting mental health facilities from the provisions of the statute. Mrs. Bundrick stated there is now a bill which has been introduced and read once regarding the exemption of mental health facilities from the provisions of the statute. She further stated she and Mr. Bryant met with Senator Jake Knotts, Dr. Banks, the medical director with the Department of Mental Health, and a representative from National Home Direct during the week of June 15-22, 2009. She went on to say that they have concerns regarding handling medications for the indigent population in clinics when the physicians do not

own the medications. She said she and Mr. Bryant have agreed to researching the possibility of developing a MOA with the Department of Mental Health in this matter. She also stated Mr. Mobley and Mr. Toole participated in a leadership conference call meeting later that afternoon, directed that staff work with the Department of Mental Health on the MOA. She also noted the bill would not go forward as long as development was made toward an MOA.

Mrs. Bundrick stated the bill regarding the FQHCs has not been introduced; however, the proviso has gone through for another year. She noted the Board may want to attempt to move the bill forward otherwise the proviso would be codified and become law.

Mr. Cinqueonce stated the legislature has attempted to codify the proviso. He noted the proviso could become law in three years and this was the third year for the proviso.

Mr. Rose asked if the central fill regulation has moved through the process. Mrs. Bundrick replied negatively. She noted that during her administrator's report there had been a meeting with the National Association of Chain Drug Stores and have reached a consensus on language, which should now be in the process. Mr. Cinqueonce stated the language was entered into the docket on June 24, 2009. He further stated if no comments are made the legislature may let the language sit there until it becomes law. Mrs. Bundrick stated the NACD wanted to allow the medication to be shipped directly to the patient's home, but they were able to talk them out of that stipulation.

- Medication Errors – Dan Bushardt, R.Ph., Davis Hook, R.Ph., Dr. Richardson

This committee had no report.

- Nuclear Pharmacy – Dock H. Rose, R.Ph., Bobby Bradham, R.Ph. Hugh Mobley, R.Ph.

Mr. Rose stated the committee met on May 5, 2009. During the meeting the committee approved the minutes from the previous committee meeting. Mrs. Sanders discussed the agreement with the nuclear pharmacists regarding <797>. He went on to say Mrs. Sanders believes the nuclear pharmacists are moving toward compliance.

- Pharmacy Practice – Dock H. Rose, R.Ph., David Banks, R.Ph., Hugh Mobley, R.Ph.

Mr. Rose stated the committee met on May 5, 2009. Mrs. Sanders discussed individuals acting as physicians entering computerized orders for patients using their own log-in, which allows pharmacies to enter orders prior to the physicians' computerized co-sign of the order. Mrs. Sanders has spoken with Mr. Wilbur Harling of DHECs Bureau of Drug Control who stated he has no problem with the committee's decision. She stated letters have already been mailed informing the companies of the decision.

The committee discussed the use of pyxis machines when issuing medications for different patients without returning the medication for the original patient. Mrs. Sanders stated DHEC is saying okay and that it was tracking the medication.

Mr. Rose noted Mrs. Sanders also discussed medical gas expiration. Mrs. Sanders stated letters have not yet been sent as staff wanted to conduct further research prior to sending the letter to the providers. She also stated the matter would be taken back to the committee prior to the September Board meeting.

Mr. Rose stated Pam Cain discussed policies and procedures regarding remote order entry. Mrs. Bundrick stated this matter was moved to the Technology Committee.

The committee also discussed the letter sent to Medco and the fact that no response has yet been received. An article regarding this matter was placed in May 2009 newsletter.

The committee discussed the minor changes NABP had made to VAWD; however, VAWD cannot be enforced since it is not included in the statute.

Mr. Rose stated he presented Mrs. Bundrick with documentation regarding the DEA emergency schedule refill rule.

The committee discussed the Board's approval of the policy and procedure regarding pharmacy lunch breaks, the inspection form regarding changing the inspection forms for the detention centers, which are issued non-dispensing drug outlet permits, posting the facility's permit in public view, repackaging patient's own medication for nursing homes, and the SC Supreme Court decision on sales tax on durable medical equipment (DME). Other topics discussed during the meeting included temperature controls while shipping medications with manufacturers and physician offices owned by hospitals in regard to medication dispensing and who owns the medications in the pharmacies within these offices. Mrs. Sanders will discuss this matter with general counsel and develop a policy and procedure to be reviewed by the committee members.

MOTION

The Committee made a motion the Board approve the inspection form regarding detention centers. Since the motion came from committee, no second was needed. The motion carried unanimously.

- Pharmacy Technology – Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., David Banks, R.Ph.

Mr. Bradham stated the committee met on May 5, 2009. The committee approved the work flow balance pilot project for Publix.

MOTION

The committee made a motion to approve the work flow balance project for Publix. Since the motion came from committee no second was needed. The motion carried unanimously.

Mrs. Bundrick stated Mr. Cobb notified her that the project may be delayed as result of the installation of a new computer system.

The committee reviewed the auto label and verify machine at PCI during the meeting but did not vote on the matter. An email vote of the committee has since taken place and the committee's decision was to deny the request. He noted the committee expressed concerns with the request and that the main concern is of all of the prescriptions going to the nursing home, only two percent of the prescriptions would receive an in-check verification by the pharmacist, despite all safety precautions.

MOTION

The committee made a motion the Board deny PCI the permission to use the auto label and verify machine to fill prescriptions. Since the motion came from committee, no second was needed. The motion carried unanimously.

The committee reviewed the remote order entry policy and procedure but has not yet proposed language in regard to this matter. Mr. Bradham has had an opportunity to ask questions where this practice was being done when he attended the NABP meeting. He briefed the Board on the entry process while the individual works from home. He believes the Board would have to approve entering data whether it is from hospitals or in retail prior to developing language regarding this matter.

The committee has asked that the newsletter contain an article that remote order entry must be completed in South Carolina permitted facilities. The Board approved a policy and procedure (#146) during the March 2009 meeting, however, it was then returned to the committee for further review.

The Board determined the newsletter should contain an article that remote order entry must be completed from permitted facility to permitted facility in South Carolina. The Board approved a policy and procedure (#146) during the March 2009 meeting, however, it was then returned to the committee for further review.

The committee discussed ScriptPro's telepharmacy program. ScriptPro did not appear during the committee meeting; however, the company sent documentation for the committee's review. The committee made note of the fact that the committee is utilizing ScriptPro for the indigent pharmacy for the FQHC programs.

The committee was going to discuss the CVS centralized call center; however, Bill Irvan could not attend the meeting and asked that the matter be deferred to the next meeting.

- VAWD – Dan Bushardt, R.Ph., Al Toole, R.Ph.

Mr. Bushardt stated the committee may change its name since it is now more pedigree. He stated the committee had been holding off on VAWD legislation at this time as the federal government may develop universal legislation. He went on to say since that legislation has not been developed the committee would develop language regarding VAWD/pedigree. He is looking at expanding the committee and would include a wholesale representative. He hopes the committee will meet prior to the September 2009 meeting.

Mrs. Bundrick asked that legislation be drafted in regard to VAWD/pedigree as companies are entering South Carolina since appropriate legislation is not in place.

- Continuing Education – David Banks, R.Ph., Davis Hook, R.Ph.

Mr. Banks stated the committee met on May 22, 2009 and discussed several topics.

MOTION

The committee made a motion the support technician education and separate continuing education for pharmacists and technicians. Since the motion came from committee no second was needed. The Board voted unanimously to deny this motion.

The committee also discussed providing continuing education for attending a board meeting, which became more complicated. Mr. Banks stated the Board then discussed holding a mock hearing before the Board for continuing education.

MOTION

The committee made a motion the Board hold a mock hearing for continuing education. Since the motion came from committee no second was needed. The Board voted unanimously to carry this motion.

MOTION

The Committee made a motion the Board send letters to the schools of pharmacy requiring students to attend a Board of Pharmacy meeting at some time during their four years of school and prior to graduation.

MOTION

Mr. Banks made a motion the Board make the requirement of students attending a Board of Pharmacy meeting during school a policy. Mr. Rose seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board recognize both 'P' and 'T' for pharmacy technician continuing education. Mr. Mobley seconded the motion, which carried with a majority vote. Mr. Rose voted nay.

Discussion ensued on when to make the technician continuing education P or T effective. Any continuing education received after today would be effective.

MOTION

Mr. Rose made a motion the Board make the P or T retroactive to when P and T were separated. Mr. Mobley seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board insert in the newsletter that the Board of Pharmacy meetings are now available live on the Board's web page and will be cataloged for viewing at a later date.

Executive Session

MOTION

Mr. Mobley made a motion the Board enter executive session to seek legal advice. Mr. Banks seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Banks made a motion the Board return to public session. Mr. Bushardt seconded the motion, which carried unanimously

Mr. Hook noted for the record that no official action was taken during executive session. He also noted for the record that Mr. Addison Livingston, an individual whose term begins on the Board on July 1, 2009 sat with the Board during executive session but did not participate in the discussion.

MOTION

Mr. Mobley stated the Board of Pharmacy affirms its authority as granted by the South Carolina legislature to govern the practice of pharmacy and specifically to issue licenses, permits and registrations. He made a motion at this time in order to not compromise patient care and public safety, the Board of Pharmacy will not seek a legal recourse on licenses, permits and

registrations issued by another department other than the Board of Pharmacy. This action should be placed on the agenda and reviewed at the September Board meeting. Any license, permit, or registration which has been issued so far should be resent with the proper signatures to the appropriate people. Mr. Banks seconded the motion, which carried unanimously.

MOTION

Mr. Mobley made a motion that students who have been admitted to a college of pharmacy and have applied for pharmacy intern certificates should have those intern certificates sent to them no later than Friday, June 26th at 5:00 p.m. Furthermore, any questions regarding application eligibility should be reviewed by Board of Pharmacy staff or designee. Mr. Rose seconded the motion, which carried unanimously.

MOTION

Mr. Mobley made a motion the Board of Pharmacy should be in control of the issuance of licenses, permits and registrations as allowed by law. The Board does not transfer that authority to any other department or agency. Any changes to forms, applications, fees associated with licenses, permits, or registrations must be approved by the Board of Pharmacy or Board of Pharmacy designee with consultation with the Board. Furthermore, members of the Board of Pharmacy should continue to be provided with a physical license for signature as been done historically. Mr. Bradham seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion Mr. Mobley represent the Board in the discussion with agency staff in regard to issues outlined in Mr. Mobley's motions. Mr. Bushardt seconded the motion, which carried unanimously.

Review of Policies and Procedures

Mr. Bradham stated he responded to Mrs. Crouch's email regarding topics for this meeting stated he wanted to revisit the policy and procedure regard in regard to mail order prescriptions. He further stated if a pharmacy that fills 50,000 prescriptions mails an occasional prescription (10 or less) to patients that pharmacy may be subject to the same processes as a mail order business whose primary (or sole business) or mail order.

Mrs. Bundrick stated she thought this referred to a committee's motion regarding a question on the permit application.

Mr. Cinquence stated the association has received several calls from pharmacies in regard to policies and procedures regarding mailing one or two prescriptions. Mr. Bradham stated was not intent of the committee for a pharmacy to develop a detailed policy and procedure for mailing one or two prescriptions.

Mr. Rose suggested the pharmacies produce a statement reflecting the facility is following the USP guidelines. Mr. Cinqueonce suggested the association draft a statement for the Board's review in this matter. The Board agreed to review a statement from the association.

MOTION

Mr. Banks made a motion the Board amend Policy and Procedure #040 by stating, No recording and/or video devices shall be used during the closed or executive sessions of the Board of Pharmacy meetings. Mr. Mobley seconded the motion, which carried unanimously.

Mr. Rose stated he does not feel the Board follows Policy and Procedure #051. Policy and Procedure #051 discusses a pharmacist's license which has been modified by the Board requests early consideration of the reinstatement of licensure after suspension, voluntary surrender or any request for early termination or reconsideration of probationary conditions shall receive a form letter requiring the pharmacist to submit, in writing, the compelling reasons which he/she feels would warrant the Board's reconsideration. Upon receipt of the reasons, the chairman shall consider whether or not to deny or defer the request to the full Board.

Mrs. Bundrick stated she has been told the pharmacists have a right to petition the Board. She noted it is a fundamental constitutional right.

MOTION

Mr. Banks made a motion the Board amend Policy and Procedure #078 by adding number 5 Registered pharmacy technicians and state certified pharmacy technicians to count ACPE PT and ACPE T courses as continuing education. Mr. Toole seconded the motion which carried with a majority vote. Mr. Rose voted nay.

Mr. Bradham noted the Board is not enforcing Policy and Procedure #085, which states that two years is a reasonable amount of time in which all SC College of Pharmacy faculty members who have graduated from an accredited school of pharmacy must become licensed to practice pharmacy in South Carolina.

Mr. Banks reminded the members that Policy and Procedure #098 states that no board member or employee shall endorse or recommend any candidate for office or position as a representative of the Board. He finds it hard to be an individual when a board member. A brief discussion on this policy and procedure ensued.

Mr. Rose asked if the South Carolina schools teaching pharmacy technicians are required to possess a non-dispensing drug outlet permit in accordance with Policy and Procedure #101. He noted a school in the upstate has IV drugs.

MOTION

Mr. Bradham made a motion the Board amend Policy and Procedure #122 by adding or former Board administrators following former Board members. Mr. Banks seconded the motion, which carried unanimously.

MOTION

Mr. Mobley made a motion the Board amend the line of the last paragraph of Policy and Procedure #132 by changing annual to biannual basis. Mr. Bradham seconded the motion, which carried unanimously.

Mrs. Bundrick stated Policy and Procedure #133 has been deleted from the Board's web page and the committee will revisit this matter.

Mr. Banks stated Policy and Procedure #136 states pharmacy technicians renewing prior to June 1st will pay a \$25.00 fee with the application and technicians who do not renew prior to June 30th will be assessed a \$10.00 late fee. He asked Mrs. Bundrick if this policy is update. Mrs. Bundrick stated it is not right at this time. She noted the agency is currently requiring pharmacy technicians to pay \$50 since the licenses are on a biennial renewal basis and are charging a one time late fee of \$10. She noted the pharmacy technicians are not supposed to

be practicing if renewal fees have not been submitted. The Board deferred this policy and procedure to the September 2009 meeting.

Mrs. Bundrick stated the first bullet point in Policy and Procedure #138 refers to a training program reviewed by the CDC; however, the CDC does not review the training program.

MOTION

Mr. Mobley made a motion the Board amend Policy and Procedure #138 by deleting ~~reviewed by CDC~~ in the first bullet point. Mr. Bushardt seconded the motion, which carried unanimously.

Mr. Dwight Hayes asked the Board members if they plan to promulgate any of the policies and procedures into regulations. Mr. Hook replied negatively and stated the Board has been informed they would not hold up legally but could be used as guidelines.

Mr. Hayes stated any issues dealing with licensees must be in the statute or regulations to be effective.

MOTION

Mr. Mobley made a motion the Board have Mrs. Dantzler review the policies and procedures and that she provide an opinion during the September 2009 meeting. Mr. Banks seconded the motion, which carried unanimously.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Bushardt made a motion the meeting be adjourned. Mr. Banks seconded the motion, which carried unanimously.

The June 25, 2009 meeting of the SC Board of Pharmacy adjourned at 1:43 p.m.