

# South Carolina Board of Pharmacy

## Minutes

1:00 pm., May 18, 2010

Telephone Conference Call Meeting

Room 105

Columbia, South Carolina

### Meeting Called to Order

Allen Toole, R.Ph., chairman, of Liberty, called the telephone conference call meeting of the SC Board of Pharmacy to order at 1:05 p.m. Other Board members participating in the meeting by telephone: Bobby Bradham, vice chairman of Charleston, David Banks, R.Ph. of Simpsonville; Dan Bushardt, R.Ph. of Lake City, R.Ph.; Addison Livingston, PharmD. of Swansea; Dr. Leo Richardson of Columbia; Dock Henry Rose, R.Ph. of Greer. Hugh Mobley, R.Ph. of Lancaster attended the meeting in person.

Staff members participating during the meeting included: Randy Bryant, Assistant Deputy Director; Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Roz Glover, Office of Licensure and Compliance; Laura McDaniels, Office of Licensure and Compliance; and Dwight Hayes, Office of Licensure and Compliance.

Members of the public attending the meeting included: Robert Spires, R.Ph. and Alix Pandolfino.

Mr. Toole 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 at the two main entrances of the Kingstree Building.

### Pharmacy Intern Certificates

Mr. Mobley asked the OLC staff to give the Board members an update on the pharmacy intern and pharmacy graduate students.

Mr. Hayes stated at the present time OLC is issuing intern certificates only to students currently in school who need intern hours. He further stated OLC is not issuing certificates to individuals who have graduated from pharmacy school; however, OLC is issuing certificates to individuals who attended an out of state pharmacy school and do not have the required retail hours in South Carolina. He noted these certificates are being issued to those individuals to allow those individuals to complete their requirements for licensure.

Mr. Livingston stated he has a question regarding the current status of some individuals who attended out of state pharmacy schools and have applied for residency and their inability to receive an intern certificate which is needed to begin employment. He asked OLC for suggestions on what can be done to assist those individuals in gaining employment.

Mr. Bryant stated in discussion with the Board and management, the agency feels as though there is no statutory provision to issue intern certificates in certain areas as the Board has done under previous legal advice. He went to state he has discussed this matter with members of the Board and the precedence has been previously set regarding the issuance of the intern

certificates. He noted the agency will await motions from the Board in regard to this matter, but clearly the agency feels the previous issuance of the intern certificates was done improperly.

Mr. Livingston expressed concern over issuing intern certificates to individuals who were highly recruited and need to complete residency requirements.

Mr. Mobley stated he has been speaking with Mr. Bryant and Ms. Dantzler and expressed concern through them to Mrs. Youmans.

Mr. Spires asked Mr. Mobley and Mr. Bryant if this is the first year the intern certificates have been denied. Mr. Bryant replied intern certificates have been issued under some certificates; however, some certificates have been denied since the statute does not provide for those certificates to be issued. He urged the Board to make a motion regarding a legislative initiative in order to correct this issue.

Mr. Livingston asked Mr. Bryant if the agency would issue the certificates to individuals if the Board votes on such a motion. Mr. Bryant replied affirmatively.

#### **MOTION**

Mr. Mobley made a motion, based on past legal advice and precedent in issuing pharmacy intern certificates that the Board of Pharmacy requests that LLR/Office of Licensure and Compliance issue to graduate pharmacy students pursuing licensure in this state as well as graduate pharmacy students in resident programs pharmacy intern certificates so that these persons can pursue their licensure as well as further their education upon completion of a pharmacy intern certificate application in its entirety and all applicable fees. Mr. Banks seconded the motion and it carried unanimously.

#### **MOTION**

In addition, Mr. Mobley made a motion that the Board of Pharmacy or their designee seek both temporary and permanent solution to this issue. At the conclusion of the 2009-2010 Legislative Session, I move to request LLR/Office of Communication and Governmental Affairs to submit an Emergency Regulation that would accomplish the desire of the Board regarding pharmacy intern certificates and if needed a bill be pre-filed to amend the statute or regulation be promulgated to resolve this issue permanently. Mr. Bradham seconded the motion. After a brief discussion regarding whether or not an emergency regulation could actually be completed in this matter, the motion carried unanimously.

#### **MOTION**

Mr. Mobley stated any licenses/certificate issues which LLR/OLC is uncertain about or have questions regarding these applications should be handled by the Chairman of the Board in conjunction with the Administrator of the Board of Pharmacy. If LLR/OLC requires an authorized signature, I move that the Board of Pharmacy Administrator/Chief Drug Inspector be our designee. Mr. Livingston seconded the motion and it carried unanimously.

Mr. Mobley asked the staff members of OLC how the information discussed during this meeting regarding the issuance of these certificates would be disseminated within that department. He also asked that the Board members and the administrator be made aware of how this information will be exchanged within OLC. Mr. Hayes stated he does not know how this communication will occur, but it would occur.

Mr. Mobley stated the potential individuals being affected by the denial of certificates are contacting the Board members. He stated the members need to know what is going on with the certificates in order to answer questions from the individuals. He went on to state the Board members want to communicate with those individuals who have applied for the certificates and to those individual who have not applied for the certificates that the Board has authorized the issuance of those certificates. He asked Mr. Hayes how quickly those certificates can be issued or if those certificates can be issued by June 1<sup>st</sup>. Mr. Hayes was unable to answer that question.

Mr. Mobley stated the administrators of the residency programs will need to inform these individuals whether or not they can begin the residencies on June 1<sup>st</sup> or not. Mrs. Bailey-Glover stated the certificates could be issued fairly quickly once OLC knows for certain that the certificates would be issued.

Mr. Hayes asked the Board if they are saying they want intern certificates issued to every person coming into South Carolina to work as a pharmacist.

Mr. Mobley stated prior to 1998 the Board referred to these individuals as intern/externs. He noted the extern was the individual who had graduated academically and the intern was the individual who had not graduated academically. He further stated it appears in the current structure it is being interpreted that the intern certificates only belong to those who have not academically finished their course work and some hours of apprenticeship. He said the snafu of this matter began when the interpretation of this became that the Board cannot do this any longer if the individuals have completed their hours or they are not seeking hours or the individuals have graduated and have not entered into a residency program, which is a furthering of the educational component.

Mr. Mobley stated these individuals cannot work as pharmacy technicians because they cannot function in the residency programs in the technician capacity. He noted the interns could not work as technicians due to another section of the statute relating to the pharmacist / pharmacy technician ratio.

Mr. Hayes asked Mr. Mobley if the Board and staff are dealing only with the matter of externs. Mr. Mobley stated the members and staff are dealing with intern certificates. He further stated those individuals who have graduated academically and are either a) pursuing licensure within the next few months or b) the individuals who are in residency programs. He noted some of these individuals may or may not have completed the 1,500 hours.

Mr. Mobley stated the motion states to issue certificates to graduate pharmacy students pursuing licensure in South Carolina as well as graduate pharmacy students in resident pharmacy programs intern certificates so these individuals could pursue licensure as well as further their education upon completion of an intern certificate application in its entirety and payment of required fees. He noted there is no other avenue for the Board to take. He noted the Board is also seeking temporary and permanent resolution to this matter so it would not remain a problem.

Mr. Bryant stated he has been informed by the OLC administrative staff that a certificate could be issued within three days following the receipt of a completed intern certificate application with correct fees. He further stated that the Board members and staff should contact or disseminate information those individuals who have been denied certificates to reapply.

Mr. Mobley suggested contacting the administrators of the resident programs to notify the individuals.

Mr. Spires stated he has a list of all of the resident programs and the directors and he would disseminate these individuals immediately.

Mr. Hayes advised the Board that the issuance of these certificates is not supported by the statute and is not being done legally. He further stated the Board Chairman, Allen Toole, should draft a letter to the agency director, Mrs. Youmans, the Board is acknowledging they have been advised and that they are requesting that OLC issue intern certificates according to the motions.

Mr. Mobley asked that the June meeting agenda include statistics regarding the intern certificates.

### **Adjournment**

Mr. Bradham made a motion the meeting be adjourned. Mr. Banks seconded the motion, which carried unanimously.

The May 18, 2010 SC Board of Pharmacy telephone conference call meeting adjourned at 1:55 p.m.