

**South Carolina Board of Pharmacy Board
Meeting Minutes/Motions**

9:00 a.m. June 14-15, 2023
Synergy Business Park
110 Centerview Drive, Kingstree Building
Columbia, South Carolina

Wednesday, June 14, 2023

This meeting is being held in accordance with the Section 30-4-8 of the South Carolina Freedom of Information Act by notice sent 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 Board at the main entrance of the Kingstree Building.

BOARD MEMBER PRESENT:

Lauren Thomas, PharmD, Chair
Heather Harris, PharmD, Vice Chair
Archie McKnight, II, R.Ph.
Michael K. Bedenbaugh, PharmD
Mary Douglass Smith, PharmD
Laney Shuler Spigener, III, PharmD

EXCUSED:

Rebecca Gillespie, PharmD

SCLLR STAFF PRESENT:

Joseph Epting, Esq, Advice Counsel
Traci Collier, PharmD, Administrator/Chief Drug Inspector
Sheila Young, R.Ph., Staff
Stephanie Calhoun, Program Coordinator
Alison Gratton, R.Ph, Inspector
Bonnie Wilgus, R.Ph., Inspector
Douglas Murray, PharmD, Inspector
Martin Chan, PharmD, Inspector

REPORTED BY:

Christine Cortright, Court Reporter

APPROVAL OF MARCH 15, 2023 BOARD MINUTES

Motion: Mr. McKnight made a motion to accept the minutes. Dr. Bedenbaugh seconded the motion which carried unanimously.

APPROVAL OF RECIPROCITY CANDIDATES

Date: April 11, 2023, May 9, 2023 and June 13, 2023

Motion: Mr. McKnight made a motion to accept the reciprocity candidates. Dr. Bedenbaugh seconded the motion which carried unanimously.

ADMINISTRATOR'S REPORT-TRACI COLLIER, PHARMD

For information.

INSPECTOR'S REPORTS

For information.

FINANCE REPORT-TRACI COLLIER, PHARMD

For information.

Office of Investigations and Enforcement-Mark Sanders, OIE

IRC Statistical Report

For information.

IRC RECOMMENDATIONS

Dismissal (2)

Motion: Dr. Harris made a motion to accept the dismissals. Dr. Spigener seconded the motion, which carried unanimously.

Formal Complaint (2)

Motion: Dr. Harris made a motion to accept the formal complaints. Mr. McKnight seconded the motion, which carried unanimously.

Letter of Caution (1)

Motion: Dr. Harris made a motion to accept the letter of caution. Dr. Spigener seconded the motion, which carried unanimously.

RESOLUTION GUIDELINES REPORT

Formal Complaint (2)

Motion: Dr. Harris made a motion to accept the formal complaints. Mr. McKnight seconded the motion, which carried unanimously.

OFFICE OF DISCIPLINARY COUNSEL-PAT HANKS, ESQ.

ODC Statistical Report

For information

Consent Agreement(s)

Case# 2021-66

Motion- Dr. Harris made a motion to accept the consent agreement. Mr. McKnight seconded the motion, which carried unanimously.

Case# 2021-111

Motion- Dr. Harris made a motion to accept the consent agreement. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Case# 2022-61

Motion- Dr. Harris made a motion to accept the consent agreement. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Case# 2022-65

Motion- Dr. Harris made a motion to accept the consent agreement. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Case# 2022-67

Motion- Dr. Harris made a motion to accept the consent agreement. Mr. McKnight seconded the

motion, which carried unanimously.

Case# 2022-68

Motion- Dr. Harris made a motion to accept the consent agreement. Dr. Spigener seconded the motion, which carried unanimously.

Case# 2022-69

Motion- Dr. Spigener made a motion to accept the consent agreement. Dr. Bedenbaugh seconded the motion, which carried unanimously.

COMMITTEE REPORTS

Non-Resident Application Review-Sheila Young, R.Ph.

Discussion and update in transcript.

RPP Committee

Discussion and update in transcript.

Compounding Committee

Discussion and update in transcript.

Health System Committee

Discussion and update in transcript.

Pharmacy Technician Committee

Discussion and update in transcript.

Practice and Technology Committee

Discussion and update in transcript.

OLD BUSINESS

Updated Intern Policy

Update in transcript.

NEW BUSINESS

Information on NAPLEX-Jasmina Bjegovichh, NABP

Presentation in transcript.

DSCSA Update-Josh Bolin, NABP

Presentation in transcript.

NAPLEX/MPJE Attempts-Joseph Epting, Advice Counsel

Motion: Dr. Spigener made a motion to limit the exam attempts to five. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Introduction of New SCPhA CEO-Brian Clark, PharmD

Introduction in transcript.

OIE Reorganization-Donnell Jennings, Office of Investigations and Enforcement

Rescheduled for a later meeting.

Legislative Update-Katie Phillips and Holly Beeson, Communications and Governmental Affairs

Ms. Phillips provided information on the below legislation.

H3605-Complaint process
Criminal convictions
Pharmacy Technicians-apprenticeships
NTP PERMITS

Pharmacy Management bill passed May 16th
S120-Death penalty

Details in transcript.

NTP Legislation and Inspection Forms

Defer to September meeting.

Update Retail Inspection Form-Traci Collier, PharmD

Motion- Dr. Harris made a motion to accept the updated retail inspection form. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Update from NABP Annual Meeting-Mary Douglass Smith, PharmD and Heather Harris, PharmD

For information.

License Update

Staff will have DOT update the license with additional information.

Election of Chair and Vice Chair

Motion: Dr. Bedenbaugh made a motion to accept Heather Harris as the chair and Archie McKnight as the vice chair. Dr. Smith seconded the motion, which carried unanimously.

Appointment of Board Member for Confidentiality Review-Joseph Epting, Advice Counsel

Motion: Dr. Bedenbaugh made a motion to appoint the chair. Dr. Smith seconded the motion, which carried unanimously.

November 7-8, 2023 Intergovernmental working Meeting on Drug Compounding

Motion: Dr. Spigener made a motion to send Traci Collier, Michael Bedenbaugh and Joe Epting and an additional member to the meeting. Mr. McKnight seconded the motion, which carried unanimously.

Elect representatives to attend District 3, Sarasota, FL, September 10-13, 2023

Motion: Dr. Bedenbaugh made a motion to send Mary Douglass Smith, Heather Harris, Traci Collier and counsel to the meeting. Mr. McKnight seconded the motion, which carried unanimously.

Elect representatives to attend MALTAGON, Knoxville, TN, Oct 15-18, 2023

Motion: Dr. Smith made a motion to approve eight staff, legal counsel and one Board member to attend MALTAGON. Dr. Spigener seconded the motion, which carried unanimously.

Approval of legal counsel and one compliance staff to attend Legal Counsel and Compliance Forum, October 3-5, 2023, NABP Headquarters

Motion- Dr. Gillespie made a motion to approval legal counsel, and staff to attend the forum. Dr. Bedenbaugh seconded the motion, which carried unanimously.

NEW BUSINESS CONT.

Remote Order Entry-Heather Sharpe, PharmD, Winyah Pharmacy

Motion: Dr. Gillespie made a motion to discuss the matter in executive session under the advisement of legal counsel. Dr. Smith seconded the motion, which carried unanimously.

Dr. Gillespie made a suggestion to send the request to the Pharmacy Technician Committee so that the policy may be re-evaluated as it relates to technician duties.

Request Approval of Non-Resident Pharmacy Application-Gene Matthews and Beth Behrens, Legal Counsel-Op Pharmacy LLC

Motion: Dr. Bedenbaugh made a motion to discuss the matter in executive session under the advisement of legal counsel. Dr. Spigener seconded the motion, which carried unanimously.

Motion: Dr. Bedenbaugh made a motion to approve the application with a \$5,000 fine to be paid for shipping pharmaceuticals into South Carolina prior to being licensed. Additionally, it was noted that those pharmaceuticals were shipped prior to their appearance at the committee meeting. Dr. Spigener seconded the motion, which carried unanimously.

EXECUTIVE SESSION-LUNCH

Motion: Dr. Bedenbaugh made a motion to go into executive session for advice from counsel on previous matters. Dr. Harris seconded the motion, which carried unanimously.

Motion: Dr. Spigener made a motion come out of executive session. Dr. Harris seconded the motion, which carried unanimously.

Request to Waive Renewal Late Fees for RXO Compounding, permit 19125 & 19126-Edward J. Zatta, R.Ph.

Motion: Dr. Bedenbaugh made a motion to deny the request to waive late fees. There is not a reason for the Board to waive the fees. Dr. Harris seconded the motion, which carried unanimously.

Request Approval of State Certification Requirements-Stacey Tallas, PHT

Licensee decided not to appear before the Board.

Request to Retake the NAPLEX-James Adam Alexander, PharmD

Motion: Mr. McKnight made a motion to allow Dr. Alexander to retake the NAPLEX for the 6th time. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Request to be PIC for Two Locations-Alexander Beams, PharmD

Motion: Dr. Bedenbaugh made a motion to deny the request to be PIC for two locations based on testimony. Dr. Gillespie seconded the motion, which carried unanimously.

Request Reinstatement of Pharmacist License-Michael Guise, PharmD

Motion: Dr. Harris made a motion to discuss this matter in executive session under the advisement of legal counsel. Mr. McKnight seconded the motion, which carried unanimously.

Motion: Dr. Spigener made a motion that Mr. Guise submits to re-evaluation, be in compliance with RPP, take and pass the MPJE for South Carolina, take and passing the NAPLEX. Completes 60 CE hours, and undergo 1,000 hours under the pharmacist's supervision without access to controlled substances. After the stipulations have been met and documented, he must reappear before the Board. Dr. Gillespie seconded the motion, which carried unanimously.

Request Reinstatement of Pharmacist License-Brittany L. Cherry, PharmD

Motion: Dr. Harris made a motion to discuss this matter in executive session under the advisement of legal counsel. Dr. Gillespie seconded the motion, which carried unanimously.

Motion: Dr. Gillespie made a motion to approve the reinstatement of Ms. Cherry's license and then the license shall be suspended for a period of five years; however, such suspension shall be immediately stayed and her license shall continue uninterrupted in a probationary status for five year. Dr. Spigener seconded the motion, which carried unanimously.

Request Reinstatement of Pharmacist License-Matthew William Dulin, PharmD

Motion: Mr. McKnight made a motion to approve the reinstatement of Dr. Dulin's license. Dr. Spigener seconded the motion, which carried unanimously.

Request Release from Board Order-Daniel C. Holladay, Jr. R.Ph.

Motion: Dr. Gillespie made a motion to release Mr. Holladay from his Board order. Dr. Bedenbaugh seconded the motion, which carried unanimously.

Request Approval of reciprocity Application-Mary Amanda Arnett, PharmD

Motion: Dr. Gillespie made a motion to approve the reciprocity application and to have RPP mirror the MOA from Mississippi. Dr. Harris seconded the motion, which carried unanimously.

PTI/Drug Court Overview-Brooke Velazquez, Director of Diversion Programs, Marc H. Westbrook Judicial Center

Information provided in transcript.

EXECUTIVE SESSION

Motion: Dr. Bedenbaugh made a motion to go into executive session for advice from legal counsel on previous matters. Dr. Harris seconded the motion, which carried unanimously.

The Board was in executive session from 4:45 pm until 5:15 pm. No motions or votes were taken in executive session.

ADJOURN

Motion: Dr. Bedenbaugh made a motion to adjourn the meeting. Dr. Harris seconded the motion, which carried unanimously.

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9:00 a.m. June 15, 2023

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Thursday, June 15, 2023

HEARINGS

Case#2021-59

Motion: Dr. Spigener made a motion to issue a \$1000 fine be required and a private reprimand. Mr. McKnight seconded the motion, which carried unanimously.

Case# 2021-60

Motion: Dr. Bedenbaugh made a motion to issue a \$1,000 fine, prohibit licensures for a period of five years reappear before the Board before being issued a license. Dr. Spigener seconded the motion, which carried unanimously.

Case# 2021-122

Continued

Case# 2021-157

Motion- Mr. McKnight Harris made a motion issue a 1year probation, \$10,000 fine and monthly self-inspection reports be submitted to the Board. Dr. Gillespie seconded the motion, which carried unanimously.

Case# 2021-158

Motion- Dr. Gillespie made a motion to issue a \$2,500 fine. Dr. Spigener seconded the motion, which carried unanimously.

Case# 2021-159

Motion- Dr. Bedenbaugh made a motion to issue a \$10,000 fine, 1 year probation and monthly self-inspection be submitted to the Board. A re-inspection of the facility must be performed before probation ends. Dr. Harris seconded the motion, which carried unanimously.

Case # 2020-73

Motion- Dr. Gillespie made a motion to issue a \$1,000 fine for repeat violation of emergency immunization kits. Mr. McKnight seconded the motion, which carried unanimously.

EXECUTIVE SESSION- The Board went into executive session for legal counsel regarding Cases 2021-59, 2021-60, 2021-122, 2021-157, 2021-158 and 2021-159

Motion: Dr. Bedenbaugh made a motion go to into executive session. Mr. McKnight seconded the motion, which carried unanimously. No votes or motions were taken while in executive session.

ADJOURN

Motion: Dr. Bedenbaugh made a motion to adjourn the meeting. Dr. Harris second the motion, which carried unanimously.