

1 South Carolina Department of Labor, Licensing and  
2 Regulation  
3 Before the South Carolina Board of Pharmacy  
4 April 27, 2011

5  
6 This meeting is being held in accordance with Section  
7 30-4-80 of the South Carolina Freedom of Information Act  
8 by notice mailed to the State Newspaper, Associated Press,  
9 WIS-TV and all other requesting persons, organizations or  
10 bulletin boards at the two main entrances of the Kingstree  
11 Building, Columbia, South Carolina.

12 **Board Members:**

13 J. R. "Bobby" Bradham, Chairman  
14 Dan Bushardt, Vice Chairman  
15 Dock Henry Rose  
16 Robert C. "Rob" Hubbard  
17 David Banks  
18 Hugh Mobley  
19 Addison Livingston  
20 Dr. Leo Richardson  
21  
22 Lee Ann Bundrick, Administrator  
23 Christa Bell, General Counsel

24 HEARING REPORTED BY KATHRYN J. LINDLER

25 Kathryn J. Lindler  
(803) 206-0920 1

1 MR. BRADHAM: The April 27, 2011, Board of  
2 Pharmacy started off with Mr. Bradham calling the meeting  
3 to order. This meeting is being held in accordance with  
4 Section 30-4-80 of the South Carolina Freedom of  
5 Information Act by notice mailed to The State Newspaper,  
6 Associated Press, WIS-TV and all other requesting persons,  
7 organizations, or news media. In addition, notice was  
8 posted on the bulletin boards at the two main entrances of  
9 the LLR Kingstree Building. The Pledge of Allegiance to  
10 the Flag was said followed by invocation by Mr. Bushardt.

11 The Board Members and Attendees to the meeting  
12 introduced themselves.

13 ATTENDANCE: Leo Richardson, Member-at-large and  
14 layman of the Board, from Columbia. Rob Hubbard, Third  
15 Congressional District, Clemson, his first official  
16 meeting. Dock Rose, from Fourth Congressional District,  
17 representing Greenville, Spartanburg, Union and Cherokee  
18 counties, from Greer, South Carolina. Dan Bushardt from  
19 Lake City and representing the Sixth Congressional  
20 District. Bobby Bradham, Chairman, First Congressional  
21 District which is coast of South Carolina. Hugh Mobley,  
22 Fifth Congressional District, from Lancaster, South  
23 Carolina. Addison Livingston, representing Second  
24 Congressional District from Swansea. David Banks,  
25 Pharmacist-at-large, from Simpsonville, South Carolina.

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1 Rebecca Long, replacing Mr. Banks on the Board. Marilyn  
2 Crouch, Board of Pharmacy staff. Joe Newton, Board of  
3 Pharmacy inspector. Christa Bell, Division of Legal  
4 Services, LLR. Lee Ann Bundrick, Administrator, Board of  
5 Pharmacy. Cle Sanders, Board of Pharmacy staff inspector.  
6 Ernie Shuler, Board of Pharmacy inspector. Beverly Gould,  
7 Board of Pharmacy staff. Rosemary Boguski, Board of  
8 Pharmacy inspector. Christy Pettit, Target. Larry Grant,  
9 Board of Pharmacy inspector. Robert Spires, Society of  
10 Health Systems Pharmacist. Carole Russell, MUSC. Pam  
11 Cain, Palmetto Health Richland. Amy Butz, SCANA Pharmacy.  
12 Alexi Fairbanks, SCPHH. Arthur Finns, CVS Pharmacy.  
13 Thomas Phillips, CVS Pharmacy. Tiffany Byers, student.  
14 Eric Ridings, Fred's Pharmacy.

15 Mr. Bradham welcomed everyone to the one meeting that  
16 hasn't always been on the Board's agenda, but due to such  
17 large agendas back in the fall we established an extra  
18 meeting to handle hopefully burgeoning agendas that we  
19 were having. So this April 27 meeting is not one of our  
20 normal regular meetings. We appreciate everyone being  
21 here during this time. There are no chairman remarks  
22 except for sharing with the Board a thank you note to the  
23 Board of Pharmacy from Ms. Sharon Dantzler.

24 Approval of the March 23, 2011 meeting  
25 minutes. Corrections: Page 99, culture report should be

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1 accumulative report. Dock Rose had corrections, but they  
2 were previously corrected. Addison Livingston: Page 97,  
3 Line 13, Rose Holliday should be Ambrose Holliday. Dock  
4 Rose moved to accept minutes. Seconded by David Banks.  
5 There was no further discussion. Motion carried  
6 unanimously.

7 APPROVAL OF RECIPROCITY CANDIDATES: Mr.  
8 Banks makes motion to accept the candidates. Mr.  
9 Livingston and Mr. Bushardt second the motion. There was  
10 no discussion. Motion carries unanimously.

11 ADMINISTRATOR'S REPORT: Good morning,  
12 Chairman and Members of the Board. I'm pleased to announce  
13 that Mr. Robert C. Hubbard, III, of Clemson, South  
14 Carolina, has been appointed to the Board by Governor Nikki  
15 Haley representing the Third Congressional District. His  
16 term expires on June 30, 2016. We welcome Mr. Hubbard and  
17 look forward to working with him.

18 On March 30, 2011, the answering of the  
19 Board of Pharmacy main telephone number was switched back  
20 to the program via Call Center Groups. Therefore, Board of  
21 Pharmacy staff will be actually answering the main line.

22 MR. BRADHAM: I talked to Lee Ann yesterday and I  
23 started calling the 4700 number now and it's answered much  
24 more quickly and there were four voices that said yes,  
25 that's all we do all day long is answer the telephone, but

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1 I know it's a burdensome task, but it's the best customer  
2 service I've seen in years.

3 MS. BUNDRICK: Thank you. In early April Mr.  
4 Charlie Ido was officially given the title of Assistant  
5 Deputy Director for the Office of Board Services.

6 As of this report we have approximately  
7 3,037 active state-certified pharmacy technicians and 6,743  
8 active registered pharmacy technicians. We have 6,958  
9 active licensed pharmacists and 3,953 permitted facilities  
10 and three electronic prescribing routing companies.  
11 91 percent of the pharmacists renewed their licenses on  
12 line.

13 Renewal notices with passwords and pin  
14 numbers for on-line renewals were mailed to all registered  
15 and state certified pharmacy technicians at their last  
16 known address in mid April.

17 Renewal notices with passwords and pin  
18 numbers for on-line renewals were mailed to all in-state  
19 facilities in mid April. Paper renewals were mailed to all  
20 out-of-state facilities in mid April.

21 The pharmacist inspectors conducted 90  
22 inspections since the last Board meeting. 46 were pharmacy  
23 permit inspections, 27 were non-dispensing drug outlet  
24 permit inspections, 5 were EMS permit inspections and 12  
25 were medical gas/DME permit inspections. Of the 90

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1 inspections 12 were new permits. No citations have been  
2 issued since the last Board meeting.

3 We had 5 reciprocity interviews conducted  
4 since the last Board meeting and 4 of the 5 interviews were  
5 done by Board staff.

6 The Board of Pharmacy has continued to serve  
7 as a site for pharmacy students on clinical rotations from  
8 the South Carolina College of Pharmacy USC campus. During  
9 the month of April Ms. Tiffany Byers is on rotation at the  
10 Board office.

11 On behalf of the Board I submitted a  
12 recognition resolution to NABP for Mr. Joseph Hodge and  
13 Ms. Thomas C. Lynch, Jr., on March 28, 2011, to be read at  
14 the NABP 107th annual meeting in San Antonio, Texas.

15 My staff and I have participated in the  
16 following meetings since the March meeting. We had a  
17 telephone IRC meeting with Mr. Turner on March 31.  
18 Ms. Marilyn Crouch and I attended a procurement meeting on  
19 March 31. I met with Mr. Charlie Ido, Assistant Deputy  
20 Director, on March 31. I attended an administrators  
21 meeting with Charlie Ido, Assistant Deputy Director, on  
22 April 4. Ms. Sally Green and I attended a seminar for the  
23 P4 students at the South Carolina Association on April 7.  
24 I updated the students graduating in May on how to become  
25 licensed in South Carolina as a pharmacist. This was very

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1 beneficial. Ms. Sally Green and I were both able to answer  
2 a lot of questions.

3 Mr. Hugh Mobley and I attended a meeting  
4 regarding S644 Remote Medication Order Entry on April 8,  
5 2011, with all interested parties at the request of Ms.  
6 Martha Castro. The Pharmacy Practice Committee met on  
7 April 12. Mr. Henry Rose, Mr. Hugh Mobley, Mr. Bobby  
8 Bradham, Mr. Addison Livingston attended as Board members.  
9 Mr. Rob Hubbard attended. Mr. Ernie Shuler, Mr. Larry  
10 Grant, Mr. Joe Newton, Ms. Rosemary Boguski, and Ms. Cle  
11 Sanders and I also attended.

12 Mr. Bobby Bradham and I met April 12 to perform  
13 a routine review of statutes and regulations regarding the  
14 practice of pharmacy as requested by Mr. Sheridon Spoon,  
15 Assistant General Counsel, of the LLR Office of General  
16 Counsel, which this is due on May 1.

17 Mr. Bobby Bradham and I met again on April 14 to  
18 continue reviewing the statutes and regulations.

19 Ms. Cle Sanders attended the Senate Medical  
20 Affairs Full Committee with Ms. Rebecca Long and Dr. Leo  
21 Richardson regarding their appointments on April 20 and  
22 they received favorable reports.

23 Staff has attended agency, board staff,  
24 compliance and other legal counsel meetings.

25 Mr. Wilbur Harling, Ms. Cle Sanders and I are in

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1 the process of completing the new questions assignment for  
2 the MPJE state specific law exam on specific competencies  
3 requested and/or any changes to the law. These questions  
4 are due to be submitted to NABP on April 29.

5 The update on the vacant pharmacist inspector  
6 FTE position. I received an e-mail notification from Lynn  
7 Rivers, Human Resources Administrator, on Monday, April 25  
8 that the request to fill the pharmacist vacancy has been  
9 returned from the agency director unapproved.

10 NABP is seeking volunteers for the 2011-2012  
11 committees and task forces. All submissions must be sent  
12 to NABP by Friday, May 27. If you are interested, please  
13 let me know and we can discuss in more detail what needs  
14 to be done.

15 Handouts for your review that are under the  
16 administrators tab that may be of interest to you: There  
17 is a letter to Mr. Bradham from the South Carolina Society  
18 of Health System Pharmacists regarding the submission of  
19 names of members for consideration to participate on Board  
20 of Pharmacy committees. There's another letter to Mr.  
21 Bradham from the South Carolina Society of Health System  
22 Pharmacists acknowledging their support of the use of the  
23 revised sterile compounding inspection report until the  
24 results of the task force on USP 797 and 795 are  
25 finalized, and a copy of the letter sent to Ms. Brandi

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1 Johnson regarding the Board's approval for her to be PIC  
2 at both Aiken Compounding Pharmacy and Family  
3 Pharmacy-South Aiken.

4 I would like to thank the Board for their  
5 continued support of me and staff and office. We always  
6 appreciate the encouragement and support you give us. And  
7 I would respectfully answer any questions you might have  
8 at this time.

9 Mr. Mobley complimented the staff on the good  
10 job, because there has been a lot of transition in four  
11 months and a lot to pull in. You all did a good job  
12 balancing it out. I know there's more work to do, but  
13 it's admirable what was done to kind of take things back  
14 under wing and do a good job. I know it's been hard. But  
15 I say hats off to you and your staff. The attitude and  
16 atmosphere within the staff is a lot more positive.

17 Ms. Bunderick extended her compliments to her staff  
18 also on their excellent job.

19 Mr. Rose stated I would like to say that we  
20 really got a fast turnaround on the licensure bill. Three  
21 days at the most. Very commendable considering the stress  
22 you are under during the time.

23 Ms. Bunderick remarked one thing most people  
24 probably don't realize is every credential for Pharmacy  
25 Board and Long Term Health Care Board are in the middle of

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1 renewing right now. Most boards aren't like that. We  
2 just happened to fall into that situation.

3 REPORT FROM OFFICE OF INVESTIGATION AND ENFORCEMENT:  
4 Reported by Ms. Bunderick:

5 Handout was presented to the Board. We are in  
6 the process of reorganizing how that is going to affect  
7 the Board of Pharmacy with other entities within the  
8 agency. There's a case status report and the cases  
9 received in 2010, we received a total of 150. In 2010 we  
10 closed out 164. We have 86 active investigations as of  
11 now.

12 Mr. Mobley wanted to know where the investigations  
13 are taking place, is it under the Board Services or is it  
14 still a separate area. Ms. Bunderick informed him part of  
15 it is. The practice issues and med error cases are  
16 investigated by Mr. Trotter and Mr. Durant in my area.  
17 All drug diversion cases for pharmacists and pharmacy  
18 technicians are investigated through the drug diversion  
19 unit in the Office of Investigations and Enforcement.

20 Mr. Mobley think that's an issue we probably need to  
21 discuss.

22 Dr. Richardson asked Ms. Bunderick what kind of  
23 impact, now that the FTE position was not approved, will  
24 that have. Ms. Bunderick responded that's one less  
25 inspector I have to help do inspections within the state.

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1 That's mainly affecting the upper part of the state. I  
2 just found out Monday we weren't going to be able to fill  
3 the position. So I will have to get with my inspectors  
4 and have to reorganize which areas within the state the  
5 inspectors are going to be inspecting and change that.

6 Dr. Richardson asked if the 86 active investigations,  
7 we're going to be behind. Ms. Bunderick answered that  
8 doesn't necessarily affect the investigations. That's the  
9 actual inspections that we are required to do by law of  
10 the facilities. We have to inspect any new facility  
11 before we issue a permit and some states don't do that.

12 Mr. Mobley asked if the Board had part time inspectors and  
13 if so is it possible to expand some of the part time to  
14 cover. Ms. Bunderick answered we only have Mr. Trotter and  
15 Mr. Durant as part-time employees. Joe Newton is full  
16 time. Ms. Bunderick replied at this point in time it's my  
17 understanding there is a hiring freeze and I know when  
18 Ms. Templeton came in and she looked at reorganizing  
19 everything, any temporaries were let go and I had to  
20 justify why we needed our temps, by statute it was  
21 required that we have those. Mr. Mobley commented if  
22 those two part-time inspectors were working 20 hours a  
23 week, could we get another 8-10 hours a week out of them  
24 to try to help. Ms. Bunderick said yes it's possible, but  
25 one part-time employee has a full time job also. Mr.

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1 Livingston wanted to know are the two part-timers doing  
2 any inspections or are they mostly investigations. Ms.  
3 Bunderick replied mostly investigations. Mr. Mobley said  
4 that's a talent that we are blessed to have with those two  
5 individuals based on their background and that's why I was  
6 saying if there was a way to kind of get a couple extra  
7 hours out of them and let them do some night ones. Ms.  
8 Bunderick said they have been doing some extra hours in  
9 this transition time trying to help me out getting the  
10 compliance and everything straightened out since it's come  
11 back to the Board. Mr. Livingston asked how we are  
12 running as far as inspecting based on statute. Ms.  
13 Bunderick replied I can't answer that right now. Mr.  
14 Bradham said every facility has to be inspected every two  
15 years I believe, and in reply Ms. Bunderick said in her 13  
16 years with the Board that has never been met.

17 Mr. Mobley said one thing that you may bring up as a  
18 need for that, and I realize the economy is out of our  
19 control to a certain degree, is the fact that a lot of the  
20 third-party payers specifically now that more of them are  
21 moving under the government umbrella are requiring you  
22 sending copies of your most recent inspection and a lot of  
23 times they're asking for those within a window of your  
24 permitting period. So if you're permitted annually, you  
25 could or we could be asked to provide an inspection report

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1 that was annually and if you didn't, then you would be out  
2 of their guidance. Do you see what I'm saying, you got a  
3 Federal funding program that's saying one thing and then  
4 you got the state that's not. In order for the state to  
5 comply with federal guidelines, we may have to see if we  
6 can do that. But that's a lot more work especially with  
7 the permitted facilities that are out there, but you're  
8 balancing what's going on over here and what the statute  
9 says and all. I'm going to visit that part about the  
10 inspections and statute a little bit later if we can.

11 There were no other questions or comments  
12 regarding Office of Investigation and Enforcement.

13 REPORT: OFFICE OF GENERAL COUNSEL:

14 Ms. Bundrick defers report at this point in  
15 time. Mr. Pat Hanks is on military duty.

16 REPORT: OFFICE OF INFORMATION SERVICES:

17 Ms. Bundrick: Board meeting report was handed  
18 out to Board. This gives you by category the number of  
19 licensed credentials that were issued, reinstated, or  
20 renewed online since March 23.

21 Mr. Rose questioned the 1/1/11 date instead of 1/1/10  
22 closed cases or is that starting date, the OGC thing, case  
23 load statistics, is that when it started on 1/10/2010.

24 Ms. Bundrick said what we give you information wise is how  
25 many cases we closed out last year and we have 27 open

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1 cases, 16 pending actions, three pending consent  
2 agreements or MOAs and eight pending hearings.

3 (No further discussion of General Counsel Report.)

4 FINANCE REPORT: By Ms. Bundrick.

5 Finance Report includes balance sheet for  
6 February 2011 and March to compare and the detailed  
7 explanation by code of all the transactions. Mr.  
8 Livingston said in the second half I guess you would say  
9 of the information where it has codes and then it has,  
10 starting at the back, you see numbers and then like  
11 payroll and they have our individual names. Is that a  
12 code that would correspond with something in the first  
13 part or is the amounts just left off? Can we make any  
14 sense out of that at all? Ms. Bundrick replied it is  
15 printed like this because it wouldn't fit on one page and  
16 this is the second part. Mr. Livingston wondered if these  
17 are ending balances that are here. Ms. Bundrick said yes,  
18 one of two pages. First one is the February balance and  
19 then March 2011 balance.

20 (No further discussion on Finance Report.)

21 COMPLIANCE AND INSPECTORS REPORT:

22 VOLUNTARY SURRENDER: By Ms. Bundrick.

23 Case number 2010-52 and 2011-3 are voluntary  
24 surrenders for your information. These you will see later  
25 as a consent order, memorandum of agreement or a Board

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1 hearing. This is just for your information.

2 (No vote is necessary.)

3 AGREEMENT TO RELINQUISH:

4 Case No. 2011-11: By Ms. Bundrick.

5 This is a case that a pharmacy technician has  
6 agreed to relinquish their registration to practice as a  
7 pharmacy technician for evermore.

8 Motion by Mr. Mobley to approve. Second by Mr. Banks and  
9 Mr. Bushardt. No discussion. Motion carries.

10 CONSENT ORDER:

11 Case No. 2011-5: By Ms. Bundrick.

12 This is an entity that's a non-resident permit  
13 with us and this is an entity that got in trouble in the  
14 State of Florida, compounding pharmacy, and the  
15 Respondents agree that they will be publicly reprimanded  
16 and their non-resident pharmacy permit will be placed on  
17 probation for 18 months from the effective date of this  
18 order and the Respondent's permit shall continue  
19 uninterrupted in a probationary status contingent upon  
20 strict compliance to the following terms and conditions  
21 which shall remain in effect for 18 months or until  
22 further order of the Board. The Respondent must submit  
23 proof of successful completion of Florida Board approved  
24 eight hour medication error continuing education to the  
25 Board or its designee within six months from the date the

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1 Board's action on this agreement. Respondent must submit  
2 proof of successful completion of Florida Board approved  
3 12 hours of laws and review continuing education course by  
4 the PDM to the Board or its designee within six months.  
5 The Respondent shall appear and report to the Board as  
6 requested. This pretty much mirrors the order that was in  
7 Florida.

8 Motion made by Mr. Banks to accept. Second by  
9 Mr. Bushardt. No discussion. Motion carries unanimously.

10 Mr. Bradham entertained a motion to go into Executive  
11 Session. Mr. Mobley so moved for legal advice. Second by  
12 Mr. Rose. No discussion. Motion carries unanimously.

13 (Executive Session.)

14 While in Executive Session no motions were made nor  
15 were any offered. Motion was made by Mr. Banks to move  
16 out of Executive Session. Second by Mr. Bushardt. The  
17 motion carries unanimously to move out of Executive  
18 Session.

19 NEW BUSINESS:

20 Ms. Worley presented her case to the Board  
21 about accepting her intern hours she performed without  
22 having submitted the proper paperwork to be accepted by the  
23 Board of Pharmacy. Mr. Bradham offered advice on how she  
24 could achieve 500 hours before her 120 day deadline.

25 RECIPROCITY INTERVIEWS:

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1 Placed on the agenda by Mr. Bradham. Practice  
2 Act Section 40-43-81 Section A7 it says reciprocity  
3 interviews shall be done by members of the Board of  
4 Pharmacy and this is one of the basis upon which the Board  
5 when we were working with the Attorney General's Office on  
6 a legal opinion regarding that function being removed from  
7 the Board was found to be illegal and so I would like to  
8 reiterate to everyone that Section 40-43-81.A7 as the new  
9 LLR director, Ms. Templeton, has informed me, all the  
10 functions that were part of our Practice Act that were  
11 removed from the Board functions are to be returned to the  
12 Board and I would like to reiterate that our options,  
13 reciprocity interviews options, shall be eight options  
14 rather than one option and that is come to Columbia to be  
15 done by staff member that all reciprocity candidates be  
16 given the interview to have the interview done with any  
17 one of the eight members of the Board of Pharmacy. Most  
18 of them do choose the Board member that represents the  
19 district in which they plan to reside, because a lot of  
20 times, I've done I think two within the last couple of  
21 weeks and have another one scheduled that I worked out  
22 yesterday, working on getting scheduled. So I think for  
23 the most part people are choosing that option, but I would  
24 like to direct the staff that be the option presented to  
25 anyone applying for reciprocity. Mr. Mobley suggested Mr.

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1 Livingston and Rebecca Long to do the interviews for the  
2 ones that want to come to Columbia. He also suggested Ms.  
3 Long accompany other members to become familiar and  
4 comfortable with the process. Mr. Bradham, Mr. Mobley and  
5 Mr. Rose offered to accompany her. Ms. Crouch informed  
6 the Board of the candidates already lined up through a  
7 part of May on Wednesdays with Eddie Durant and what did  
8 he want her to do. Mr. Bradham informed her he would like  
9 to see if one of the two people that live in the Columbia  
10 area could be available to do those and if staff and Mr.  
11 Livingston and Ms. Long could work on accommodating those  
12 people at the times they've already set up.

13 Ms. Bundrick brought up the point from past  
14 circumstances when no Board Member could interview a  
15 candidate and with the time limit of trying to turnaround  
16 reciprocity interviews would it be appropriate to leave it  
17 up to the Board Chairman if there is no member available  
18 and that person needs to be licensed as soon as possible  
19 for a staff to interview.

20 Mr. Bradham said that would be perfectly fine. Mr.  
21 Mobley suggested a Board member being on speaker phone  
22 along with a staff member being present with the  
23 candidate. Ms. Bundrick said she can do that if that's  
24 the way the Board directs her. Mr. Mobley said he was  
25 usually available. Mr. Bradham said we will try to be as

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1 flexible as possible, but we would like that function to  
2 comply with the Practice Act.

3 There were reminiscences from Mr. Rose and Mr. Bradham  
4 about how it was done in the past, candidates coming to a  
5 Board Meeting, two Board members volunteering to come to  
6 Columbia to do reciprocity interviews.

7 Mr. Bushardt thought it was a good idea, because the  
8 person that's coming into a certain district gets to meet  
9 the representative from the Board so if there is any issue  
10 or problems or anything, then they know who to contact and  
11 they have established a relationship already with them  
12 because of the interview. Mr. Bradham commented after 12  
13 years of doing interviews the first question asked is  
14 where can I obtain my CE hours, because I have licenses in  
15 three or four other states, I need to know where when I  
16 move here I can go to CE programs in the local area. That  
17 was always one question that I as a person that resides in  
18 the First Congressional District knew the answer to. He  
19 called for a vote on this. It was so moved by Mr. Rose  
20 and second by Mr. Hubbard. Motion carries.

21 REVIEW OF POLICIES AND PROCEDURES: Mr. Bradham and  
22 Ms. Bundrick spent two separate days going through the  
23 regulations and statutes and found no problems there.  
24 With regard to policies and procedures and the Practice  
25 Act, there is only one that they wish to delete and that's

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1 item number 115. It actually conflicts with what's in the  
2 Medical Practice Act in that when a patient is in the  
3 emergency room it states that the provider writing the  
4 medication order for the patient in the emergency room  
5 cannot designate someone to administer that first dose.  
6 Knowing that there is a nurse there and they wish the  
7 patient to receive the first dose of the antibiotic, then  
8 that person, that nurse or LPN or whoever is assisting the  
9 prescriber, will be delegated to administer that first  
10 dose. It would be difficult to enforce this when the  
11 Medical Practice Act is against this. Our recommendation  
12 to you is to delete policy number 115.

13 Motion is made by Mr. Livingston to delete policy  
14 number 115. Second by Mr. Banks. There was no  
15 discussion. Motion carries unanimously.

16 There were four policies that we asked, for  
17 lack of a better term, to put in a holding pattern, because  
18 we have task force as well as legislative discussion taking  
19 place regarding these issues, the compounding task force  
20 and remote entry task force and that is policy 132, 133,  
21 137 and 147. So I would like a motion that we put this in  
22 a holding pattern. Motion made by Mr. Mobley. Second by  
23 Mr. Livingston. There was no discussion. Motion carries.  
24 These four policies will then be put in a holding pattern  
25 until task force and legislative discussion is completed.

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1 Policy number 136 and 139. 136 it has  
2 pharmacy technician who renew prior to June 1 will pay the  
3 fee of \$35 and it you should be \$15. So all we need to do  
4 to make that one correct is change \$35 to \$15. All the  
5 other wording will remain the same presently. Motion was  
6 made by Mr. Banks to make those changes. Second by Mr.  
7 Livingston. There was no discussion. Motion carries.

8 Same issue with Policy 139. The fee this year  
9 was \$70 and not \$80. We need to change just that column  
10 of the fee being \$70. Motion was made to change the  
11 dollar amount by Mr. Banks. Second by Mr. Bushardt.  
12 There was no discussion. Motion carries. Ms. Bundrick  
13 commented that it would change the total column. Everyone  
14 understood that when they voted to make the changes.

15 Policy Number 119. It says Administrator or  
16 his or her designee shall be the point of contact for the  
17 Board referrals to Recovering Professional Program and the  
18 administrator or his or her designee shall be the Board  
19 contact with Recovering Professional Program. That was  
20 one of those things that was removed from the Board  
21 without approval by the Board. Mr. Bradham pointed out  
22 all I'm doing is just reinforcing that is the policy that  
23 the Board wishes to continue, because that was part of the  
24 issues with dealing with complaints and other issues or  
25 actions that were taken against someone's license. Mr.

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1 Bradham says I don't think that requires any action.

2 Mr. Mobley brought up the concern about that spilling  
3 over into compliance and investigation to a certain  
4 degree. He read 40-43-60, chief drug inspector, staff  
5 inspectors duties, violation corrections or prosecution;  
6 duties of the board; adulterated or misbranded drugs;  
7 destruction at owner's expense, seal of drugs and devices  
8 under control of licensee when license suspended or  
9 revoked; complimentary drug samples; optometric supplies.  
10 There's Section A that says there must be an administrator  
11 of the Board who must be a licensed pharmacist in the  
12 State of South Carolina and who must be the chief drug  
13 inspector. When a vacancy occurs the position of  
14 administrator shall be filled in accordance with 40-1-50.  
15 Now number B says Board of Pharmacy shall have its own  
16 staff of inspectors who must be licensed pharmacists in  
17 South Carolina and shall conduct all pharmacy inspections  
18 and investigations and shall report to and be supervised  
19 by the administrator of the Board of Pharmacy. That  
20 statute and paragraph is pretty clear to me. I don't know  
21 if any of the rest of you are confused by it, but I would  
22 like to make a motion that we cite that particular part of  
23 the statute and work with the agency to accomplish the  
24 meaning of that statute by having that done within the  
25 auspices of the Board of Pharmacy. That's a motion.

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1 Second by Mr. Livingston.

2 Discussion:

3 Mr. Livingston asked Ms. Bundrick if she could give  
4 the Board an idea of how it plays out now specifically  
5 with investigations. Ms. Bundrick replied as I told you  
6 earlier in the meeting, investigations that have to do  
7 with pharmacy practice issues and medication errors Mr.  
8 Durant and Mr. Trotter are doing those investigations.  
9 Anybody that is arrested by DHEC or another entity for  
10 diversion of controlled substances or other legend drugs,  
11 that's handled through the drug diversion unit within the  
12 agency in the Office of Investigations and Enforcement and  
13 my inspector investigators do not work in the Office of  
14 Investigations and Enforcement. Office of Investigations  
15 and Enforcement do not have any pharmacists that are  
16 employed in that department nor do any people report to  
17 Ms. Bundrick from that department. It was pointed out by  
18 Mr. Livingston that currently that part of the  
19 investigation is not being done per statute. Mr. Mobley  
20 said we just need to bring that to the attention of the  
21 Agency and ask for compliance. Mr. Bradham commented I've  
22 talked quite a few times recently with my counterpart on  
23 the Medical Board and they are handling their own  
24 investigations rather than through this investigation  
25 unit. And my initial meeting with the new LLR director

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1 indicated that all these functions are being returned to  
2 the Board. I'll be meeting with her again soon. So if  
3 the Board is going to take emphasis to this I ask that  
4 whatever motion you all come up with be forwarded to her  
5 ASAP so that I can add this to my agenda in that  
6 discussion, follow through with my initial meeting with  
7 her.

8 After the discussion Mr. Mobley asked Mr. Bradham to  
9 call for a vote. Mr. Bradham called for the question.  
10 Vote was taken and motion carries.

11 Mr. Bradham said if that portion of today's  
12 proceedings could be conveyed in the communication to the  
13 LLR director so that we can have this on our agenda when I  
14 meet with her.

15 Mr. Rose had questions on policy and procedures.  
16 Number 138 immunization on page 57 that it didn't have a  
17 date on when it was passed. Mr. Bradham said we retained  
18 this portion because it would've referred us to any other  
19 immunizations, because the agreement that we made with the  
20 task force or the Medical Board and Nursing Board and  
21 Pharmacy Board pertains strictly to flu vaccines and  
22 because pharmacists do have the authority to administer  
23 other vaccines pursuant to the prescription order, we felt  
24 it appropriate to continue with policy and procedure  
25 number 138 to cover those immunizations other than flu

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1 vaccines.  
2 Mr. Rose said my only question was do we need to  
3 approve it today. I don't see why we shouldn't. Ms.  
4 Bundrick said I think that was just left off the bottom of  
5 it, but you all can approve it today.

6 Mr. Rose makes a motion to approve Policy and  
7 Procedure Number 138. Second by Mr. Banks. No further  
8 discussion. Motion carries.

9 Mr. Mobley wanted to look at 140 which is on page 59.  
10 It talks about the following duties may be performed by  
11 registered technician after supervising pharmacist  
12 carefully considers the individual's abilities and/or  
13 qualifications. My only question is some of the things  
14 may, I think the verbiage may need to be tweaked a little  
15 bit, because it's like accepting written prescriptions  
16 only which -- does that lead us to believe that employees  
17 that work in pharmacies cannot act as the person who  
18 physically receives the prescriptions from a patient? I  
19 don't think it was intended that way. And then only a  
20 licensed pharmacist may override and I understand what  
21 that means, but in today's world we are employing a lot of  
22 technicians to do inputting and there are stop points  
23 which you get requests from your technician to go past a  
24 certain screen or whatever and I think all of us have done  
25 that. What does that mean? Do we want to change any of

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1 that? Do we want to review it? Revisit it in June after  
2 everybody has had a time to look at it?

3 Ms. Bundrick recommended that we refer it to the  
4 Pharmacy Technician Committee to look at it between now  
5 and June board meeting and discuss it at the June board  
6 meeting.

7 Mr. Mobley said I bring that up, because I think  
8 sometimes we interpret words literally and figuratively  
9 and I think we need to make sure that it says what it's  
10 supposed to say. Could we ask everybody to please look at  
11 that and make a comment as to practice or technician,  
12 whatever the chair wants to put.

13 Ms. Bundrick told Mr. Mobley that policy and  
14 procedure was originally approved by the Board in probably  
15 '99 when the Board first started registering technicians.

16 Mr. Mobley said you got a statute portion that kind  
17 of outlines differently, but thinks there may be some  
18 conflict in what the statute says and what policy and  
19 procedures say. He just thinks we need to go down the  
20 same road and make sure they say what they're supposed to  
21 say.

22 Mr. Bradham understands what he's saying, because,  
23 for example, if you have a clerk in the pharmacy that's  
24 ringing the cash register and a patient hands their  
25 prescription to the clerk, can the clerk not get like a

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1 date of birth and their address and then hand it to a  
2 technician or pharmacist, because the way this sounds that  
3 clerk would have to say hold on let me find a technician.  
4 That's cumbersome. Mr. Mobley thinks we just need to make  
5 them consistent.

6 Ms. Sanders was with Mr. Harling in a meeting this  
7 week and suggested inviting him to that meeting because he  
8 got the question while they were together about a  
9 technician taking a verbal order or transfer for a  
10 controlled drug and when he went to his laws, it said  
11 pharmacist.

12 Mr. Bradham told Mr. Rose this will be referred to  
13 the Practice Committee and if he could see that  
14 Mr. Harling is invited.

15 Mr. Livingston had question about Policy Number 66.  
16 Practitioner is responsible for the integrity of the  
17 prescription. Had just one question about the third  
18 section. Electronic signatures are only permissible on  
19 prescriptions sent directly from a practitioner to a  
20 pharmacy via electronic transfer and cannot be modified in  
21 any way. Actually I'm thinking of this in light of the  
22 prescription cannot be modified, but this just says  
23 signature. Nevermind. The order can be modified if you  
24 take a call from a physician but the signature can't.

25 Mr. Bradham said they may call and say Benazepril, 10

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1 milligrams and you see where the patient has been on the  
2 medicine for a year and taking 20 milligrams so you call  
3 and say are you reducing the dose, no, I did that in  
4 error.

5 Ms. Bundrick said in the original we had a lot of  
6 problems with physicians or practitioners printing off the  
7 electronic prescriptions and handing that to the patient  
8 and they get to the pharmacy and don't have an actual  
9 signature on them, because they can make copies of them,  
10 and that's still going on, and that's why that's in the  
11 policy.

12 Mr. Mobley said I wish we can find a way to create a  
13 better transition possibly with the Medical Board on that  
14 issue, because we're seeing that a lot, because the  
15 physician says I'm not sure if it's going through, here's  
16 this just in case and they're actually issuing two  
17 prescriptions and it's innocent. They don't mean any harm  
18 by it, but it is an issue. I think everybody is shaking  
19 their head.

20 Mr. Livingston said electronic prescriptions seems to  
21 be more confusing to me than a written prescription with  
22 messy handwriting.

23 Ms. Bundrick asked would you like for me to check  
24 with Mr. Duke, the administrator of the Medical Board, to  
25 see about discussing that issue with the Medical Board.

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1 Mr. Mobley said it would be helpful because just like  
2 Addison was saying, we'll get a drop down box and they may  
3 put Benazepril 10 milligrams, 15 grams apply to the leg  
4 three times a day which they don't go together, but  
5 they're picking things off of a selective menu. It's  
6 actually worse than it was. I know it's transition, but I  
7 think if we work with them and they can communicate and we  
8 can communicate, then it will get better.

9 Ms. Bundrick suggest maybe doing some continuing  
10 education program, some program like that.

11 Mr. Mobley said the government is incentivizing  
12 people to do it electronically and disincentivizing those  
13 who aren't. I just think it's a big problem, it's a  
14 safety problem, because we are seeing things that don't  
15 make sense, could be errors and it's just hard. It's  
16 harder now than it was.

17 Mr. Newton said a lot of times they'll put two  
18 different sigs there that are complete opposite. I've  
19 seen that many many times. They'll write one three times  
20 a day and then down at the bottom they'll have this should  
21 be taken once a day.

22 Mr. Bradham asked if electronic control substance  
23 prescriptions like 3s, 4s and 5s my understanding has not  
24 passed the gamut of being legal in South Carolina. Ms.  
25 Sanders answered it's not finalized. They actually have a

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1 couple changes or very close to the final and couple of  
2 the routing companies are getting final approval. When  
3 that happens, those will be able to move forward.

4 Mr. Bradham said right now computer system where I  
5 work, it sends it, let's say it's Tylenol No. 3 or  
6 Restoril or whatever, and then down at the bottom it says  
7 this is not legal in your state. So we have to contact  
8 the physician, but I'm thinking if they gave the patient a  
9 copy of it, they could go to XYZ Pharmacy and have it  
10 filled and then go to ABC Pharmacy and have it filled.

11 There was no further questions or comments about  
12 policies and procedures.

13 REQUEST APPROVAL OF RECIPROCITY application from  
14 Thomas Shane Barnes.

15 Mr. Barnes explained he had two DWIs in the State of  
16 North Carolina and has no disciplinary complaints on his  
17 North Carolina license. After discussion with Mr. Bradham  
18 and Mr. Rose, a motion was made by Mr. Livingston to  
19 accept his reciprocity and was seconded by Mr. Mobley and  
20 Mr. Rose.

21 The motion carries.

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1 Mr. Bradham called for a motion to go into Executive  
2 Session since the meeting was ahead of schedule. It was  
3 so moved by Mr. Rose and second by Mr. Mobley.

4 (Executive Session.)

5 Let the record show that while the Board was in  
6 Executive Session with legal counsel no motions were made  
7 nor were any offered.

8 Mr. Rose made a motion to move out of Executive  
9 Session and second by Mr. Mobley. Motion carries.

10 REPORT OF OFFICE OF GENERAL COUNSEL: By Ms.  
11 Bundrick: It's the case report that was handed out and  
12 discussed. Report shows 27 open cases, 16 pending  
13 actions, three pending consent agreements or MOAs, eight  
14 pending hearings, closed 46 last year.

15 Discussion was Mr. Rose asked about the status of the  
16 case that is scheduled to take two days. Ms. Bundrick  
17 replied it will not happen any time soon, but eventually  
18 will.

19 REQUEST APPROVAL OF INTERN HOURS - Caroline Worley

20 A motion was made by Mr. Bushardt and seconded  
21 by Mr. Mobley that the Board deny the request of Ms.  
22 Worley. Motion carries. Mr. Bradham suggested to Ms.  
23 Worley that she meet with Board's legal counsel.

24 There being no further items for discussion, the  
25 Meeting adjourned for lunch.

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1 (Lunch Break.)

2 Board of Pharmacy Afternoon Session was declared to  
3 be back in session by Mr. Bradham.

4 COMMITTEE REPORTS:

5 PHARMACY TECHNICIAN: Mr. Banks stated they have  
6 not had an opportunity to meet or had reason to meet and  
7 there is no report.

8 COMPOUNDING: This committee met Tuesday,  
9 April 11. They had a pretty large group of people at this  
10 meeting including five board members. They reviewed New  
11 Vision Pharmacy concept to use drugs from nursing homes  
12 and hospitals destined for destruction for a central  
13 depository to help free clinics send their prescriptions  
14 to them to be filled. In that light, the Committee asked  
15 Joe Scuro to send them some information on what laws they  
16 needed to approve or not to have to abide by and Mr. Scuro  
17 was to do that prior to this meeting today. Mr. Rose  
18 reported he hasn't seen anything yet, but Mr. Scuro is  
19 here at the meeting today. Committee had a motion from  
20 Mr. Spires to take all the information to the Board with a  
21 favorable response and it was seconded by Natasha Cole and  
22 then was carried unanimously. Mr. Rose asked Joe Scuro to  
23 attend April 27 Board meeting to discuss New Vision  
24 Pharmacy and receive Board's approval for New Vision  
25 Pharmacy. Mr. Rose commented we need to do something to

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1 keep from wasting these drugs especially any pharmacist  
2 that serves extended care facilities, it is quite a waste  
3 for all medication that they have to destroy, and have to  
4 pay to have it destroyed. Another thing talked about in  
5 the meeting REM draft that the FDA Food and Drug  
6 Administration has out and under discussion right now.  
7 The FDA wants to require every medication that has any  
8 kind of possibility of drug reaction or drug interactions  
9 to have patient information packet to go out with the  
10 prescription on every new prescription. Refills would not  
11 require packet. Looks like FDA is going to do something  
12 with it. We need to discuss it. Another thing included  
13 in REMs is each drug company has to keep or post  
14 surveillance on all drugs that are on the market for any  
15 drug reaction or interaction that might happen after the  
16 original FDA approval of the drug and they're saying this  
17 does not just include new drugs, but drugs already on the  
18 market. If anyone has any comments, you can still comment  
19 on draft legislation if you feel strongly about it one way  
20 or the other. You need to go on FDA drug web site to make  
21 your comments on the draft proposal that they have at this  
22 time. It's going to be a federal requirement by FDA.

23 There was also talk about use of dispensing machines  
24 in nursing home pharmacies. We're going to talk more  
25 about this in the May 17 meeting at 2:00 o'clock for

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1 Pharmacy Practice Committee. Mr. Rose would recommend any  
2 other committees at the time that might want to meet try  
3 to meet that same day so that they can have a good  
4 representation for that. We have at present 10 percent of  
5 people are going to be admitted for license renewal. I  
6 presume that the Board office can just go through this  
7 10 percent on the computer and see that they have their 15  
8 hours every year. In a way it will be a good thing,  
9 because there's no way I don't believe that you can -- all  
10 the data that's going to be sent in by the provider, so I  
11 don't think there's any way that an individual pharmacist  
12 could falsify anything on it. Sounds like a good idea.  
13 Another thing was Larry Grant had some questions about  
14 claims that were denied because they were sent from mail  
15 order specialty pharmacies instead of PBM pharmacy.  
16 Another thing was Mr. Hubbard also asked about if you had  
17 antique medication bottles like old powders and stuff from  
18 early 20th century drug stores, something like that, a log  
19 number or anything like that, you would need to pour  
20 everything out before you donated it to the State Museum  
21 or whoever you're going to donate it to, Pharmacy  
22 Association. It was the consensus that everything  
23 probably needed to be emptied before you donated it.  
24 That's it. Thank you very much.

25 Mr. Livingston reported on the 797/795 task force.

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1 He commented that it's going to be a long process. The  
2 committee started going over the definitions of terms that  
3 are actually in 797 that are not in our Practice Act. Our  
4 first meeting consisted of just getting through and adding  
5 the new terms and their definitions. A handout was  
6 provided. This is not to be voted on at this time or not  
7 for final presentation, but something the committee will  
8 have to go back and revisit, but that's what the committee  
9 has accomplished so far. The committee will meet again in  
10 May and continue the same process. The committee had  
11 students to do some of the work on this and Mr. Livingston  
12 would like to formally thank them and Carole Russell for  
13 the excellent job of getting some of the stuff together  
14 and actually making some changes after the committee went  
15 through the process of the definitions.

16 LEGISLATIVE: Legislative Committee did not meet, but  
17 have attended agenda of one bill that was brought before  
18 the Senate Bill 745 by someone that is not even in the  
19 Chiropractor Professional Association asking to introduce  
20 a bill to give chiropractors prescriptive authority and  
21 the best Mr. Bradham can tell, the bill is not moving  
22 anywhere. There was updates on South Carolina Medical  
23 Association legislative issues. The only one that  
24 pertains particularly to pharmacists is a survey that  
25 Health Information Management Systems put out seeking

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1 clinician pharmacist and clinician and other folks about  
2 equal prescribing.

3 NUCLEAR PHARMACY: Mr. Rose stated that they have not  
4 met and probably won't meet until the fall.

5 PHARMACY TECHNOLOGY: Mr. Bushardt stated they had no  
6 agenda items and did not meet.

7 RECOVERING PROFESSIONAL PROGRAM: Dr. Richardson  
8 stated they have not met since their last meeting.

9 MEDICATION INTEGRITY COMMITTEE: Mr. Bushardt stated  
10 they did not meet and still had no agenda items.

11 FINANCE COMMITTEE: Mr. Livingston stated they did  
12 not meet and have no report.

13 CONTINUING EDUCATION: Mr. Banks stated they had no  
14 meeting and no report.

15 REQUEST APPROVAL OF PHARMACY AND NON-DISPENSING DRUG  
16 OUTLET PERMIT APPLICATIONS - NEW VISION PHARMACY

17 Mr. Joseph Scuro presented the Board a handout  
18 outlining his proposed pharmacy New Vision Pharmacy. A  
19 lengthy discussion was had between Board members and Mr.  
20 Scuro. (See Board Hearing transcript.)

21 BOARD MEETING LIVE BROADCAST - GRANICUS

22 Granicus is the system in which our Board meetings  
23 are broadcast live and the Board has a decision to make as  
24 to whether the Board wants to continue broadcasting  
25 ourself live or not to continue that. Mr. Banks stated in

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1 several of the Board meetings it was discussed having  
2 students come to the Board meetings and really encouraging  
3 the colleges of pharmacy in South Carolina to almost make  
4 it a requirement that every student attend a Board  
5 meeting. But with the number of colleges of pharmacy now  
6 open in South Carolina, 200 to 300 young people coming  
7 through, you would need a very large place. Having  
8 visited PC for their accreditation he was told they do use  
9 the live broadcast to have students watch it. He knows  
10 that colleges use it for their students and has heard that  
11 a couple of schools, PC in particular, did utilize the  
12 video feed. He thinks it's a good thing, a good  
13 educational tool. Ms. Bunderick explained since  
14 everything has come back to the Board you have to decide  
15 if you want to utilize it. The Granicus system is being  
16 reviewed by the Agency director to determine if the Board  
17 is going to continue to use it. It was initially sold  
18 that it would take live feed to the internet and it would  
19 also take the Board minutes. However, it does not take  
20 the Board minutes. We still have to have them typed out  
21 and that was one of the concerns. Mr. Livingston  
22 commented that he has heard people do watch it.

23 Mr. Banks made a motion that the Board continue the  
24 live video feed if available. Second by Mr. Rose.  
25 There was further discussion. Mr. Banks commented if

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1 there's not going to be that availability, the Board of  
2 Pharmacy should strongly consider approaching the Agency  
3 about meeting off the grounds like we used to where we  
4 would go to larger auditoriums in Greenville or Charleston  
5 or wherever, the College of Pharmacy here in town, so that  
6 more individuals could come to the meetings than permitted  
7 by this little room. He continues, quite often this room  
8 is completely full with people standing in the hall or  
9 bring other chairs in. I think if they won't allow the  
10 video feed, you have to make concessions for a larger  
11 audience. Mr. Bradham wondered whether the other  
12 individual boards were having to pay for this out of their  
13 funds, and Ms. Bunderick is not real positive how it's  
14 being paid for. Mr. Mobley wondered what other boards are  
15 choosing to do, and Ms. Bunderick is not sure. Mr. Bradham  
16 asked if Ms. Bunderick had heard if any other boards are  
17 voting to continue and she replied Nursing Board has been  
18 using it and Long Term Health Care uses it. But  
19 Ms. Templeton was sending everything back to the boards  
20 and she said the Board can determine whether to utilize  
21 the system while Agency wide they review it. Ms. Bunderick  
22 doesn't know anything about the cost of it. The vote was  
23 called and the motion carries.

24 DISCUSSION TOPICS: No discussion topics. Motion was  
25 made by Mr. Banks to adjourn the meeting. Mr. Richardson

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1 thanked Mr. Banks for his service on the Board for the  
2 last 10 years.

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6 MEETING ADJOURNED.  
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1 CERTIFICATE OF REPORTER  
2

3 This is to certify that I, Kathryn J. Lindler,  
4 am a duly qualified court reporter; that I took the  
5 hearing in this matter;  
6 that I took notes, by Stenograph Machine, of the  
7 said hearing; that the said notes were reduced to  
8 typewriting by me; and that the foregoing pages,  
9 inclusive, constitutes a full, true  
10 and correct record of such hearing and oral proceedings,  
11 to the best of my skill and ability.

12 I do further certify that I am neither employed  
13 by nor related to any of the parties in this matter or  
14 their counsel; nor do I have an interest, financial or  
15 otherwise in the outcome of same.

16 In Witness Whereof, I have hereunto set my hand  
17 and official seal this 12th day of May, 2011.  
18  
19  
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21 \_\_\_\_\_  
22 Kathryn J. Lindler  
23 Notary Public for the State of South Carolina  
24 My Commission Expires June 4, 2018  
25

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