

# South Carolina Board of Pharmacy

## MINUTES

Board Meeting

8:30 a.m., November 15-16, 2006

Synergy Business Park, Kingstree Building

110 Centerview Drive Room 108

Columbia, South Carolina

**Wednesday, November 15, 2006**

### **Meeting Called to Order**

Marvin Hyatt, R.Ph., Chairman, of Rock Hill called the regular meeting to order at 8:41 a.m. Other Board members participating in the meeting included: Dock Henry Rose, R.Ph., vice chairman, of Greer; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Davis Hook, R.Ph., of West Columbia; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Terry Lewis, of Darlington, was not present for the meeting.

Dan Bushardt, R.Ph., of Lake City, member-elect, attended the meeting and sat with the Board members in observance of the meeting. He did not participate in any votes taken by the Board.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Joe Greene, Administrative Specialist; Sally Green, Program Assistant; Diana Harder, Administrative Assistant; Linda Moore, R.Ph., Temporary Inspector/Investigator; Clelia Sanders, R.Ph., Pharmacist Inspector; Tom Porter, R.Ph., Inspector; and Sheila Young, R.Ph., Compliance Manager. LLR employees participating during the meeting included: Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Stacy Alewine, Shannon Amerson, Steve Anderson, Kelly Bradford, Christy Brueckner, Pam Cain, Carmelo Cinqueonce, Ivy Coleman, Tia Cooper, Jessica Curtis, Senator Ronnie Cromer, Susan DelMonico, Dwight Drake, Kevin Eisenhour, Christina Glassie, Jennifer Gordon, Gayle Heller, Stacey Hayes, James Hubbard, Jr., LaWanda Lewis, Shelley McAlister, Stephen McKinney, Brian Meyer, Terry Nye, Vickie Nye, Mark Patterson, Tom Phillips, Tonya Phillips, Laura Redmond, Eric Ridings, Kristen Rothrock, Robert Spires, Lori Stepp, Julie Surles, Debbie Tapley, Janet Teeters, and Sondra Wojewodka.

Mr. Hyatt 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**

Dr. Richardson delivered the invocation.

### **Pledge of Allegiance**

All presented recited the Pledge of Allegiance

**Chairman's Remarks – Marvin Hyatt, Sr., R.Ph.**

Mr. Hyatt made no remarks at this time.

**Introduction of Board Members and all other persons attending**

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

Mr. Hyatt turned the meeting over to Mr. Bradham at this time.

**1. Approval of Minutes for the September 27-28, 2006**

Mr. Bradham stated a revised set of minutes was provided to the members this morning.

**MOTION**

Mr. Banks moved the Board approve the minutes of the September 27-28, 2006 meeting. Mr. Rose seconded the motion, which carried unanimously.

**2. Approval of Reciprocity Candidates for Licensure:**

September 14, 15, 25, 28, 29, 2006, October 3, 5, 10, 13, 23, 24, 31, 2006, November 1, 3, 2006

**MOTION**

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the reciprocity candidates of September 14, 15, 25, 28, 29, 2006, October 3, 5, 10, 13, 23, 24, 31, 2006, and November 1, 3, 2006.

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

Mrs. Bunderick briefed the Board on staff's activities since the September 27-28, 2006 meeting.

**4. Compliance and Inspector's Report, Sheila Young, R.Ph.**

IRC Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Consent Orders and Stipulations and Petitions from the Investigative Review Committee (IRC), Pat Hanks, OGC and Charles "C" Turner, R.Ph., IRC Chairman and Hugh Mobley, R.Ph.

Mrs. Young briefed the Board on the compliance staff's activities since the September 27-28, 2006 meeting. She noted staff has conducted 120 inspections since the September 2006 meeting.

Mrs. Young stated a panel hearing was held on November 1, 2006 at which time Citation 045 and Citation 057 were heard. She went on to say both citations were upheld by the hearing officer, Mr. Hugh Mobley. She further stated the party involved in one citation has paid the fine and the party involved in the other citation has requested a full Board hearing.

Mrs. Young stated an IRC meeting was held on November 1, 2006 at which time 21 cases were reviewed.

Mrs. Young stated staff is currently investigating seven cases.

Mr. Bradham stated Mr. 'C' Turner and Mr. Hugh Mobley still put in several hours in assisting the Board with these cases.

- Dismissals
  - Case #: 2006-73
  - Case #: 2006-8
  - Case #: 2005-103
  - Case #: 2006-63
  - Case #: 2006-75
  - Case #: 2006-53

**MOTION**

Mr. Hook moved the Board approve the IRCs recommendation regarding the above cases for dismissal. Mr. Banks seconded the motion, which carried unanimously.

- Formal Complaints
  - Case #: 2006-76
  - Case #: 2006-77
  - Case #: 2006-78
  - Case #: 2006-82
  - Case #: 2006-83

**MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the IRCs recommendation regarding the above listed formal complaints.

- Dismissals with Letters of Concern
  - Case #: 2006-11
  - Case #: 2006-48
  - Case #: 2006-80
  - Case #: 2006-84

**MOTION**

Mr. Banks moved the Board approve the IRCs recommendation in regard to the above cases for dismissal with letters of concern. Mr. Hook seconded the motion, which carried unanimously.

- Consent Order
  - Case #: 2005-67

Mr. Hanks briefed the Board in regard to the consent order on case # 2005-67.

**MOTION**

Mr. Hook moved the Board accept the consent agreement in regard to case # 2005-67. Mr. Rose seconded the motion, which carried unanimously.

Mr. Hanks briefed the Board in regard to the consent order on case #2006-16.

- Consent Order  
Case #: 2006-16

**MOTION**

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, that the Board approve the consent order regarding case # 2006-16.

- Temporary Suspension  
Case #: 2006-25

Mr. Hanks presented the temporary suspension on case # 2006-25 as information for the members.

**5. Old Business**

**A. Request to Meet With Board of Pharmacy about Proviso 8.46 –  
SC Primary Health Care Association**

On October 12, 2006 the Board received a letter from Lathran Woodard, Executive Director of the SC Primary Health Care Association asking for an opportunity to meet with the Board in regard to alternative language addressing the Board's concerns with Proviso 8.46. Ms. Woodard's letter states that she would like to work on improving the language to the proviso that would address the Board's concerns while preserving the ability of the centers to treat their patients.

Mr. Bradham stated Mr. Hyatt would be making an appointment for the proper individuals to meet with the association. He went on to say he would not mind working with this association with another individual.

Mr. Bradham stated he would be retiring from the profession on a full time basis; however, he would be working on a part-time basis in the profession.

Senator Cromer stated the SC Primary Health Care Association is proposing legislation for the upcoming legislative session, but he does not know if the legislation would pass. He went on to say he would prefer that the Board take the lead in this matter and that common ground should be laid for both parties in this matter. He further stated a tentative meeting with Ms. Woodard has been scheduled for November 27, 2006 at the SC Pharmacy Association's office and asked that the Board be represented during this meeting.

Senator Cromer stated the legislature would be discussing sensitive issues during the upcoming session that would include the PBM bill, electronic prescribing and possibly pharmacy technicians. He went on to say there would be several pharmacy issues to be discussed and he would like for the industry to maintain its posture in the legislature as best as it can. He continued by saying the industry has the sympathetic vote from the Senate and the House of Representatives on the Governor's plan to reduce Medicaid reimbursement. He noted Governor Sanford would probably reintroduce this legislation in his budget and would propose to cut the reimbursement from AWP -10 plus 405 to AWP -15 or a lesser dispensing fee.

**Recess**

Mr. Banks moved the Board take a short recess.

The Board recessed at 9:15 a.m. and returned to public session at 9:30 a.m.

### **Return to Public Session**

#### **6. New Business**

Senator Jake Knotts, Lexington County, South Carolina

Senator Knotts did not appear at this meeting; however, Senator Cromer spoke at this time.

Senator Cromer stated he has spoken with Mr. Stroud of Triangle Pharmacy, who was late in submitting his permit renewal. He went on to say when a pharmacy is late in submitting its permit renewal the pharmacy is technically operating without a license, which would put the pharmacy in violation of the contract with Medicaid. He does not know the remedy; however, he believes the individual or the pharmacy should not be penalized heavily for failure to renew an individual or permit license. He noted third parties withhold reimbursement on prescriptions until such time as the permit is renewed.

Mr. Bradham noted that the practice act indicates a new permit number would be issued if a pharmacy failed to renew on time. He went on to say the third party industry would be issuing new NPI numbers in May 2007.

#### **B. Request Approval of Reciprocity Application – Sondra Wojewodka**

On May 31, 2006 the Board received a pharmacist reciprocity application from Sondra Wojewodka. NABP records reflect that Ms. Wojewodka received a warning letter dated October 27, 1993 in regarding to a 'misfill, not ingested'. On October 9, 2006 the Board received a letter from Ms. Wojewodka indicating she was unaware of this action until she applied for licensure in South Carolina.

Sondra Wojewodka appeared before the Board at this time. Ms. Wojewodka stated when she applied for reciprocity from Nevada she was informed by NABP that there had been disciplinary action taken by Nevada. She went on to say she contacted the Nevada Board of Pharmacy and was informed the case was closed and was no longer available. She noted not recall receiving such a letter and had no idea about the warning letter. She is not aware of the medication that was misfilled. She was initially licensed in Pennsylvania and reciprocated to Nevada.

#### **MOTION**

Mr. Hook moved the Board accept Ms. Wojewodka's application. Mr. Banks seconded the motion, which carried unanimously.

#### **C. Request Approval of Reciprocity Application – James Hubbard, Jr.**

On August 21, 2006 the Board received a pharmacist reciprocity application from James E. Hubbard, Jr. of Birmingham, Alabama. Mr. Hubbard's application reflects he passed the exam on July 28, 2002 in Kentucky, where his license is active and in good standing. On August 18, 2004 he transferred his license to Georgia, where his license is also active and in good standing. On November 17, 2004 Mr. Hubbard transferred his license to Alabama where it is currently on probation. In a letter to Sally Green Mr. Hubbard states that he was in the Recovering Pharmacist Program (RPP) in Alabama, however, this organization has relinquished control to RPP in South Carolina. The letter states that he was charged with theft of property, second degree; however, the charge was dropped on October 7, 2005. He was charged with possession of a controlled substance; however, that charge was dropped on April 14, 2006 after

his completion of the required drug court. He is now serving a five-year probation with the Alabama Board of Pharmacy. His letter states the Kentucky Board of Pharmacy is satisfied with Alabama's recommendations and is requiring quarterly reports.

James Hubbard and Julie Surlles of RPP appeared before the Board at this time.

Mr. Hubbard stated he developed a back problem following a ski accident in early 2003 and was treated by a Kentucky licensed physician. He further stated an MRI revealed he had a protruding disc, which could get better or worse. He went on to say the problem became worse while he was working in Alabama and he later became addicted to the medication. He said he entered the Alabama Recovering Pharmacist Program and was granted reinstatement of his license after successful completion of the program. He went on to say he has since moved to Hilton Head. He stated there are no current restrictions on his license in Georgia. He contacted RPP approximately two months prior to moving to South Carolina.

Ms. Surlles stated Mr. Hubbard did contact RPP prior to moving to South Carolina. She went on to say she has been in contact with his Alabama monitor who said that he has been in complete compliance since his enrollment. She further stated he has been coordinating with her and has been compliant in all aspects of his contract.

Mr. Bradham informed Mr. Hubbard the Board would take his testimony under advisement and would render a decision in regard to this matter later in the meeting.

#### **D. Request Approval of Pharmacist Application – Kelly Bradford**

On October 16, 2006 the Board received an initial pharmacist application from Kelly Bradford. Ms. Bradford answered yes to the question asking, "Have there been any charges involving a felony or any other crime involving fraud, drugs, or any of the laws relating to controlled substances, intoxicating liquors or the unlawful sales of dangerous drugs brought against you which you have not previously reported to the Board, or are any now pending?" Ms. Bradford was stopped by a state trooper for a broken headlight and was charged with suspicion of DUI.

In a letter dated November 8, 2006 Tina Head, Paralegal with Michael L. Brown, Jr., Esq., states that office is representing Kelly Bradford in a matter currently pending in the Bethel/Kings Mountain Magistrate Court in Clover, South Carolina. The letter indicates they have not received communication regarding a potential trial date.

Kelly Bradford and Mike Cauthen appeared before the Board at this time.

Ms. Bradford stated she does not have any information regarding a court date. She further stated graduated from the USC College of Pharmacy on August 5, 2006. She continued by saying she has passed the MPJE and the NAPLEX exams and has submitted her hours of work experience. She said in April 2006 she was stopped by a law enforcement officer for a broken headlight. She further stated she had a passenger in the vehicle who was intoxicated. She stated she was charged with DUI and is waiting for a court date.

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

Mr. Hyatt stated Ms. Bradford interned with Good Pharmacy and was a model intern. He further stated the courts are slow in that area of the state.

Mr. Cauthen stated Ms. Bradford has been with his pharmacy off and on for a number of years. He further stated she began as a pharmacy technician and began classes at York Technical College. He went on to say she then attended USC-Lancaster and transferred to the Columbia campus of USC. He went on to say he would recommend her for licensure.

Ms. Bradford stated she did submit to a breathalyzer and her blood alcohol was .12. She further stated she has not been diagnosed as an alcoholic.

Mr. Bradham informed Ms. Bradford the Board would take her testimony under advisement and would render a decision in regard to this matter later in the meeting.

#### **E. Request for Reinstatement – Terry Nye**

On January 6, 2006 Terry Nye was arrested by the SC Department of Health and Environmental Control (DHEC) for diverting controlled substances from his place of employment. He surrendered his license to the Board on January 10, 2006.

On January 21, 2006 Mr. Nye entered a consent agreement and surrendered his pharmacist license indefinitely and would be reinstated in a probationary status on November 16, 2006 contingent upon his compliance with the terms and conditions of the consent agreement, including, but not limited to, undergoing periodic, unannounced drug screenings; that he enter a five year contract with RPP, that he pay a fine of \$500, and that he not practice as a pharmacist in charge (PIC) or permit holder for five years.

In a letter dated October 15, 2006 Mr. Nye states he has completed a twelve-week drug treatment program and is currently in compliance with the other terms and conditions of the January 21, 2006 consent agreement and asks that his license be reinstated.

Terry Nye appeared before the Board at this time.

Mr. Nye stated he realizes it is a privilege and not a right to practice pharmacy. He further stated he has been practicing pharmacy in 1980 and has been at the same pharmacy for 25 years.

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

Tia Cooper, a RPP Recovery Specialist, stated Mr. Nye enrolled in RPP on January 13, 2006. She went on to say RPP referred him to Bradford Health Services where he completed the treatment on April 7, 2006. She further stated he is compliant in meeting all of the required meetings and blood tests.

Mark Patterson, R.Ph., stated he has been Mr. Nye's partner for 25 years. He further stated he believes this is a one-time incident.

Steve Anderson, R.Ph., stated he has known Mr. Nye for 25 years. He further stated he has offered Mr. Nye employment contingent on his reinstatement.

Mr. Banks stated Mr. Nye is known as a good pharmacist in Saluda. He further stated he has a lot of respect for Mr. Nye and would like to see him practice.

Mr. Bradham informed Mr. Nye the Board would take his testimony under advisement and would render a decision in regard to this matter later in the meeting.

**F. Request Approval of State Certified Pharmacy Technician Application – Jennifer Gordon, PhT.**

On May 4, 2006 the Board received a pharmacy technician registration application from Jennifer Gordon. In a letter attached to her application Ms. Gordon states that she is nationally certified with over five and one-half years of experience in retail and compounding pharmacies and feels she is qualified to be a certified technician. In a letter dated October 25, 2006 Ms. Gordon requested to appear before the Board to ask for registration as a state certified pharmacy technician. She states in her letter that she was not a South Carolina resident in 2004.

Jennifer Gordon appeared before the Board at this time.

Ms. Gordon stated she has been a registered technician in Pennsylvania since 1999. She further stated she holds her PTCB certification (dated November 30, 2004), which she held prior to the December 31, 2004 deadline for grandfathering. She went on to say she has met more than the required hours of experience. She holds a bachelor's degree in education. She further stated her first major was pharmacy; however, she transferred to education. She feels she is competent and would make a good state certified technician. She worked on a part time basis from 1999-2002, taught from 2003 to 2004 and worked full time from 2004 to 2006. She believes she has 5,000 hours of experience.

Mr. Bradham informed Ms. Gordon the Board would take her testimony under advisement and would render a decision in this matter later in the meeting.

**G. Request Approval of State Certified Pharmacy Technician – Jovita Grissett, PhT.**

On May 23, 2006 the Board received a pharmacy technician renewal registration from Jovita Grissett. On October 20, 2006 the Board received a letter from Ms. Grissett that states she completed the pharmacy technician program at Midlands Technical College in May 200. She passed the PTCB exam in November 2004. The letter also states that her employer did not know she had to resubmit the information for her to become state certified. The letter goes on to say she recently learned one class did not transfer and she is one class short of receiving the program's diploma. She has proof of 1,000 hours of experience and is seeking the Board's approval to be grandfathered as a state certified pharmacy technician.

Jovita Grissett did not appear at this meeting.

**H. Request Approval of State Certified Pharmacy Technician – LaWanda Lewis, PhT.**

On March 14, 2006 the Board received a pharmacy technician registration application from LaWanda Lewis. On March 27, 2006 the Board received a copy of her PTCB national certification. On November 1, 2006 the Board received a letter from Ms. Lewis seeking the Board's approval for state certification. She began a program with the Denver Technical College in winter 1999 and graduated with an Associate's Degree in June 2001. She believes that program was ASHP approved at that time.

LaWanda Lewis appeared before the Board at this time.

Ms Lewis stated she joined the military following high school in 1996. She further stated worked as a pharmacy technician while she was in Colorado Springs, Colorado. She went on to say she enrolled at the Denver Technical College in 1999 for the pharmacy technician program and graduated in 2001. She said she completed her externship at Safeway Pharmacy. She continued by saying she moved back to South Carolina when she completed her military training in early 2006. She went on to say she began working at Walgreen's on June 12, 2005. She stated she was informed the Walgreen's program could take six months to eighteen months. She noted she holds the PTCB certification.

Mrs. Dantzler opened the transcript and read the accreditations.

Mrs. Harder stated the Denver Technical College is not listed as an ASHP approved college.

Mr. Bradham informed Ms. Lewis the Board would take her testimony under advisement and would render a decision in this matter later in the meeting.

**I. Request Approval of State Certified Pharmacy Technician – Kelley Long, PhT**

On May 1, 2006 the Board received a pharmacy technician renewal application from Kelley Long. In a letter dated October 13, 2006 Ms. Long states she completed the pharmacy technician program at Midlands Technical College in May 200. She passed the PTCB exam in November 2004. The letter also states that her employer did not know she had to resubmit the information for her to become state certified. The letter goes on to say she recently learned one class did not transfer and she is one class short of receiving the program's diploma. She has proof of 1,000 hours of experience and is seeking the Board's approval to be grandfathered as a state certified pharmacy technician.

Kelley Long did not appear at this meeting.

**J. Request Approval of State Certified Pharmacy Technician – Monita Smith, PhT**

On October 7, 2004 the Board received a pharmacy technician registration application from Monita Smith. On May 2, 2006 the Board received Ms. Smith's Affidavit of Experience showing she worked for a total of 1,364.25 under a licensed pharmacist in Mt. Pleasant from October 11, 2004 to July 7, 2005. The Board received Ms. Smith's 2005/06 renewal application on June 30, 2005. On November 2, 2006 the Board received a request from Ms. Smith seeking the Board's approval for state certification.

Monita Smith did not appear before the Board at this meeting.

**K. Request Reinstatement of Registration Without Live Continuing Education – Jessica Curtis**

In an email sent to the Board's staff on August 14, 2006 Jessica Curtis states she submitted her pharmacy technician registration with 21 hours of continuing education hours, however, she did not submit any live hours. She was unable to attend live continuing education courses due to a

difficult pregnancy with triplets and the loss of two of them. She was ordered to strict bed rest to avoid the loss of the third infant. She is asking the Board for assistance to resolve her renewal.

Jessica Curtis appeared before the Board at this time.

Ms. Curtis stated she works at Piedmont Medical Center. She has been on medical leave since May 2005. She has been unable to obtain live continuing education hours due to her pregnancy and complications from the pregnancy.

Ms. Harder stated the Board accepts continuing education for pharmacy technicians for renewal from January 2004 until June 2006.

Ms. Harder stated Ms. Curtis first became registered in August 2005 and this is her first renewal. She went on to say that her continuing education hours could be submitted toward her renewal.

Mr. Bradham informed Ms. Curtis the Board would take her testimony under advisement and would render a decision in this matter later in the meeting.

### **Executive Session**

#### **MOTION**

Mr. Banks moved the Board enter executive session to discuss the matters presented. Mr. Rose seconded the motion, which carried unanimously.

### **Lunch**

The Board recessed for lunch at 12:00 p.m. and resumed public session at 2:00 p.m.

### **Return to Public Session**

#### **MOTION**

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board move out of executive session.

Mr. Bradham noted for the record that no motions were offered or accepted during executive session.

### **7. Petition for a Declaratory Ruling**

Petitioner - Dwight F. Drake, Esquire  
ASHP- Janet L. Teeters, R.Ph., M.S.  
SCSHP- Debbie Tapley, R.Ph.  
Other Interested Parties

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

### **Recess**

#### **MOTION**

Mr. Banks moved the Board take a ten-minute recess. Mr. Rose seconded the motion, which carried unanimously,

### **Return to Public Session**

The Board returned to public session at 3:00 p.m.

Mr. Bradham noted that the hearings scheduled for 9:00 a.m., Thursday, November 16, 2006 have been continued. He went on to say the committee reports would be held at an earlier time.

### **Public Comments**

Mr. Cinqueonce stated that Wal-Mart would be holding a press conference at the Harbison Boulevard location of Sam's Club at 11:00 a.m., November 16, 2006. He further stated the press conference is expected to be in regard to adding South Carolina to the \$4.00 generic program.

Mr. Bradham stated the SC Pharmacy Association Foundation Board would be meeting on the afternoon of November 16, 2006.

Mr. Bradham stated the Board would be making a response in regard to all of the documentation presented in regard to the Petition for Declaratory Ruling within 30 days, which would be on or before December 15, 2006.

#### Request for Approval of Reciprocity Application - James Hubbard, Jr.

##### **MOTION**

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, that the Board approve Mr. Hubbard's reciprocity application, that he be placed on probation for five years, that he pay a \$500 fine, that he not serve as PIC or permit holder, and that he enroll in a five-year contract with RPP.

#### Request Approval of Pharmacist Application - Kelly Bradford

Mr. Hyatt recused himself from voting in this matter.

##### **MOTION**

Mr. Hook moved the Board approve Ms. Bradford's application with restrictions, that she be placed on a one-year probation, that she not serve as PIC or permit holder during the probation, and that she be fined \$500. Mr. Banks seconded the motion, which carried unanimously.

#### Request for Reinstatement - Terry Nye

Mr. Banks recused himself from voting in this matter.

##### **MOTION**

Mr. Toole made a motion, seconded by Mr. Hook and unanimously carried, that the Board modify Mr. Nye's order to reinstate licensure in a five year probationary status beginning on January 15, 2007, that he continue his contract with RPP during that time, and that he cannot be a PIC or permit holder during that time.

Request Approval of State Certified Technician Application - Jennifer Gordon, PhT

**MOTION**

Mr. Rose moved the Board deny this request as it is outside the Board's parameters for approval. Dr. Richardson seconded the motion, which carried unanimously.

Request Approval of State Certified Pharmacy Technician – LaWanda Lewis

**MOTION**

Mr. Rose made a motion, seconded by Mr. Hook and unanimously carried, that the Board deny this request unless she can produce the military record showing she had ASHP approved technician program while she was in the military.

Request for Reinstatement of Registration without Live Continuing Education – Jessica Curtis

**MOTION**

Dr. Richardson moved that the Board approve Ms. Curtis's reinstatement as a pharmacy technician as long as she takes eight hours of live continuing education prior to December 31, 2006 or can provide proof of eight hours of ACPE or CME-1 approved live continuing education from the hospital where she is employed. Mr. Banks seconded the motion, which carried unanimously.

Mrs. Young stated Mr. Nye already had a consent order in which he had already paid the \$500 fine and that he would be reinstated in probationary status on November 16, 2006 and to continue with RPP for five years. Mr. Bradham stated the only change made to the consent order was the date of reinstatement.

**Adjournment**

**MOTION**

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the meeting be adjourned.

The November 15, 2006 meeting of the SC Board of Pharmacy adjourned at 3:15 p.m.

# South Carolina Board of Pharmacy

## MINUTES

Board Meeting

8:30 a.m., November 15-16, 2006  
Synergy Business Park, Kingstree Building  
110 Centerview Drive Room 202-02  
Columbia, South Carolina

**Thursday, November 16, 2006**

### Meeting Called to Order

Marvin Hyatt, R.Ph. Chairman of Rock Hill called the regular meeting to order at 8:43 a.m. Other Board members participating in the meeting included: Dock Henry Rose, R.Ph., vice chairman, of Greer; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Davis Hook, R.Ph., of West Columbia; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Terry Lewis, of Darlington, was not present.

Dan Bushardt, R.Ph., of Lake City, member-elect, attended the meeting and sat with the Board members in observance of the meeting. He did not participate in any votes taken by the Board.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Diana Harder, Administrative Assistant; Linda Moore, R.Ph., Temporary Inspector/Investigator; Clelia Sanders, R.Ph., Pharmacist Inspector; and Tom Porter, R.Ph., Inspector. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel and Sandra Dickert, Administrative Assistant.

Members of the public attending the meeting included: Carmelo Cinqueonce, Christina Glassie, Tom Phillips, Eric Ridings, and Debbie Tapley.

Mr. Hyatt announced that this meeting was being held in accordance with Sections 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.

### Chairman's Remarks – Marvin Hyatt, Sr. R.Ph.

Mr. Hyatt made no remarks at this time.

### Signing of Licenses

At 8:30 a.m. the Board signed pharmacist licenses.

### Hearings

In the Matter of, James Phillips, Jr.

In the Matter of, George Dawn

The above hearings have been continued to a later date.

## 8. Committee Reports

- Immunization Task Force – Marvin Hyatt, R.Ph., Al Toole, R.Ph.

Mr. Hyatt had no report.

- Pharmacy Technology Committee –David Banks, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

Mr. Banks had no report at this time.

- Recovering Professional Program Committee – Davis Hook, R.Ph., Leo Richardson, PhD.

Ms. Harder stated at the meeting Mr. Sheheen gave his quarterly statistical report. She further stated the voluntary referrals to date include nine for the Board of Pharmacy, 70 for the Board of Nursing, 47 for the Board of Medical Examiners, eight for the Board of Dentistry, and six others. She went on to say the total number of participants, voluntary and non-voluntary includes 117 pharmacists, 185 for the Board of Medical Examiners, 752 for the Board of Nursing, one for the Board of Veterinarians, two for Podiatry and 40 for others. She continued by saying RPP is redesigning their web site to make it more user friendly and that RPP is conducting a survey to research what is happening to participants once they leave the program. She noted the survey would be done on an anonymous basis and would include questions regarding on how the program helped or did not help them and suggestions for future participants. She said LRADAC would be constructing a new building. She noted that RPP has added three new staff members and has approximately three interns.

- Compounding Task Force – Bobby Bradham, R.Ph., Marvin Hyatt, R.Ph., Davis Hook, R.Ph.

Mr. Hyatt stated the committee has not met.

- Nuclear Pharmacy – Dock H. Rose, R.Ph.

Mr. Rose stated the committee has yet not met but would meet prior to the next meeting.

- Pharmacy Technician Committee – Davis Hook, R.Ph., David Banks, R.Ph.

Mr. Hook stated the committee is struggling with reciprocity issues. He further stated the committee met on June 2, 2006, October 13, 2006 and November 9, 2006; however, the minutes from the November meeting are not yet ready. He went on to say the committee will be making a recommendation in regard to reciprocity pharmacy technicians seeking state certification. He further stated the committee has proposed an experience time frame and determined 3,000 hours would represent two years of experience at 30 hours a week. He continued by saying the committee also wanted to ensure the individuals had passed the PTCB; however, the committee is struggling with the third component of requiring education. He said the committee had asked the technical colleges to research programs with 40 to 50 hours of academic or didactic training which would be the latter part of the statute requirements. He noted the technical colleges informed the committee during the November 9<sup>th</sup> meeting that a program could not be designed because they did not want to risk interfering with the ASHP

programs. He noted such a program could possibly be done within the continuing education departments. He went on to say the committee thought it may ask the SC Pharmacy Association to design such a program.

The committee made a motion that the Board allow with 3,000 hours of experience, one year of PTCB certification, 40 hours of continuing education that would not count towards regular continuing education, and a competency board exam become state certified. Since the motion came from committee it needed no second.

Mr. Bradham stated to the board that there is nothing in the Board's practice act or policies and procedures in regard to pharmacy technicians seeking reciprocity.

Mr. Banks stated the committee discussed several different time frames. He further stated he does not think pharmacy technicians work 40 hours a week which is how the 30 hour week was established. He believes the 40 hour continuing education course would help in protecting the public.

Mr. Bradham asked if the number of hours for the continuing education course could be left open. Mr. Hook stated that number was based on what Walgreen's added to gain ASHP approval.

Mr. Bradham then asked if the reciprocity is for those individuals moving into South Carolina or is it encompassing anyone. He further stated that looking back over the past two years that would encompass those that have come into the program and the vast majority would have met this qualification. He went on to say people looking at this process would say that those that have expended the time to gain ASHP approval would see this as an option, which would discredit the ASHP technical college program. He noted that the technical programs are attempting to make their programs windows based. He also noted that another concern would be if the SC Pharmacy Association develops this program but it needs to be a different number of hours. His concern is allowing all candidates state certification.

Mr. Hook stated the committee's motion is to allow state certification for everyone.

Dr. Richardson stated it is important that the Board make sure it becomes statute so that the Board is not challenged as they were yesterday.

Mr. Banks noted that the Board has had legal counsel involved with the whole process.

Mr. Hook stated Mr. Bradham was correct in not inserting specifics in the statute as ASHP is not the only accrediting agency.

Mrs. Dantzler stated the matter should be discussed when and if the Board goes into executive session.

Mr. Rose stated that the committee would be cheapening those individuals who already have state certification. He further stated salaries would drop because all pharmacy technicians would be able to do the same thing.

Mr. Hook stated the Board is making it more difficult for technicians to be grandfathered.

Mr. Bradham stated he could not support the motion unless it deals with just reciprocity.

Mr. Hook stated the committee has asked him to bring it before the Board. He went on to say he believes the committee's motion is to proceed with it as far as the Board can take it based on the information presented and prior to implementation ensure the Board has the blessings of General Counsel and have a program in place with the association.

Mr. Bradham asked Mr. Hook if the committee would be willing to accept the fact that Mr. Rose and he have reservations with the motion. Mr. Hook replied that the committee would have to follow the Board's directive.

Mrs. Dantzler stated the way the Board votes on this matter would have implications on how the Board writes the response in regard to the petition. She asked that this matter be discussed in executive session and that the vote not take place until after that time.

- Legislative Committee – Davis Hook, R.Ph., Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph.

Mr. Bradham stated the committee met on October 17, 2006 at which time Acts 3581 and 3803 were discussed. He noted Act 3803, the DHEC bill, was held up, then vetoed by the Governor and overridden by the legislature. He further stated the central fill legislation was introduced two years ago and would hopefully move through this session. He continued by saying that there are currently 48 states that allow e-prescribing and two states currently do not allow electronic prescribing. He went on to say the Board approved the SureScripts pilot program in hopes that the e-prescribing legislation would pass.

Mr. Bradham stated that e-prescribing is mandated as part of the Medicare Modernization Act with certain parameters.

Mr. Hook stated he had spoken with Mr. Wilbur Harling, of DHEC, who indicated they now have legislation that would require the reporting of controlled substances.

- Medication Errors – Al Toole, R.Ph.

Mr. Toole had no report.

- Pharmacy Benefit Management (PBM) -Marvin Hyatt, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

Mr. Hyatt stated the committee met on October 18, 2006. Mr. Cinqueonce stated the association has been speaking with Senator Hayes and Representative Harrell. He went on to say they are moving forward with the legislation with a small technical change.

Mr. Hyatt stated the committee had discussed ways to reduce costs for state employees. He went on to say he had spoken with Senator Hayes to that effect, who stated it would be easier to sell with that recommendation.

Mr. Toole noted that several states have passed similar bills. Mr. Cinqueonce stated Maine was the first state to sign into law.

Mrs. Bundrick stated Mrs. Dantzler has reviewed the PBM bill and has concerns on a few sentences. She stated she has passed this information on to Mr. Bradham and Mr. Hyatt and would be discussing her comments with them and Mr. Cinqueonce at a later time.

Mr. Hyatt stated he feels the PBM should fall under the supervision of the Board.

- Detention Center Committee – Bobby Bradham, R.Ph.

Mr. Bradham stated the committee had been dissolved as all of the issues have been resolved.

- Federally Qualified Health Clinics – Bobby Bradham, R.Ph., Dock H. Rose, R.Ph.

Mr. Bradham stated this is still continuing to be an issue and that Mr. Hyatt has agreed to work with the clinics.

- VAWD Committee – Terry Lewis, R.Ph., Dan Bushardt, R.Ph.

Mr. Bushardt stated he asked questions on what VAWD, Verified Accredited Wholesale Distributor, means. He stated the committee of one met on November 15, 2006 and would be glad to give a report. He noted VAWD was created to assist in protecting the public from the threat of counterfeit drugs with the US drug supply. In October 2003 the FDA requested NABP to update the model pharmacy practice act and model rules and in 2003 a task force created a plan to protect the drug distribution in the United States. There are three components involved in the accreditation process: 1) application evaluation/license verification, 2) an in-depth policy and procedure review, and 3) on-site inspection. NABP conducts a continual review every three years. He noted the different application fees is \$5,500 and \$175 for each owner who owns more than ten percent of the company.

Mr. Bushardt stated the Board may need to consider legislation in regard to this matter.

Mr. Bushardt stated he could continue as the committee or other individuals could be appointed by the Board. Mr. Bradham stated Mr. Bushardt could appoint other members to this committee.

- Methadone Committee – Dock H Rose, R.Ph., Leo Richardson, PhD.

Mr. Rose stated the committee would meet prior to the next meeting.

- Practice Act Revisions Task Force – Al Toole, R.Ph., Leo Richardson, PhD., David Banks, R.Ph., Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph.

Mr. Bradham stated this committee had no report.

- Inspection Report Committee – David Banks, R.Ph.

Mr. Banks stated the committee met on October 18, 2006. He went on to say the committee has covered most of the remaining inspection reports. He further stated there are a few out of state inspection reports or applications for the Board's review at the next meeting.

Mrs. Tapley stated Mr. Eisenhower failed to mention Midlands Technical College offers an ASHP accredited two-semester pharmacy technician certification program. She noted there are three programs available for technicians through Midlands Technical College. She went on to say there is a diploma program and a two-year associate's degree program.

- Medication Therapy Management Task Force, Davis Hook, R.Ph.

Mr. Porter stated there are two entities in which pharmacists and pharmacies can interact with and become involved with Humana and Community Care. He further stated it would be difficult for most retail pharmacists to participate because you can't go for 30 to 45 minutes.

Mr. Hook stated they are providers for the service for the community care and they have assigned them a certain number of participants who have met the criteria for qualification. He said he relieved a pharmacist to complete his medication therapy management. He continued by saying it took the individual an hour to complete the input.

### **Executive Session**

The Board entered executive session to seek legal advice on the motion from the pharmacy technician committee and to discuss the Petition for a Declaratory Ruling.

### **Return to Public Session**

#### **MOTION**

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

Mr. Bradham noted for the record that no motions were made or accepted during executive session.

#### *Technician Committee Recommendation*

Mr. Hook moved the committee's motion be withdrawn to a future meeting. The motion came from committee and did not need a second.

### **Adjournment**

#### **MOTION**

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

The November 16, 2006 meeting of the SC Board of Pharmacy adjourned at 11:23 a.m.