

**South Carolina Board of Pharmacy
Board Meeting
MINUTES**

9:00 a.m., June 16-17, 2010
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Wednesday, June 16, 2010

1. Meeting Called to Order

Allen Toole, R.Ph., chairman, of Liberty, called the regular meeting of the SC Board of Pharmacy to order at 9:05 a.m. Other Board members participating in the meeting included: Bobby Bradham, R.Ph., vice chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Dan Bushardt, R.Ph., of Lake City; Addison Livingston, R.Ph., of Swansea; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, PhD., of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant, Eddie Durant, R.Ph., Pharmacist Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Dean Grigg, Hearing Advice Attorney; Pat Hanks, Litigating Attorney; and Jamie Saxon, Hearing Advice Attorney.

Members of the public attending the meeting included: Brett Bailey, Laurin Ballouc, Paulette Bentley, Carmelo Cinqueonce, Ivy Coleman, Tia Cooper, Jennifer DeBusl, James Fleming, Kayla Frazier, James Furman, Larry Griffin, Wilbur Harling, Donna Harrison, Ryan Hefty, *Donna Hill, Patrick Hill, Angela Hitchcock, Mark Killingsworth, Anna McDaniel, Joseph Masneri, Joe Mullinax, Connie Overton, Christy Petit, Eric Ridings, Edward Setzer, Jr., Frank Sheheen, Robert Spires, Lori Steppe, Candice Tucker, William Xochihua, Teresa Vallera, Ed Vess, Angie Vickery, Brandt Vickery; and Nee Vonghalchoe.

a. Public Notice

Mr. Toole announced that this meeting was being held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice sent to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin board at the main entrance.

A video of this meeting can be viewed at www.llr.state.sc.us/POL/Pharmacy. On the Board's home page, click 'Board Information' and follow the link to the video.

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Bradham delivered the invocation.

2. Introduction of Board Members and all other persons attending

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

3. Chairman's Remarks – Allen Toole, R.Ph.

Mr. Toole made no remarks at this time.

4. Approval of Minutes for March 24, 2010

MOTION

Mr. Rose made a motion the Board approve the March 24, 2010 Board meeting minutes. Mr. Banks seconded the motion, which carried unanimously.

5. Approval of Minutes for May 18, 2010

MOTION

Mr. Banks made a motion the Board approve the minutes for the May 18, 2010 meeting. Mr. Rose seconded the motion, which carried unanimously.

6. Approval of Reciprocity Candidates for Licensure:

- a. Dates: March 22, 31, April 1, 7, 10, 12, 14, 28, 30, May 5, 7, 10, 12, 13, 14, 18, 19, 26, June 2, 3, 5, 10, 2010

MOTION

Mr. Banks made a motion the Board approve the reciprocity candidates interviewed on the above listed dates for licensure. Mr. Bushardt seconded the motion, which carried unanimously.

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

Mrs. Bundrick delivered the following report.

Good Morning Mr. Chairman and members of the Board

- The Office of Licensure and Compliance will no longer be on the agenda as a standing item. The Office of Information Services is in the process of developing a query to report the statistical information from the licensing area in order for this information to be a part of the record.
- As of this report we have approximately 2,809 active state-certified pharmacy technicians and 5,486 active registered pharmacy technicians. We have 6,710 active licensed pharmacists and 3,721 permitted facilities and 3 Electronic Prescribing Routing Companies.
- The Pharmacist Inspectors have conducted 267 inspections since the last Board meeting.
 - Pharmacy Permit Inspections 146
 - Non-Dispensing Drug Outlet Permit Inspections 80
 - EMS Permit Inspections 14
 - Medical Gas/DME Permit Inspections 27
- Of the 267 inspections, 46 new permits were issued.
- 2 Citations have been issued since the last Board meeting.
- 32 Reciprocity Interviews have been conducted since the last Board Meeting. 18 of the 32 reciprocity interviews were done by Mr. Eddie Durant, RPh. I would like to thank Mr. Durant for assisting with this process.

- Since the last Board meeting, 9 Pharmacists and 25 Pharmacy Technicians have signed consent agreements for failing the CE Audit.
- The Board of Pharmacy has continued to serve as a site for pharmacy students on clinical rotations from SC College of Pharmacy – USC Campus. During the month of April, Mr. David Rockholt was on rotation at the Board office. For the month of May, Ms. Alix Pandolfino is on rotation with us.
- The South Carolina Pharmacy Association has offered us an opportunity to have an exhibit booth at the upcoming Rxide the Wave Convention starting Friday. Please drop by and see us at the Exhibit Hall. I would like to the Mr. Cinquaconchay in advance for partnering with the Board in an effort to improve public awareness of the Board and it's duties and responsibilities.
- Mr. Wilbur Harling and I completed the new questions assignment for the MPJE State Specific Law Exam on specific competencies requested and/or any changes in law. These questions were submitted to NABP on April 15, 2010.
- My staff and/or I have participated in the following meetings since the March meeting:
 - Mr. Bobby Bradham attended the House 3M Subcommittee on H 4405 the FQHC Bill on March 24, 2010.
 - Staff attended SCEIS Training on March 29, 2010.
 - Ms. Cle Sanders presented the SC Laws and USP 797 pertaining to Nuclear Pharmacy to the SC COP nuclear pharmacy students on April 7, 2010.
 - Staff attended the Administrator's meeting for the Office of Board Services on April 12, 2010.
 - I attended the House 3M Committee on H4405 the FQHC Bill on April 13, 2010.
 - Pharmacy Practice Committee on April 13, 2010. Mr. Henry Rose, Mr. Hugh Mobley and Mr. Bobby Bradham attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Ms. Rosemary Boguski, Ms. Cle Sanders and I attended the committee meeting.
 - Compounding Committee on April 13, 2010. Mr. Hugh Mobley and Mr. Bobby Bradham attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Ms. Rosemary Boguski, Ms. Cle Sanders and I attended the committee meeting.
 - I attended the House 3M Subcommittee on H 4559 the "Utilization of Unused Prescription Drug Act" on April 14, 2010.
 - I attended the House Judiciary Subcommittee on S 1137 the Sale of Products Containing Pseudoephedrine Bill on April 15, 2010
 - I attended the House 3M Committee on H3393 the Immunization Bill with Protocol on April 15, 2010.
 - Ms. Cle Sanders and I attended a legal meeting on an investigation on April 19, 2010.
 - Ms. Cle Sanders conducted training for the inspectors regarding the inspections for secondary wholesalers on April 19-20, 2010.
 - Telephone IRC with Mr. Turner on April 20, 2010.
 - Mr. Ernie Shuler conducted a presentation on compounding and law for pharmacy technicians at Professional Medical Training Center in Florence, SC on April 20, 2010.
 - Inspector's meeting in Columbia on April 26, 2010.

- Ms. Cle Sanders met with a Generic Manufacturer pursuing a Distribution Center in the Greater Charleston Area on April 29, 2010.
- Ms. Cle Sanders worked with the FDA in Miami, FL regarding an investigation May 3-6, 2010.
- I attended the House Judiciary Committee on S 1137 the Sale of Products Containing Pseudoephedrine with electronic log bill on May 4, 2010.
- I attended the Senate Medical Affairs Subcommittee on H4405 the FQHC Bill on May 5, 2010.
- Ms. Cle Sanders, Mr. Pat Hanks and I participated in a conference call with the FDA on an investigation on May 5, 2010
- I attended the Senate Medical Affairs Committee on H 4405 the FQHC Bill on May 6, 2010.
- I attended the Senate Medical Affairs Committee on H3393 the Immunization with Protocol Bill and on H 4559 the "Utilization of Unused Prescription Drug Act" on May 11, 2010.
- Pharmacy Technician Committee on May 11, 2010. Mr. David Banks, Mr. Bobby Bradham, Mr. Henry Rose and Mr. Hugh Mobley attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders and I attended the committee meeting.
- Finance Committee on May 11, 2010. Mr. Bobby Bradham, Mr. Hugh Mobley, Mr. David Banks, and Mr. Addison Livingston attended as Board Members. Mr. Joe Newton, Ms. Cle Sanders and I attended the committee meeting.
- Pharmacy Practice Committee on May 11, 2010. Mr. Hugh Mobley, Mr. Bobby Bradham and Mr. David Banks attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders and I attended the committee meeting.
- Nuclear Committee on May 11, 2010. Mr. Henry Rose, Mr. Hugh Mobley, and Mr. Bobby Bradham attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders, Mr. Ray Trotter and I attended the committee meeting.
- I attended the Senate Medical Affairs Committee on H-3393 Immunization with Protocol Bill on May 13, 2010.
- Staff attended SCEIS Training on May 17, 2010.
- Board of Pharmacy Telephone Conference Meeting on May 18, 2010 regarding intern certificates.
- Staff attended SCEIS Training on May 19, 2010
- Mr. Bobby Bradham, Mr. Henry Rose, Dr. Leo Richardson, Ms. Cle Sanders and I attended NABP's 106th Annual Meeting in Anaheim, CA May 21-26, 2010.
- Telephone IRC meeting with Mr. C Turner on May 27, 2010.
- Ms. Cle Sanders met with Hospital Administrator and PIC of a small rural hospital concerning relocation, meeting sterile compounding laws and pharmacy technician duties on June 1, 2010.
- Ms. Cle Sanders and I conducted an inspection at South University and toured their new facility on June 4, 2010.
- Ms. Cle Sanders met with an Area Manager and RN Consultant concerning WalkAide (DME) Distribution in SC on June 4, 2010.
- Ms. Cle Sanders met with Administrative Group and Consultant Pharmacist concerning permitting of Hospice Inpatient Facilities in Mt. Pleasant, SC on June 8, 2010.
- Ms. Cle Sanders conducted an orientation of the First Year Pharmacy Students on the Columbia Campus of South University on June 10, 2010.

- Staff has attended agency, board staff, compliance staff and legal counsel meetings.
- The deadline for the 3rd quarter Board of Pharmacy Newsletter to NABP is quickly approaching. If you have any suggestions for articles, please let me know. We have been sending these to you for your review and comments. If anyone is having problems receiving them. Please let me know.
- Handouts for your review that are under the Administrators Tab that may be of interest to you include: The original letter from the Board to Ms. Adrienne Youmans dated May 18, 2010 regarding the issuance of pharmacy intern certificates by OLC, the modified letter from the Board to Ms. Adrienne Youmans dated May 20, 2010 regarding the issuance of pharmacy intern certificates due to the fact that Mr. Dwight Hayes in OLC would not accept the original letter therefore, until the letter was modified OLC would not grant pharmacy intern certificates to graduate pharmacy students, and the letter to the Accrediting Council for Independent Colleges and Schools requesting the criteria used in their accrediting process and how it differs from that of ASHP accreditation.
- I would like to thank the Board for their continued support of me and the rest of the staff in the office. We always appreciate the encouragement and support you give us.

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

8. Reports from:

a. Office of Administration - Barbara Derrick/Francis Derrick

Barbara Derrick appeared before the Board. She briefed the Board regarding her role within the agency. Mr. Bradham questioned Ms. Derrick regarding the \$2,000,000.00 taken from account 1801 and why it was not taken from the outflows. Ms. Derrick stated those monies were moved to the Comptroller General's office. She went on to say the way the state's accounting system is set there was no other way to report the monies. She noted the monies were part of Proviso 65.3, which cut the agency's POL boards (sub fund 3135) \$5,300,000.00 in funds, Proviso 65.14, which cut \$4,362,265.00 and Proviso 89.115, which cut \$207,050.00 to fund the conservation bank, for an approximate total of \$9,900,000.00. She noted the legislature cut only the POL Division's funds. Pharmacy Board collects 1.5 to 1.7 million dollars per year. The agency chose five Boards with the largest cash balances which were beginning renewals in this fiscal year and how much the Boards usually annually spent. She stated the Pharmacy Board had \$3,400,000.00 in revenue and spent an average of \$1,000,000.00. She said the five boards also included Engineers and Land Surveyors, Nursing, Real Estate, Massage Therapy, and Residential Builders. There was no rhyme or reason assigned the \$10,000,000.00.

Ms. Derrick stated not all boards have a surplus balance and that some boards barely make it through the fiscal year. She stated the board currently has a cash balance of \$1,782,279.00. She noted the state has converted to a new accounting system, which is not user friendly and is one size fits all type of system. The agency has had no training.

Mr. Mobley stated the Board would feel comfortable receiving budget information on a monthly or periodic time line. He does not want to know the per diem spent per person, but would want a total amount spent on per diem.

Mr. Bryant stated under his direction Ms. McCarley and Ms. Derrick will appear to research what type of information the Board is seeking to be provided. He further stated some boards want line item budget information, whereas some boards want only total numbers reported.

Ms. Derrick feels the cash balance report would be most useful for the board.

Mr. Bryant stated the agency did appear before the legislature to request a reduction in fees for those boards which are carrying large cash balances. He went on to say the agency was informed by the leadership of the General Assembly to not reduce fees after which the agency stopped reducing fees.

Mr. Bradham stated the committee asked him to meet with individuals who were more knowledgeable in accounting, accounting procedures, and accounting terms. He further stated as there was no money to fund this endeavor he borrowed from knowledgeable CPA. He now understands that Ms. Derrick was directed to cut the \$2,000,000.00.

Mr. Livingston stated the Board's revenues are received from the license fees of pharmacists, pharmacies and interns and registration fees from pharmacy technicians. He asked Ms. Derrick if she and the agency head are the only two individuals within the agency to make the decision how much money will be moved from the board. Ms. Derrick answered affirmatively. She went on to say she and Ms. Youmans have appeared before the General Assembly to argue against the cuts and informed the legislature it is unfair for the licensees to fund all of state government and that the agency disagrees with the legislature's decision.

MOTION

Mr. Mobley made a motion the Board request electronic data reports that include the cash balance and the cash flow balance on a periodic basis, preferably monthly to be sent to the Board electronically. Mr. Bradham seconded the motion, which carried unanimously.

b. Office of Investigation and Enforcement – PC Faglie

Mrs. Bundrick delivered the following report on behalf of the Office of Investigation and Enforcement.

Active Investigation	44
Cases Closed	586
Do no Open Cases	24
Pending Action	7
Pending Closure	1
Pending Disposition	14
Pending Further Information	1
Pending Investigation	25
Pending IRC	16
Pending IRC Recommendation	1

c. Office of General Counsel – Pat Hanks

Pending OGC Action	2
Pending Respondents Agreement	3
Pending Scheduling Hearing	1
Pending Draft Consent Agreement	2
Pending Draft Formal Complaint	6
Pending Board Hearing	9

- d. Office of Information Services

Mrs. Bundrick stated the report from the Office of Information Services was not available for this meeting but she hopes the report will be available for the next Board meeting.

9. Compliance and Inspectors Report

- a. IRC Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Consent Agreements, Temporary Suspensions, and Voluntary Surrenders from the Investigative Review Committee, (IRC)

- b. Agreement to Relinquish
 - i. Case #: 2010-29
 - ii. Case #: 2010-31

MOTION

Mr. Rose made a motion the Board approve these two cases regarding relinquishment. Mr. Livingston seconded the motion, which carried unanimously.

- c. Voluntary Surrender
 - i. Case #: 2009-74
 - ii. Case #: 2009-86

These two cases were presented for the Board's information.

- d. IRC Report
Dismissals

MOTION

Mr. Banks made a motion the Board approve the three cases for dismissal as recommended by the IRC. Mr. Bradham seconded the motion, which carried unanimously.

- Formal Complaints

MOTION

Mr. Banks made a motion the Board approve the eight cases for formal complaints as recommended by the IRC. Mr. Bradham seconded the motion, which carried unanimously.

- Dismissal with Letter of Concern

MOTION

Mr. Banks made a motion the Board approve the two cases for dismissal with letters of concern as recommended by the IRC. Mr. Bushardt seconded the motion, which carried unanimously.

- e. Pharmacy Resolution Guidelines
Dismissals

MOTION

Mr. Rose made a motion the Board accept the two cases for dismissal under the pharmacy resolution guidelines. Mr. Banks seconded the motion, which carried unanimously.

- Dismissal with Letter of Concern

MOTION

Mr. Livingston made a motion the Board accept the one case for dismissal with letter of concern under the pharmacy resolution guidelines. Mr. Banks seconded the motion, which carried unanimously.

f. Request Release from Board Order – James Fleming, R.Ph.

James Fleming appeared before the Board during its September 19, 2007 meeting as a result of his application which reflected information regarding a history of orders requiring participation in programs for professional recovery from addiction under the auspices of the states of Iowa and Massachusetts. He joined the Iowa Pharmacy Recovery Network in 2003 while still a student at the University of Iowa College of Pharmacy. Following graduation he obtained licensure in Massachusetts at which time he entered into a consent agreement with that state based on his contract with the Massachusetts Professional Recovery System. His license was on probation at the time of his appearance before the Board in September 2007. The Board voted to assist Mr. Fleming in his recovery efforts and issued an order which required, among other requirements, that he abstain from the consumption of mood-altering substances, except as prescribed by a duly licensed practitioner, that he be subject to periodic, unannounced drug analysis, and enter into a written contract and be an active participant in the Recovering Professional Program for a period of not less than five years.

On April 5, 2010 the Board received a letter from Mr. Fleming seeking approval to be released from his RPP contract. The letter states he has been relieved from his contracts with the Iowa Board of Pharmacy as well as the Massachusetts Board of Pharmacy. On August 22, 2008 he moved to Michigan following completion of his residency in South Carolina and entered into a contract with the Michigan Board of Pharmacy and Health Professions Recovery Program. The contract with the Michigan Board of Pharmacy and Health Professions Recovery Program closed on September 17, 2009. He does not foresee moving to another job or another state in the near future.

James Fleming and Tia Cooper of RPP appeared before the Board.

Mr. Fleming stated he is seeking the Board's approval to be released from his order as he has completed the five year contract with RPP. He noted the contracts with Michigan and Iowa have been closed. He has no plans to return to South Carolina as he has a job in Michigan.

MOTION

Mr. Banks made a motion the Board approve Mr. Fleming's request to be released from the Board order. Mr. Bushardt seconded the motion, which carried unanimously.

g. Request Release from Board Order – Joseph Masneri, R.Ph.

On June 21, 2006 Joseph Masneri entered into a consent agreement with the Board as a result of diverting a number of prescription medication and ingesting the medication without a prescription from an authorized practitioner from his place of employment and failing to maintain a complete and accurate record of all drugs dispensed between January 2003 and June 2005. He also diverted and ingested a quantity of prescription medication, including a Schedule III controlled substance, without a prescription from an authorized practitioner from another place of employment between January 2005 and June 2005. The consent agreement reinstated Mr. Masneri's license and immediately placed the license in probationary status for five years during which time, among other requirement, that he abstain from the consumption of mood-altering substances, except as prescribed by a duly licensed practitioner, that he be subject to periodic, unannounced drug screenings, enter into a five year written contract and be an active participant with RPP, and shall not practice as a pharmacist-in-charge (PIC) or a permit holder.

On April 8, 2010 the Board received a letter from Joseph Masneri seeking the Board's approval to be released from the consent agreement.

Joseph Masneri and Paulette Bentley of RPP appeared before the Board.

Mr. Masneri stated he is requesting his release from the Board order requiring participation in RPP. He surrendered his license on July 3, 2005 and has been in RPP since that time. He signed a consent agreement in July 2006, although he had already been in RPP for one year.

Ms. Bentley stated Mr. Masneri is requesting to be released from his consent agreement one year early; however, he had been with RPP for a full year prior to signing the consent agreement. He has been employed with CVS for four years.

MOTION

Mr. Bradham made to approve Mr. Masneri's request to be released from the Board order. Mr. Livingston seconded the motion, which carried unanimously.

h. Request Release from Board Order – William Xochihua, R.Ph.

On July 25, 2005 William Xochihua voluntarily surrendered his pharmacist license following an investigation for alleged violations of the pharmacy practice act. On June 21, 2006 he entered into an agreement with the Board as a result of theft of a Class III controlled substance from his place of employment. The consent agreement reinstated Mr. Xochihua's license and immediately placed the license in probationary status. The consent agreement required that he, among other requirements, abstain from the consumption of mood-altering substances, except as prescribed by a duly licensed practitioner, that he be subject to periodic, unannounced drug screenings, enter into a five year written contract and be an active participant with RPP, and shall not practice as a pharmacist-in-charge (PIC) or a permit holder.

Mr. Xochihua sent a request to RPP asking that he be considered for release from the consent agreement.

William Xochihua and Tia Cooper appeared before the Board.

Mr. Xochihua stated he entered into a consent agreement in July 2006; however, he had been enrolled in RPP for one year prior to signing the agreement.

Ms. Cooper stated RPP supports Mr. Xochihua's request. She further stated he enrolled in RPP on the day he surrendered his license in 2005. She noted he has been in total compliance with RPP during his contract.

MOTION

Mr. Banks made a motion the Board approve Mr. Xochichua's request to be released from his Board order. Dr. Richardson seconded the motion, which carried unanimously.

i. Request Release from Board Order – Patrick Hill, R.Ph.

On June 25, 2009 Patrick Hill entered into a consent agreement with the Board as a result of unlawfully obtaining a quantity of a legend drug by generating false or fraudulent telephone prescriptions between November 2007 and March 2008. The consent agreement suspended Mr. Hill's license for five years from the date of the order, which was immediately stayed and the license was placed in a five year probationary status. The consent agreement required that he, among other requirements, abstain from the consumption of mood-altering substances, except as prescribed by a duly licensed practitioner, that he be subject to periodic, unannounced drug screenings, enter into a five year written contract and be an active participant with RPP, and shall not practice as a pharmacist-in-charge (PIC) or a permit holder.

The Board has received a letter from Mr. Hill seeking the Board's approval to be released from the RPP monitoring and from the consent agreement.

Patrick Hill, James Wilkins, Esq., and Larry Griffin of RPP appeared before the Board.

Mr. Wilkins stated Mr. Hill made a mistake, but did not do so in a malicious manner. He further stated Mr. Hill is no longer taking any medication and has completed everything he has been asked to do.

Mr. Hill stated he understands it is a privilege to work as a pharmacist in this state. He further stated he is asking for forgiveness and to be released from his contract. While he was employed in a Hilton Head hospital he obtained medication by way of a prescription called into Walgreens by a physician who is a mutual friend of his and the physician. He went on to say when he went to work for Rite Aid, he was having headaches and contacted the pharmacy technician and asked that she contact the physician for another prescription. He assumed the authorization was correct. Under a separate investigation regarding another pharmacist the pharmacy saw the profile for the other medication after which he was questioned about the medication obtained from Walgreens. The physician refused authorization after that. There were a total of three prescriptions.

Mr. Wilkins stated the offense was not an ongoing diversion although he did cut corners in obtaining the medications. He further stated Mr. Hill has been in full compliance with RPP.

Mr. Griffin stated there is some validity in that this case is an unusual case. He further Mr. Hill enrolled in RPP on May 6, 2008 and immediately went into Cornerstone Rehabilitation where it was determined he did not need inpatient treatment and referred him to outpatient treatment. He went on to say the case is like a borderline diagnosis and Mr. Hill has been in full compliance with his RPP contract. He noted the early release is the Board's determination. He said Ray Gaskins works with Cornerstone has submitted all documents including a successful completion on June 23, 2008 and a return to work fitness letter on July 16, 2008.

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

j. Request Release from Board Order – Brandt Vickery, R.Ph.

On January 20, 2010 Brandt Vickery entered into a consent agreement as a result of self reporting that he had diverted a quantity of prescription medication between July 2009 and September 2009. He was referred to RPP on October 2, 2009, spent four days in an inpatient assessment facility, followed by six weeks of intensive inpatient treatment. At the time of the consent agreement he had not practiced as a pharmacist since October 1, 2009 and had signed a voluntary surrender on December 30, 2009. The consent agreement required that Mr. Vickery's license be suspended for at least one year, after which it would be reinstated in a probationary status for five years, contingent upon his compliance with the terms and conditions set forth in the agreement. The terms and conditions included, but was not limited to, not practicing as a PIC or permit holder for a period of five years, abstain from the consumption of mood-altering substances, except as prescribed by a duly licensed practitioner, that he be subject to periodic, unannounced drug screenings, and enter into a five year written contract and be an active participant with RPP.

In a letter dated May 28, 2010 Laticia Cobbs of RPP states Mr. Vickery has advised her he wishes to ask the Board for permission to return to the practice of pharmacy. Her letter also states he is in full compliance with the RPP requirements.

Mr. Brandt Vickery, Mrs. Angie Vickery, and Mr. Frank Sheheen of RPP appeared before the Board.

Mr. Vickery stated he is seeking the Board's approval to be released from his Board order prior to his one year period. He voluntarily surrendered his license and his last day of work was September 30, 2009 as a result of diverting Tramadol from his employer. His employer sent an investigator to work with him the last two days of his employment. He believes the diversion was on the lower side of the alleged 50 to 120 tablets as stated in the agreement. He signed a contract with RPP upon his departure from his employer. While he was in Cornerstone Rehabilitation it was recommended he attend inpatient drug treatment and was moved to Pavilion Rehabilitation. He completed inpatient rehabilitation in six weeks. He now feels he is able to return to work and follow the laws of South Carolina. He provided documentation regarding his bank account.

Mr. Sheheen briefed the Board regarding Mr. Brandt's case on behalf of Ms. Laticia Cobb. He noted Mr. Brandt received an abuse diagnosis from Cornerstone and was referred to Pavilion Rehabilitation. He went on to say Mr. Brandt is total compliance with his RPP contract. RPP is aware of Mr. Brandt's financial hardship.

A discussion ensued as to the official date of the one year requirement to remain out of work. Mr. Brandt signed the consent agreement in January 2010; however, he has not been employed as a pharmacist since October 1, 2009. He enrolled in RPP on October 22, 2009.

Mrs. Vickery stated he is a good husband, father, and pharmacist. She noted his profession is very important to him. She feels like he is ready to return to work and that he has a very good support system.

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

k. Request Release from Board Order – Teresa Vallera, R.Ph.

On August 25, 2006 Teresa Vallera entered into a consent agreement with the Board following her diversion of a Schedule IV controlled substance from her employer between April 14, 2005 and May 22, 2005. She enrolled in the RPP program and complied with the terms of her contract for twelve months. On November 16, 2005 Ms. Vallera appeared before the Board pursuant to a formal accusation and notice of hearing during which time the Board voted that her license should remain suspended until further order of the Board. She filed a Motion to Reconsider the final Order on January 7, 2006 and on January 19, 2006 the Board heard arguments in respect to the Motion to Reconsider. An order dated February 1, 2006 denied her Motion for Reconsideration finding that the misconduct extended for a period of eighteen months and that she had been in treatment for only six months. The consent agreement states her license is reinstated effective upon her compliance with Section 40-43-110, after which the license would continue in a probation status contingent upon her compliance with terms and conditions as set forth in the August 25, 2006 agreement. The terms and conditions included, but was not limited to, not practicing as a PIC or permit holder for a period of five years, abstain from the consumption of mood-altering substances, except as prescribed by a duly licensed practitioner, that he be subject to periodic, unannounced drug screenings, and enter into a five year written contract and be an active participant with RPP.

In an e-mail dated June 9, 2010 Ms. Vallera states she is seeking the Board's approval to be released from the consent agreement.

Teresa Vallera and Larry Griffin of RPP appeared before the Board.

Ms. Vallera surrendered her license and enrolled in RPP in July 2005. She has met all of her obligations to RPP and is asking to be released from RPP and probation from the Board. Ms. Vallera was out of work for one year; however, she has now returned to the practice of pharmacy.

Mr. Griffin stated she was assessed by Dr. Doug Crane and one other physician in Charleston. The result was a no diagnosis for any chemical abuse or dependency; however, they did find a recurrent depression in remission. He noted Ms. Vallera has worked through that diagnosis with Dr. Crane. He went on to say she has been a good client and has called at times when she felt there may be a problem. He said she received a return to work letter from Dr. Crane in June 2006.

MOTION

Mr. Banks made a motion the Board grant Ms. Vallera's request. Mr. Livingston seconded the motion, which carried unanimously.

10. Old Business

a. Report from the Office of Licensure and Compliance

Mr. Hayes stated he received an email with five questions he has been asked to address with the Board.

Question one asks, 'How many certificates have been issued in regard to the motion?' Six certificates have been issued and one certificate is pending. The pending certificate is waiting on a letter from the employer or residency director verifying that position. No certificates required intervention by the administrator, which took care of question two.

Question three deals with the time period the certificates are being issued for. If the individual is in a residency program the certificate is being issued for one year. If the individual is working in a pharmacy, the certificate is being issued for 90 days.

Mr. Mobley stated he does not know if Mr. Hayes saw the email regarding time periods. In his opinion that issue should not be an administrative decision, but should be a Board decision. He noted some residency programs can last up to three years. Residency programs are basically an extension of an educational process and some individuals are not issued permanent licensure until the end of that residency program. He suggested six months on the other certificates due to some of the issues with the clearing house at NABP.

Mr. Mobley stated the Board had a good discussion regarding the certificates during the conference call meeting. He further stated there was no discussion in regard to a letter of verification from the employer for the residency program. He doesn't know why the letter came up after the motions had been made and voted upon and after the meeting.

Mr. Hayes stated OLC takes the responsibility in issuing the certificates and would not take just anyone's word that the individual has a job or job offer. He further stated the letter of verification is to ensure the office is issuing the certificate to the proper individuals.

Mr. Bradham asked Mr. Hayes why this matter was not mentioned to the Board during the conference call meeting so the Board could address the issue at that time. Mr. Hayes replied he did not think it was a problem. He looks at it as being a basic requirement of the motion that the individual is qualified for a certificate for a residency program or retail pharmacy. He doesn't see it as an issue.

Mr. Livingston stated the letter of verification is not in the motion and the Board makes those decisions. He sees it as an issue. He further stated it was a Board decision to make, not a decision for OLC to make. He went on to say the Board made the motions for the interns to receive those certificates. He specifically asked if the motion was made and approved would the interns receive the certificates to which Mr. Bryant replied affirmatively. He said this is another hurdle which came up after the fact.

Mr. Hayes stated the motion was that the Board wanted to issue certificates to individuals coming into the state to work and going into residency programs. He further stated OLC is issuing the certificates per the motion and that OLC is requiring a document that they qualify for those two criteria. He said it is not a Board decision, but it is a safeguard in issuing a license. He noted it is a safeguard and would require the letter of verification in any situation.

Mr. Mobley stated if an individual requests an application it should be communicated that a letter of verification from the employer is required before the application is received in the office.

Mr. Hayes stated staff does not necessarily know the applicant's status when OLC receives the application. He went on to say when staff reviews the application and learns the status the applicant is made aware of required documents.

Mr. Mobley stated from what he understood during the testimony of H.4546 and other discussions between OLC and the Board, OLC was basically an administrative arm of the Board's decisions. In his opinion those were the types of decisions that were being made that were not administrative but resulted of issuance or non-issuance of licenses. He went on to say the letter of verification is not part of the directive.

Mr. Mobley stated he would like to see the certificates for the residency programs issued for longer than one year. Mr. Hayes stated OLC would issue those certificates for the appropriate time period. He further stated if the individual states the residency program is for a longer time period OLC would be happy to issue the certificate for the time period indicated. He went on to say it is OLC understands that the residency programs in general were approximately one year.

Ms. Ivy Coleman asked if a resident is licensed in another state and is coming into South Carolina and is refused entrance here would an intern certificate cover the individual becomes licensed in South Carolina. Mr. Hayes stated if the individual states they are in a residency program the individual would be issued a certificate; however, if the individual is coming into South Carolina under reciprocity then the individual would not be issued an intern certificate.

Mr. Robert Spires of the SC Society of Health Systems thanked the Board for working with them on the issue. He further stated he had notified all of the program directors a letter would be required. He asked if the same letter is required for all interns.

Mr. Hayes stated an intern must provide a letter of acceptance to the college. He noted that is a standard letter of acceptance for all interns.

Executive Session

MOTION

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

Public Session

MOTION

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

Mr. Toole noted for the record that no official action was taken during executive session.

MOTION

Mr. Mobley made a motion to direct the Board's legal counsel, Ms. Dantzler, who would in conjunction with the Board's Legislative Committee to draft emergency regulations which would solidify any indiscrepancies in the issuance of intern certificates and the guidelines in which they are issued because of the immediate need of that and for the same group to draft changes in the Board's statute to be filed next year. Mr. Rose seconded the motion, which carried unanimously.

11. New Business

a. Request Approval of Intern Hours in Hospital Setting – Donna Harrison, PharmD
On May 3, 2010 the Board received an e-mail from Donna Harrison, PharmD, of the South Carolina College of Pharmacy, MUSC Campus. The MUSC campus is considering hiring four year pharmacy students who not currently in one of their fourth year clerkships to assist with teaching in the laboratory. The campus would like to offer the students the possibility of gaining internship hours in consideration of their work. She is asking the Board to consider 1) her to be a registered pharmacist, 2) working in a non-drug dispensing pharmacy outlet, 3) overseeing the activities within the non-drug dispensing pharmacy outlet in order to provide the internship hours for the one month the students work in the laboratory. The students would not work more than 20 hours per week.

Donna Harrison appeared before the Board.

Mr. Bradham recused himself from participating in the discussion of this matter.

Ms. Harrison stated she teaches in the hospital laboratory at the SC College of Pharmacy. She went on to say there is one month when some of the students are not on rotation and the college will sometimes use those students to assist in teaching in the laboratory. She noted the students are also looking for a way to earn intern hours and to earn some extra money. She is asking the Board for blanket approve to offer the students intern hours by teaching in the laboratory. She noted it would be for approximately three hours per day for approximately three days per week. The students would be under her direct supervision.

MOTION

Mr. Banks made a motion the Board approve the intern hours in a non-traditional hospital setting. Mr. Rose seconded the motion, which carried. Mr. Bradham recused himself from voting in this matter.

- b. Update on Federal DEA E-Prescribing of Controlled Substances – Connie Overton and Wilbur Harling, R.Ph.

Connie Overton, of the Drug Enforcement Administration (DEA) and Wilbur Harling presented a PowerPoint presentation to the Board regarding the federal e-prescribing of controlled substances.

- c. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application – Tri-anim Health Services, Inc., Orlando, FL and Southaven, MS - Donna Hill

On April 2, 2010 the Board received a non-resident wholesale/distributor/manufacturer application from Tri-anim Health Services, Inc., located in Orlando, FL and Southaven, MS. The company is currently registered in Florida and Georgia. The application reflects yes answers to the following questions, 'To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?'; 'Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?'; 'Have you ever violated the drug laws, rules, statutes and/or regulations of South Carolina, or any other state or country or the United States?' Since the application reflected yes answers staff could not approve the application in a routine manner and notified the applicant, by letter dated April 16, 2010, that a representative from the company must appear before the Board to answer questions from the members regarding the disciplinary action.

Ms. Donna Hill of Tri-anim Health Systems, Inc. spoke to the Board via conference call. She noted the company has two prior violations. Tri-anim was purchased in 2008 by another company as well as a management change in June 2009. She went on to say the Florida violation had to do with a relocation of the company. The company inadvertently moved a mini-refrigerator that contained IV fluids during the relocation. The mini-refrigerator was not supposed to be included in the move. The other violation involved a relocation of one of the company's customers. Tri-anim had shipped items to the original location of the customer; however, the company had relocated. UPS forwarded the medications to the other location without Tri-anim's knowledge. The company settled with the Florida Department of Health and now has a mechanism in place to prevent shipments to be forwarded to relocations. Another violation occurred in Louisiana. The violation occurred when a shipment that was supposed to be shipped from the Texas facility to Louisiana; however, the shipment came out of the Memphis, Tennessee facility. The system glitch has been rectified. The Memphis location is now closed. Tri-anim has a number of warehouses; however, the warehouses are being streamlined and some of the warehouses are being closed. Tri-anim does have VAWD accreditation on its Indiana facility and other facilities are currently seeking VAWD accreditation. The company ships medical devices of which some are legend devices, but generally ships respiratory products for inhalation. The company did not provide documentation regarding the violations in Florida or Louisiana. The Board asked that Ms. Hill fax documentation regarding the violations as well as the facilities which would be shipping products into South Carolina and the status of the facilities' VAWD accreditation. The company is a wholesale company and receives products directly from manufacturers.

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

- d. Request Approval of Non-Resident Pharmacy Permit Application – Mini Pharmacy Enterprises, Inc., Mark Killingsworth

On April 21, 2010 the Board received a non-resident pharmacy permit application from Mini Pharmacy Enterprises, Inc. The application reflects yes answers to the questions asking, 'To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?' and 'Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?' Since the application reflected yes answers staff could not approve the application in a routine manner and notified the applicant, by letter dated May 19, 2010, that a representative from the company must appear before the Board to answer questions from the members regarding the disciplinary action.

Mr. Toole noted Mr. Killingsworth is not a licensed attorney in South Carolina; however, he has completed the appropriate paperwork with the Supreme Court to appear before the Board.

Mr. Killingsworth stated Mini Pharmacy was investigated by the Drug Enforcement Agency (DEA) and the California Board of Pharmacy in the mid 1990s as a result of several irregularities and several security issues. The company entered into a settlement agreement with both agencies and was placed on probation for three years. The probation ended with DEA in 1999 and with the California Board of Pharmacy in 2000. The company has not had any violations since that time nor has the company been investigated since that time. The company does not ship any controlled substances, legend drugs, or compound drugs.

MOTION

Mr. Banks made a motion the Board approve the non-resident pharmacy permit application. Mr. Livingston seconded the motion, which carried unanimously.

14. LUNCH

The Board recessed for lunch at 1:21 p.m. and returned to public session at 2:41 p.m.

15. New Business (Continued)

- e. Approval of Pee Dee Isotopes, Inc. as a Retail Pharmacy to Serve as Preceptor – Angela Hitchcock, PharmD.

Angela Hitchcock appeared before the Board. She stated Pee Dee Isotopes is a nuclear pharmacy. The pharmacy currently has two interns who may not receive intern hours for working in her facility since the pharmacy is a nuclear pharmacy.

Angela Hitchcock appeared before the Board. She stated Pee Dee Isotopes is a nuclear pharmacy. The pharmacy currently has two interns who may not receive intern hours for working in her facility since the facility is a nuclear pharmacy. She is asking the Board to allow her facility to be considered a retail pharmacy to allow the interns to earn hours while on rotation at her facility.

MOTION

Mr. Banks made a motion the Board approve Pee Dee Isotopes, Inc. as a retail pharmacy to serve as preceptor. Mr. Rose seconded the motion, which carried unanimously.

- f. Approval of Accredited Schools and Colleges of Pharmacy, Certified by the American Council on Pharmaceutical Education

Mrs. Bundrick stated the Board approves the colleges of pharmacy in our state which have been approved by the ACPE during this meeting. The colleges cannot be accredited by ACPE until the first class has graduated.

Mrs. Dantzler stated the Board could carry this matter over to the next meeting and have staff produce a list of schools and their status with the accrediting body; the Board could approve the schools whatever their status is with the accrediting body; or approve the one the Board is aware and approve the others at a later date.

MOTION

Dr. Richardson made a motion the Board table this matter to the next meeting. The motion died due to lack of a second and vote.

- g. Election of 2010-2011 Board Officers
Chairman

NOMINATION

Mr. Banks nominated Mr. Bradham as chairman. Mr. Livingston seconded the nomination, which carried unanimously.

Mr. Bradham elected chairman by acclamation.

- Vice Chairman

NOMINATION

Mr. Bradham nominated Mr. Bushardt as vice chairman. Mr. Rose seconded the nomination, which carried unanimously.

- h. Election of 2010-2011 IRC Chairman

NOMINATION

Mr. Mobley nominated Mr. C Turner as IRC chairman. Mr. Bradham seconded the nomination, which carried unanimously.

- i. Report of NABP's 106th Annual Meeting, May 22-25, 2009, Anaheim, CA – Bobby Bradham, R.Ph.

Mr. Bradham briefed the Board regarding NABP's 106th annual meeting.

- j. Elect Delegate for District III NABP/AACP Meeting, August 15-17, 2010, Blowing Rock, NC

Mr. Bradham volunteered to attend the meeting as the delegate.

All of the members plan to attend the meeting with the exception of Mr. Bushardt and Mr. Livingston.

- k. Representative for MALTAGON Conference – October/November 2010, Little Rock, Arkansas

Mrs. Bundrick stated a date had been set for the meeting; however, the date conflicted with another event. She noted another date has not yet been set.

Mr. Bradham stated a representative could be determined during the September 2010 meeting.

- l. Elect Delegate for NABP Symposium

Mr. Bradham stated the symposium would not be held this year. He further stated there would be a NABP Interactive Member Forum held at the NABP office on September 22-23, 2010. The forum was developed to provide state board of pharmacy members with opportunities for discussion and gaining new information about issues of high priority to the boards. It will also give in-depth information about NABP programs that are available to help assist the boards. One board member may attend the forum, or if no board member is able to attend, the executive officer may do so. NABP will provide funding for travel, meals and accommodations for the one board member from each state to attend this forum.

m. Subpoenas – Henry Rose, R.Ph.

Mr. Rose stated the Pharmacy Practice Committee discussed subpoenas during one of the meetings. He further stated Jon Wallace, Esq., an attorney for the SC Pharmacy Association, has written an article regarding subpoenas. He went on to say when he was speaking with Mr. Wallace he had stated that since writing the article his opinion had changed somewhat. He said pharmacists are receiving subpoenas from attorneys rather than judges. He noted subpoenas from attorneys are only good if the opposing attorney agrees to the subpoena. He said the pharmacists must know if the opposing attorney is agreeable to the subpoena and must follow all South Carolina and HIPPA laws.

Ms. Dantzler stated the Board spoke on this matter ten years ago. She further stated at that time the Board didn't believe it was an ethical practice in South Carolina to respond to any subpoena not issued by a judge, which has caused some trepidation throughout the profession. She stated since HIPPA went into effect there is now a HIPPA compliance subpoena. The subpoena allows the owner of health information or the attorney is given notice of the subpoena to file an objection with the court. If the objection is not filed the subpoena is considered to be enforceable. The system is working well with hospital records, medical records and nursing home records. She suggested the Board may need to refer this matter to the Pharmacy Practice Committee for a new interpretation on the issue.

n. Immunization Protocol Committee - Carmelo Cinqueonce

Mr. Cinqueonce stated the House bill passed regarding the immunization protocol. He noted this legislation allows pharmacists to administer vaccines in accordance with the Board of Medical Examiner's protocol, which will be established by a committee. He noted the committee is comprised of seven individuals. He said two individuals will be selected by the Medical Board, two individuals will be selected by the Board of Nursing, two individuals will be selected by the Board of Pharmacy, and one individual will be selected by DHEC. He noted the individuals must have some experience in the administering of vaccines.

Mr. Cinqueonce stated the SC Pharmacy Association's Board of Directors met during the week of June 7 - 11, 2010 and is recommending James Sterrett and Jennifer Baker as the pharmacist appointees the committee.

Mr. Mobley suggested the association develop a continuing education course regarding the protocol for the certified pharmacists administering the vaccines.

MOTION

Mr. Bradham made a motion the Board appoint Mr. Sterrett and Mrs. Baker to the Immunization Protocol Committee. Mr. Rose seconded the motion, which carried unanimously.

MOTION

Mr. Banks made a motion the Board send a letter to the Medical Board and the Board of Nursing notifying those boards of the pharmacist appointees. Mr. Rose seconded the motion, which carried unanimously.

- o. Request Approval of Pharmacy Education credited to Technician Certificate – Edward H. Setzer, Jr.

On May 25, 2010 the Board received a pharmacy technician reinstatement application from Edward Setzer, Jr. He answered yes to the question asking, ‘Since you last registered with the Board, have you been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?’ He was charged with disorderly conduct in April 2007. He was found guilty and paid a \$600.00 fine. However, in an email he is asking to appear before the Board to seek the Board’s approval to waive the formal certified pharmacy technician training in lieu of hours earned when he attended The University of Georgia, School of Pharmacy.

Edward Setzer appeared before the Board and is asking to waive the requirement of attending formal training in lieu of hours earned in college. He attended The University of Georgia, School of Pharmacy but was dismissed due to academic purposes. The school had a progression policy which he did not meet and was dismissed the semester prior to beginning his externship. He has taken and passes the PTCB exam and has received more than 1,000 hours of training under a South Carolina licensed pharmacist.

Ms. Dantzler reviewed Mr. Setzer’s transcript from the University of Georgia showing his College of Pharmacy courses between 1996 and 1999. She noted he completed some of the courses and withdrew from some of the courses. She asked that the Board members review the transcript.

MOTION

Dr. Richardson made a motion the Board refer this matter to the Pharmacy Technician Committee for review and recommendation. Mr. Bradham seconded the motion, which carried unanimously.

Executive Session

MOTION

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

Public Session

MOTION

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

Mr. Toole noted for the record that no official action was taken while the Board was in executive session.

Request Release from Board Order – Patrick Hill, R.Ph.

MOTION

Mr. Bradham made a motion the Board deny Mr. Hill’s request to be released from the Board Order. Mr. Bushardt seconded the motion, which carried with a majority vote. Mr. Banks and Mr. Rose voted nay.

Request Release from Board Order – Brandt Vickery, R.Ph.

MOTION

Mr. Mobley made a motion the Board deny Mr. Vickery's request. Dr. Richardson seconded the motion, which carried with a majority vote. Mr. Banks voted nay.

Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application – Tri-anim Health Services, Inc., Orlando, FL and Southaven, MS - Donna Hill

MOTION

Mr. Mobley made a motion staff pull and review the files of previous applications in conjunction with supplemental information submitted and in conjunction with the chair at the time to make a decision in this matter. Mr. Bradham seconded the motion, which carried unanimously.

p. Request Approval of Pharmacy Intern Certificate – Dimi Dao

On May 7, 2010 the Board received a pharmacy intern certificate application from Dimi Dao. Ms. Dao answered yes to the question asking, 'Have you been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?' In September 2003 she was charged with a misdemeanor of assault with attempted battery.

Dimi Dao appeared before the Board.

Ms. Dao was charged with a domestic violence misdemeanor in Colorado. Her partner punched her and used profane language after which she slapped him. She called 911 and then hung up because she did not want to get him in trouble. She did inform the police she slapped him. The case was dismissed. She was charged with another criminal domestic violence matter in another state; however, she spoke up during that matter and the charges were dismissed. She has since ended the relationship. She is in currently in pharmacy school.

MOTION

Mr. Banks made a motion the Board approve Ms. Dao's pharmacy intern certification application. Dr. Richardson seconded the motion, which carried with a majority vote. Mr. Bushardt voted nay.

16. Committee Reports

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

The Pharmacy Technician Committee met May 11, 2010.

MOTION

The committee made a motion the Board approve the Clinical Experience Form. No second was needed since the motion came from committee. The motion carried unanimously.

Mrs. Bundrick stated Mrs. Disher of OLC was not aware that office was to be checking PTCB certifications. She further stated that office has now scanned certificates which have been received and have notified the technicians which have not submitted the PTCB certificates that they must submit the most recent PTCB certificate and that if the certificate is not submitted staff would issue a pharmacy technician registration and the pharmacy technician would be required to return the certified technician registration.

Mr. Banks stated Virginia College and Southeastern Institute were beginning new pharmacy technician programs. The committee expressed concern about the programs not being accredited by ASHP and the schools being permitted.

MOTION

The committee made a motion the Board send a letter to these two colleges informing them of the Board's requirements to meet the educational requirements and to have a statement placed on the Board's website regarding this matter. No second was needed since the motion came from committee. Discussion ensued regarding another college and ASHP accreditation. The motion passed.

MOTION

Mr. Banks made a motion the Board, through its next newsletter, inform the pharmacists and technicians to research the ASHP website to seek guidance on which schools are ASHP approved page one and two and send a letter to the SC Pharmacy Association asking them to produce the article in Small Doses. Mr. Bradham seconded the motion, which carried unanimously. Dr. Richardson was not in room.

- b. Compounding – Hugh Mobley, R.Ph., Bobby Bradham, R.Ph., Addison Livingston, PharmD.

Mr. Mobley stated the committee met on February 11, 2010. He further stated no quorum was present so no actions could be taken. He noted the committee took comments from staff, practitioners and representatives from the health care association in review of the Sterile Inspection Form. He further stated the committee received a good consensus on most of the items. He noted there are a couple of issues that need clarification regarding USP. The committee suggested the Board develop an article for the next newsletter addressing basic items, such as what a non-permitted compounding pharmacy should do.

Mr. Livingston gave brief history on the Memorandum of Understanding on the Interstate Distribution of Compounded Drug Products between a state agency and the FDA.

MOTION

Mr. Livingston made motion if the Board is contacted by the FDA and wants an inspector to accompany them on an inspection, that the Board inspector, with another Board inspector inspect the facility first. Mr. Mobley seconded the motion, which carried unanimously.

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

Mr. Toole stated the committee has not met. He recognized Mr. Cinquence. He knows the immunization bill as well as the Pseudoephedrine bill have passed, although the pseudoephedrine bill deals more with the sheriff departments.

Mr. Cinquence stated a written log as well an electronic log will be required on the Pseudoephedrine. He noted a centralized database must be in place if the pharmacy has an electronic log.

Mrs. Bundrick stated the legislation states that the Board must grant the exemptions if the facility does not have an electronic log.

Mr. Cinquence stated the legislature adopted a bill regarding the federally qualified health centers. He noted the legislation included an amendment from Senator Cromer regarding the

five mile radius where the FQHC would have to make a good faith effort and reach out to the pharmacy community to partner in the dispensing of products.

Mrs. Bundrick stated the proviso regarding the federally qualified health clinics has also passed.

Mr. Bradham stated Proviso 31.23 is in legislation. He further stated Proviso 88.32 is also in legislation. He noted that is a DHEC proviso.

Mr. Cinquence noted the proviso regarding Medicaid reimbursement has also passed.

The committee set June 29, 2010 as the next committee meeting date.

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

The committee met on May 11, 2010. Mr. Rose stated Mrs. Sanders gave a report on the progress of the nuclear pharmacies meeting the USP <797> guidelines. He further stated Mrs. Sanders also discussed information from the FDA regarding issuance of current good manufacturing practice for positron emission tomography (PET) drugs. He went on to say the new regulation will go into effect on December 12, 2011 and the Board may need to permit PET facilities as manufacturers. The committee may not meet again until January 2011.

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

The committee met on April 13th.

MOTION

The committee made a motion the Board request LLR's advice counsel as well as the Hospital Association's advice counsel to meet to clarify the definition of 'owned' physician clinics. No second was needed the motion came from committee. The motion carried unanimously.

Mr. Rose stated the committee discussed continuing education for new licensees. He further stated the committee asked that the Board discuss that a new licensee would not need continuing education during the first year of licensure; however, that licensee would need 15 hours of continuing education during the second year of licensure. He went on to say if the license is in a two-year period and the individual becomes licensed at the beginning of the second year or after, the individual would not need continuing education. However, if the individual become licensed at the beginning of the two year cycle, the individual would be exempt from continuing education during the first year and would be required to obtain 15 hours of continuing education during the second year of the two-year cycle.

MOTION

The committee made a motion to refer violations of Section 40-43-130(C) that have not had any response to the IRC. No second was needed since the motion came from committee. The motion carried unanimously.

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

This committee had no report.

- g. Recovering Professional Program – Dr. Leo Richardson

Mr. Sheheen presented the RPP quarterly report to the Board members. He noted there are currently 64 active pharmacists, which is one percent of the pharmacist profession, and four pharmacy technicians enrolled in RPP program. He went on to say there had been 175 pharmacists enrolled in the program since 2000.

- i. Report on LRADAC's Partnership with SC Pharmacy Association – Frank Sheheen

Mr. Frank Sheheen stated LRADAC is the host agency of RPP through a Memorandum of Agreement and he is serving on the management team. He introduced Christy Ackerman-Stonebrenner who works with LRADAC.

Ms. Ackerman-Stonebrenner stated LRADAC has been working regarding prescription misuse and abuse, which has become an increasing issue. She further stated LRADAC has data in the Midlands regarding the growing issue especially around younger individuals. LRADAC has been working for the past one and one-half years to address the issue, primarily focusing on access and availability. LRADAC has focused on addressing misconceptions regarding the safety of prescription drugs during educational efforts. LRADAC partnered with the SC Pharmacy Association and developed a poster and care sheet campaign targeted towards parents and older adults. They are working mainly through independent pharmacies in the two county area (Lexington and Richland). The message focuses largely on reminding the public that the misuse and abuse of prescription drugs can be dangerous and deadly and encouraging the public to safeguard prescriptions and to dispose of the medications in a proper manner. LRADAC appreciates the Board's input into the educational series.

Mr. Sheheen stated he would inform his supervisor of the AWARE program being sponsored by NABP.

- h. Medication Integrity Committee – Dan Bushardt, R.Ph., Al Toole, R.Ph., Addison Livingston, PharmD.

This committee had no report.

- i. Finance Committee – Hugh Mobley, R.Ph. Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Addison Livingston, PharmD

Mr. Bradham stated the committee held the initial meeting and discussed previous financial reports. He noted the Board discussed the financial reports from October 2009 to present earlier in the meeting.

17. Discussion Topics

- a. Rx Dispensing Programs – Hugh Mobley, R.Ph.

Mr. Mobley stated he meant electronic prescribing programs. He further stated the Board had discussed earlier in the meeting in regard to the DEA's program with drop down boxes and as result individuals choose select and are getting medications at different strengths. He noted the pharmacists are unable to obtain the medications at the prescribed strengths from the options located in the program drop down boxes. He believes the Board may need to refer this matter to the Medical Board and inform the Board of the problems the pharmacists are facing. He went on to say the other side of it is that some of the programs being sold to physicians are different modules and the modules can include the full electronic program or part of the electronic program. He said if the physician has part of the module and press the send button and the computer will convert it and send it as a fax, which is not a true electronic version. The physician must then purchase an upgrade. He asked the Board if it would be appropriate to send a letter to the Medical Board and the Medical Association.

18. Public Comments

No public comments were made during this meeting.

19. Adjournment

MOTION

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

The June 16, 2010 meeting of the SC Board of Pharmacy adjourned at 5:38 p.m.

**South Carolina Board of Pharmacy
Board Meeting
MINUTES**

9:00 a.m., June 16-17, 2010
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, June 17, 2010

1. Meeting Called to Order

Allen Toole, R.Ph., chairman, of Liberty, called the regular meeting of the SC Board of Pharmacy to order at 9:04 a.m. Other Board members participating in the meeting included: Bobby Bradham, R.Ph., vice chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Dan Bushardt, R.Ph., of Lake City; Addison Livingston, R.Ph., of Swansea; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, PhD., of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Stephanie Calhoun, Administrative Assistant; Marilyn Crouch, Program Assistant, Eddie Durant, R.Ph., Pharmacist Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Ernie Shuler, R.Ph., Pharmacist Inspector; and Ray Trotter, R.Ph., Temporary Pharmacist Investigator. LLR employees participating during the meeting included: Sandra Dickert, Administrative Assistant; Dean Grigg, Hearing Advice Attorney; Pat Hanks, Litigating Attorney; Krystal McFadden, Administrative Assistant; Jamie Saxon, Hearing Advice Attorney; and Angie Scott, Administrative Assistant.

Members of the public attending the meeting included: Paulette Bentley, Larry Griffin, Jack Spivey, and Ed Vess.

a. **Public Notice**

Mr. Toole announced that this meeting was being held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice sent to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin board at the main entrance.

A video of this meeting can be viewed at www.llr.state.sc.us/POL/Pharmacy . On the Board's home page, click 'Board Information' and follow the link to the video.

2. Chairman's Remarks – Allen Toole, R.Ph.

Mr. Toole thanked everyone for attending the reception in his honor on June 16, 2010. He also thanked the Board members and staff for their support during his tenure as chairman.

Introduction of Board Members, Staff, and Other Persons Attending the Meeting

The Board members, staff and other persons attending the meeting introduced themselves.

3. Hearings

a. In the Matter of, Michael Nester, R.Ph.

This matter was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

This hearing was held in absentia.

MOTION

Mr. Bradham made a motion that the Board find the respondent to be in violation of the practice act and is imposing an indefinite suspension requiring that the respondent begin anew with a five year agreement with RPP. Prior to any reinstatement the respondent must appear before the Board and show at least one year of compliance with RPP. He must show proof to the Board of having continuing education requirements for every year during the period in question. He must obtain 30 additional hours at his own expense of continuing education prior to approaching the Board for reinstatement and he must retake and successfully pass at his own expense the MPJE and pay all applicable fees. Mr. Rose seconded the motion, which carried unanimously.

b. In the Matter of, Jacob McElveen, R.Ph.

This matter was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

Jason McElveen, R.Ph., appeared before the Board without legal representation.

Mr. McElveen has agreed to sign a Memorandum of Agreement (MOA).

MOTION

Mr. Mobley made a motion that Mr. McElveen's license be indefinitely suspended, enter into a five year contract with RPP, and prior to appearing before the Board again seeking reinstatement of licensure, he must show the Board compliance with RPP for one year, take and successfully pass the MPJE, bring his continuing education current during the period in question. In addition, he must take, at his own expense, an additional 30 hours of continuing education, and if any of these conditions are not met it is important Mr. McElveen know that this Board has the right and may take further action against his license including the possibility of revocation. Mr. Bradham seconded the motion, which carried unanimously.

c. In the Matter of, Teneka Payne, Pht.

This matter was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Rose made a motion the Board revoke Ms. Payne's pharmacy technician registration for violating the pharmacy practice act. Mr. Bushardt seconded the motion, which carried unanimously.

d. In the Matter of, Charlotte Melton, CPht.

This matter was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

This hearing was held in absentia.

Mr. Banks stated the formal accusation for Ms. Melton she is referred to as a licensee; however, she should be referred to as a registrant. He noted for the record that pharmacists are licensees and pharmacy technicians are registrants.

MOTION

Mr. Mobley made a motion the Board revoke Ms. Melton's registration as a pharmacy technician. Mr. Rose seconded the motion, which carried unanimously.

e. In the Matter of, Kristie Nettles, Pht.

This matter was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Hanks noted Ms. Nettles endorsed an MOA; however, there is apparent confusion on her part in regard to her required presence for the hearing. He asked that the hearing be moved to next meeting.

MOTION

Mr. Banks made a motion the Board table the hearing to the next meeting. Mr. Rose seconded the motion, which carried unanimously.

Mr. Rose stated he omitted a motion from a previous Pharmacy Practice Committee meeting. Mrs. Bundrick stated she didn't know if the Board could vote on the motion since it was not listed on the agenda for this meeting. She noted the Board could discuss the matter but could not take a vote on the matter.

Ms. Bugoski presented the members with updated citations which were discussed during a previous Pharmacy Practice Committee meeting.

Mr. Banks recommended the Board change some of the fines to continuing education to assist in educating pharmacists in protecting the public of South Carolina. A brief discussion on this matter ensued and included the development of a continuing education course.

MOTION

Mr. Banks made a motion the Board encourage the SC Pharmacy Association to work with the Board of Pharmacy in developing appropriate continuing education courses in regard to the laws of South Carolina and/or possible charges of the continuing education would be appropriate to violations of the practice act. Mr. Rose seconded the motion, which carried unanimously.

4. Review of Policies and Procedures

Mrs. Sanders stated bill H.3393 has passed regarding the issuance of protocols for pharmacists to administer immunizations. She noted Policy and Procedure 138 relates to immunizations.

MOTION

Mr. Mobley made a motion to remove the word 'influenza' from Policy & Procedure 138 and to add a bullet point stating, 'This policy and procedure applies to immunizations in South Carolina not addressed by any other statute.' Mr. Rose seconded the motion, which carried unanimously.

The policy and procedure will read:

The South Carolina Board of Pharmacy, alarmed by the many deaths of SC citizens due to a lack of immunizations and recognizing that pharmacists are easily accessible to all South Carolina citizens, and bearing in mind that pharmacists are authorized by South Carolina law to administer drugs,

1. Encourages South Carolina pharmacists to participate in immunization programs by making available and administering immunizations to the public at permitted pharmacy locations;
2. Reminds pharmacists that such immunization programs shall meet the following requirements:
 - ❖ Administering pharmacists shall have completed an immunization training program, reviewed by CDC, and resulting in certification as an immunizing pharmacist;
 - ❖ Administering pharmacists shall be currently certified in CPR;
 - ❖ Administering pharmacists shall have written policies and procedures for aftercare of immunized patients,
 - ❖ Administering pharmacists shall have an order or protocol from a licensed practitioner or such order or protocol from the South Carolina Department of Health and Environmental Control.
 - ❖ This policy and procedure applies to immunizations in South Carolina not addressed by any other statute.

This statement does not address every legal issue, which might arise in the context of immunization programs, including but not limited to professional insurance coverage.

5. Adjournment
MOTION

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

The June 17, 2010 meeting of the SC Board of Pharmacy adjourned at 12:26 p.m.