

## South Carolina Board of Pharmacy

### MINUTES

#### Board Meeting

8:30 a.m., January 21-22, 2004

#### Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Wednesday, January 21, 2004

Rufus Sadler, R.Ph., Chairman, of Clinton, called the regular meeting of the Board of Pharmacy to order at 8:45 a.m. Other members present included: Bobby Bradham, R. Ph., Vice Chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Davis Hook, R. Ph., of West Columbia; Marvin Hyatt, R.Ph., of Rock Hill; Dr. Leo Richardson of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Natalie Cobb, Administrative Assistant; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator; and Sheila Young, R.Ph., Compliance Manager/Investigator. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel; LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Paulette Bentley, Jim Bracewell, Doug Bryant, Pamela Cain, Wendy Chiles, Hugh Coleman, Deborah Dixon, Kevin Floyd, Pat Godley, Larry Griffin, Stuart Hamilton, Linda Janowski, Maribeth Kowalski, Virgil "Bunkie" Lee, Joe Mullinax, Scott Padgett, Traci Paschall, Bob Pavlasky, Dawn Perry, Thomas Phillips, Tiffany Raley, Earl Simmons, Debbie Tapley, Jack White, Valencia Gray-Williams and Dick Wogon.

#### Meeting Called to Order

Mr. Sadler 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.

#### Pledge of Allegiance

All present recited the Pledge of Allegiance.

#### Invocation

Mr. Bradham delivered the invocation.

Chairman's Remarks - Rufus Sadler, R.Ph.

Mr. Sadler stated the Board is having the same problems with the health care programs and it is not the fault of the pharmacies. He indicated the state and federal governments, along with third parties make it difficult to fill prescriptions. He does not know how to solve the problem, but it may be part of the Board's goal.

Introduction of Board Members and all other persons attending

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

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

Mr. Bradham stated Mr. Lewis has been excused and would be arriving in one hour.

Approval of Minutes for the November 19, 2003 Meeting

MOTION

Mr. Hyatt moved to accept the minutes of the November 19, 2003 meeting as presented.

Mr. Hook seconded the motion, which carried unanimously.

Ms. Natalie Cobb briefed the Board on using the laptop computers.

Request for Exemption on Requiring the Approved Drug Therapeutic Drug Evaluation Bioequivalencies in Pharmacy - York County Treatment Center - Richard R. Wogon, R.Ph.

The Board of Pharmacy has received a letter, dated November 19, 2003, from Mr. Richard Wogon, R.Ph., of the York County Treatment Center, seeking the Board's approval for an exemption from having the "Approved Drug Products with Therapeutic Drug Evaluation Bioequivalents" in their pharmacy. Mr. Wogon's letter indicates the facility only stocks and administers one medication, which is methadone.

Mr. Wogon appeared before the Board at this time. He is representing Colonial Management, which operates three medical maintenance centers in South Carolina. He indicated the centers dispense only one medication.

MOTION

Mr. Hyatt moved the Board grant this exemption. The motion was seconded by Mr. Hook and unanimously carried.

Reciprocity Interviews:

Approval for Candidates for Licensure:

December 3, 2003, December 10, 2003, December 15, 2003, December 19, 2003, January 21, 2004

The Board interviewed reciprocity candidates from 9:00 a.m. to 9:30 a.m.

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, to approve the reciprocity candidates of December 3, 2003, December 10, 2003, December 15,

2003, December 19, 2003 and January 21, 2004.

Volunteers needed for March 10, 2004 interviews

Dr. Richardson and Mr. Hyatt volunteered to conduct the reciprocity interviews on March 10, 2004.

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

Ms. Bundrick briefed the members on staff's activities since the November 19, 2003 meeting.

4. Compliance and Inspectors Report, Sheila Young, R.Ph.

Ms. Sheila Young, R.Ph., Manager, briefed the Board members on the activities of the compliance section since the November 19, 2003 meeting.

A. Review of proposed Consent Orders and Recommendations from the Investigative Review Committee (IRC), Pat Hanks OGC

Consent Orders

Case #: 2003-0010

Mr. Hanks briefed the Board members on the above referenced consent order. He asked the Board to approve striking the word 'license' and substituting the word 'permit' on page three. He asked the Board to approve this consent order as amended with this change.

MOTION

Mr. Hyatt moved the Board approve this consent order as amended. The motion was seconded by Mr. Banks and unanimously carried.

Case #: 2003-0039

Mr. Hanks briefed the Board members on the above referenced consent order.

MOTION

Mr. Hook moved the Board accept the IRC's recommendation regarding this matter. Mr. Banks seconded the motion, which carried unanimously.

Case #: 2003-0060

Mr. Hanks briefed the Board members on the above referenced consent order.

MOTION

Mr. Hook made a motion, seconded by Mr. Rose, to approve the IRC's recommendation on this matter. A brief discussion on this matter ensued. The motion carried unanimously.

Case #: 2003-0092

Mr. Hanks briefed the Board members on the above referenced consent order.

MOTION

Mr. Hyatt moved the Board accept this consent order. Mr. Rose seconded the motion, which carried unanimously after a brief discussion regarding the change of ownership.

Case #: 2003-0099

Mr. Hanks briefed the Board members on the above referenced consent order.

#### MOTION

Mr. Hyatt made a motion, seconded by Mr. Hook and unanimously carried, that the Board accept the IRC's recommendation on this consent order.

Case #: 2003-0102

Mr. Hanks briefed the Board members on the above referenced consent order.

#### MOTION

Mr. Rose moved the Board accept the IRC's recommendation on this consent order. Mr. Hyatt seconded the motion. The Board did not act on this motion.

#### MOTION

Mr. Banks moved the Board bring this matter up after executive session. The motion was seconded by Mr. Hyatt and unanimously carried.

#### Cease and Desist Orders

Case #: 2003-0163

Case #: 2003-0164

Case #: 2004-0004

Case #: 2004-0005

Mr. Hanks briefed the Board members on the above referenced cease and desist orders. The cease and desist orders were presented as information to the Board members.

#### MOTION

Dr. Richardson moved the Board accept the cease and desist orders as information. Mr. Banks seconded the motion. After a brief discussion the motion carried unanimously.

Mr. Terry Lewis, of Darlington, arrived at 10:28 a.m.

#### MOTION

Mr. Banks moved the Board enter executive session to discuss Case # 2003-0102. Mr. Rose seconded the motion, which carried unanimously.

#### Return to Public Session

Mr. Bradham noted for the record that no motions were made and no votes were taken during executive session.

#### MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, to accept the IRC's recommendation regarding Case # 2003-0102.

## 5. New Business

### B. Request for Approval of Remote Facilities - Eau Claire Cooperative Health Centers, Inc., Dean Slade, Director of Grants Management and Strategic Planning

On November 4, 2003 the Board received a letter from Mr. Dean Slade, Director of Grants Management and Strategic Planning of the Eau Claire Cooperative Health Centers, Inc. indicating that the Cooperative Health Centers operates a 340B pharmacy out of their Sterling Sharpe Pediatric facility on Monticello Road, in Columbia, and that as a 340B pharmacy they are only allowed to service the needs of their patients. The letter goes on to say that in January 2004 the Cooperative Health Centers would have nine remote facilities in Richland, Lexington and Kershaw counties serving 30,000 patients. The Cooperative Health Centers has determined that the Automated Drug Dispensing Systems (ADDS) would be a good solution for the community and their patients. Cooperative Health Centers has developed policies and procedures from those of an approved community health center located in the State of Washington. The Cooperative Health Centers, Inc. is asking the Board to review and approve the ADDS proposal and the policies and procedures as submitted.

Dean Slade, Stuart Hamilton, Bob Pavlasky and Dr. Valencia Williams appeared before the Board at this time to make a presentation and answer questions from the Board regarding the ADDS system and a proposed Telepharmacy Solutions program.

Mr. Bradham questioned items on the HHS document as well as a document dated November 3, 2003, signed by Mr. Slade.

The Board and staff raised the following concerns:

1. According to the HHS News document the process may end at this point, or the patient may use videoconferencing equipment to receive counseling on proper usage from the pharmacist at the central facility.
2. Throughout the policies 'the provider' is noted during dispensing, labeling, and consulting. The Board states that this must be a PHARMACIST.
3. The Inventory Maintenance Policy indicates the technician would procure the medications and quantities from repackaged stock located in inventory; however, it was noted that a pharmacist would be filling the prescriptions. The document should be modified to reflect that a pharmacist would be filling the prescriptions.
4. The Inventory Maintenance Policy indicates a clinic staff member will check the medication to verify it will be replaced in the ADDS System. The document should be modified to reflect a pharmacist would be checking the medications.
5. The ADDS documentation indicates that the system has been inspected by a Board of Pharmacy inspector and approved. Who has approved the system?

It was noted that the technicians should be clarified as certified technicians during the document modification.

## MOTION

Mr. Hook moved he volunteer to work with the Cooperative Health Centers to modify the policies and procedures for presentation at the March 2004 meeting. Dr. Richardson seconded the motion, which carried unanimously.

## D. Proposed Drug Monitoring Program Bill - Wilbur Harling, R.Ph.

Mr. Wilbur Harling, R.Ph., of the SC Department of Health and Environmental Control (SCDHEC) briefed the Board on bill 4379 regarding the proposed drug monitoring program. Representative Tracy Edge and Representative Quinn introduced this bill on June 4, 2003. The bill was referred to the Ways and Means Committee, which is where it remains.

## E. Request for PIC at Allendale County Hospital and Fairfax Pharmacy - Sheila Young, R. Ph.

Ms. Sheila Young, R.Ph., stated shortly after the November 2003 meeting she received a phone call from the Allendale County Hospital indicating the pharmacist had left the hospital leaving the hospital pharmacy with no PIC. She further stated that Ms. Bundrick contacted Mr. Sadler who granted a temporary PIC at both locations to Ms. Gloria Duncan, R.Ph. She went on to say that Ms. Duncan is requesting to be Pharmacist-in-Charge (PIC) at both locations. She further stated both of these sites were inspected on January 6, 2004 and were in excellent order, with the exception that they both needed a bioequivalency code book. She noted that this violation has since been corrected at both locations. She indicated that the two facilities are only two blocks apart and that the pharmacist goes to the hospital from 7:00 a.m. to 9:00 a.m. every morning that then goes to the pharmacy by 9:00 a.m. She went on to say that the pharmacist returns to the hospital, if needed, when the retail pharmacy closes at 6:00 p.m. and that she goes to the hospital after closing the pharmacy at 1:00 p.m. on Saturdays. She said that the hospital has a bed capacity of 35 but averages 8-10 patients, resulting in 40-50 prescriptions per day and that the Fairfax Pharmacy has two technicians and fills approximately 100 prescriptions per day.

Ms. Bundrick noted that Ms. Duncan had previously served as the PIC at both locations.

## MOTION

Mr. Hook made a motion, seconded by Mr. Rose and unanimously carried, that the Board grant this request.

## F. Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities - Rufus Sadler, R.Ph.

The Drug Enforcement Administration (DEA) was accepting written comments regarding the proposed rule change, "Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities." The deadline for submitting the written comments to DEA was January 2, 2004.

Ms. Bundrick stated she had received this document and forwarded it to the members for

their review. She further stated she received comments from Mr. Rose and that Mr. Bradham had concerns with the document. She noted she spoke with Mr. Sadler who asked that it be placed on the agenda for the Board's discussion.

The Board briefly discussed the diversion of medications in long term care facilities.

G. "Karon's Law" - Ohio House Bill #221

Ohio House Bill #221, "Karon's Law", is an act that would establish a drug repository program to accept and dispense donated prescription drugs under the direction of the Ohio State Board of Pharmacy.

Mr. Bradham stated it is for free medication for the uninsured or for those individuals who have no access to medication. He feels it is not appropriate for South Carolina since the State has the free clinics.

Ms. Bundrick stated Representative Gary Smith was interested in introducing this bill in South Carolina. She further stated she received a call from Mary Denis Cauthen regarding the Board's position on a possible bill. She noted that she informed Ms. Cauthen that the Board has the same concerns with the bill as the Board did with the long-term care repackaging issue.

H. Guidance concerning Supervision of Licensees in Recovery Professional Program  
Ms. Bundrick stated this matter is on the agenda at RPP's request. She further stated RPP and staff need guidance concerning the licensees who are in the program. She indicated when the program was initially set up there was a one-year guideline that the Board, at that time, wanted the individuals to stay out of practice before appearing before the Board. She noted staff has had some concerns over the past year that RPP has endorsed individuals to come back prior to the end of the one-year guideline. She knows that each case is different and that one-year is not the actual standard, however, staff and RPP need guidance on this matter from the Board.

Jack White, Paulette Bentley, Jack Griffin, and Hugh Coleman, of RPP, appeared before the Board at this time.

Mr. White stated when RPP was first formed the Board of Pharmacy completed a questionnaire that gave the program guidance in a number of areas. He noted the practice was dictated by that questionnaire. He said the professionals go through a rigorous and expensive treatment program and come out with a return to work letter from his/her attending physician. He indicated they profit from returning to work. He further stated the Board of Pharmacy and the Board of Medical Examiners encouraged RPP to use judgments regarding the professionals returning to work based on a number of criteria.

Mr. Griffin stated Ms. Cheryl Ruff, former Board administrator, indicated that pharmacists should be in RPP for at least six months. He asked the Board for dialog regarding the monitoring of pharmacists.

Dr. Hugh Coleman stated it helps them to know how the Board feels on their cases.

Ms. Dantzler asked that the Board discuss underlying documents involved in the cases being brought before the Board.

Mr. Griffin stated there is a standard operating procedure where the individual is randomly tested 24 to 36 times a year.

Mr. Durant questioned punitive and sanctions. Ms. Dantzler stated punitive and sanctions are handled separately from RPP.

I. NABP's 100th Annual Meeting, April 24-27, 2004 in Chicago, IL  
Select Delegate and Alternate Delegate

Ms. Bundrick stated it is her understanding that the State will pay for one Board member and one staff member to attend national conference.

#### MOTION

Mr. Hook moved that Mr. Bradham serve as the delegate and that Mr. Banks serve as the alternate. Mr. Banks seconded the motion, which carried unanimously.

J. Pharmacy Technician Registration Application Review - Tiffany Raley  
Tiffany Raley appeared before the Board at this time.

Ms. Raley stated she and a friend went to a mall and made a mistake of stealing an outfit. She has not been in trouble since and served in PTI. She further stated she paid the court costs and restitution without financial assistance from her parents. She worked as a pharmacy technician following high school and entered Central Carolina in January 2002 where she is studying radiology.

#### MOTION

Mr. Hook made a motion, seconded by Mr. Hyatt and unanimously carried, that if she gets her record expunged that the Board grant Ms. Raley registration as a pharmacy technician.

Dr. Richardson left the meeting at this time.

#### LUNCH

The Board recessed for lunch at 1:20 p.m. and reconvened in public session at 2:45 p.m.

6. Request for Permission to Fill Prescriptions at Pharmacy for Homeless Patients and Transport Prescriptions to HealthAccess - Linda Janowski, R.Ph.

On December 1, 2003 the Board received a letter from Linda Janowski, Pharmacy Director, of the Little River Medical Center Pharmacy, asking for the Board's approval regarding a clinic for homeless patients located approximately 30 miles from their main center and pharmacy. The center is staffed by a physician, a registered nurse, a social



worker and outreach staff. The Center provides medical services and prescriptions at no cost to the patient using federal grant monies and patient assistance programs from drug manufacturers. This center has an in-house licensed retail pharmacy to serve the patients. The patients have very limited ability to travel to the main center to have prescriptions filled. Little River Medical Center Pharmacy is requesting permission to fill prescriptions at the Little River Pharmacy for the HealthAccess patients and transport the prescriptions to Myrtle Beach.

Linda Janowski, R.Ph., of the Little River Medical Center appeared before the Board at this time. She indicated their patients are indigent and that she is asking the Board to approve HealthAccess as a prescription filling facility with a registered nurse dispensing the medications. She would be available for counseling by phone. She said the HealthAccess facility would be open during the mornings of Mondays and Wednesdays and all day on Fridays and that Little River facility is open from 9:00 a.m. to 6:00 p.m., Monday through Friday. She indicated that the prescriptions left at the end of the week would be returned to the Little River facility. She indicated she is the pharmacist with one other individual who would relieve her the one day a week when she would be unavailable. She said that Little River Medical Center is a non-profit organization. She stated she does have a formulary although she did not bring the document to the meeting.

Mr. Bradham expressed concern in regard to the counseling by phone when she is available. Ms. Janowski indicated the policy could be revised to say that all patients must be counseled by phone.

Ms. Janowski stated Little River Medical Center owns the HealthAccess facility and that the Little River Medical Center is a non-profit organization with board of directors. Ms. Bundrick stated that physicians must own the facility in order for a physician to dispense the medications.

Mr. Bradham stated he feels the Board would need time to digest this information. He requested that Ms. Janowski fax additional information regarding the policies of the Little River Medical Center to staff for the Board's review during the meeting on Thursday, January 22, 2004. He noted that a decision would be made after reviewing this information.

## 7. Committee Reports

· Immunization Task Force - Marvin Hyatt, R.Ph. and Dock H. Rose, R.Ph.

Mr. Hyatt stated he had no report.

Mr. Rose stated the committee has received positive responses regarding the task force.

Ms. Cobb stated she and Mr. Hyatt participated with the Coalition on Older Adult Immunizations and that last Thursday the Coalition on Older Adult Immunizations participated in the Grand Affair, an event held at the state fairgrounds for adults over the age of 55. She noted that the Coalition had information regarding several different

organizations involved in the Coalition. She indicated that pneumonia and tetanus immunizations were administered and that several individuals questioned the possibility of immunizations in pharmacies.

· Pharmacy Technology Committee - Terry Lewis, R.Ph. and David Banks, R.Ph.  
Mr. Banks stated the committee met with WebMD. He indicated there was a lot of discussion regarding electronic prescriptions versus hand written prescriptions. He further stated that McLeod Health is a new system enabling a physician to zeta-fax prescription information from a computer in the patient's room to the hospital pharmacy. Another meeting is scheduled for February 12, 2004. He noted that the committee understands that no one was using the new technology to add multiple prescriptions to one blank and that everyone had one prescription per pre-printed blank.

The committee reviewed information and moved that Board approve the following recommendations:

The committee recommends that the proposed electronic bill be brought back to the Board for approval of moving it to the Health Section of the Code of Laws (Title 44 Chapter 117). It was also recommended that SureScripts be advised of the proposed language and asked to review and comment to be reviewed at the next committee meeting. Presenters at the 1/14/04 meeting are asked to wait for comment until after the next committee meeting to be held February 12, 2004 at 10:00 A.M.

Since the motion came from committee no second was needed. The motion carried unanimously.

Mr. Lewis stated he had asked that Ms. Pam Cain and Ms. Bundrick review the Pyxis Envoy System and make monitoring requirements for the committee's review at the next meeting.

· Recovering Professional Program - Leo Richardson, Ph.D.  
Ms. Cobb stated the advisory council met on January 16, 2004. She further stated Dr. Coleman had mentioned the South Carolina Medical Conference earlier in the meeting. She said that any one interested in participating in the conference could receive continuing education credits. She indicated the members who wished to attend should contact Dr. Coleman in writing.

Ms. Cobb stated RPP is looking for an agency at this time to be an administrator for the program. She further stated RPP has been under DAODAS for some time. She went on to say RPP has looked at Vocational Rehabilitation, MUSC and USC or possibly moving to a non-profit area if they are unable to locate an administrator for their program. She indicated they would advise the council during the March 2004 meeting if they were prepared to make a move.

Ms. Cobb stated RPP is increasing the participant fees for enrolled individuals. She indicated that it does not affect the Board at this point. She further stated that the cost

for a working pharmacist is rising from \$28.50 per month to \$38 per month, pharmacists who are working outside of the profession is rising from \$16.15 per month to \$20 per month, and those individuals who are not working within the profession or not working at all will rise from \$7.50 per month to \$10 per month. She indicated the program does not need Board approval to raise fees.

- Compounding Task Force - Davis Hook, R.Ph., Dock H. Rose, R.Ph.

Mr. Hook stated the committee met on January 9, 2004 and at that time discussed the new permit classification (compounding specific). He further stated the committee feels that education is needed for compliance and agreed that an information flyer should be sent with the 2004 permit renewal applications with the important facts regarding Chapter 797 for review and that enforcement of the new change begin in 2005. Since the motion came from committee no second was needed. The motion carried unanimously.

Mr. Hook stated the committee also discussed the required statutory changes for this new sub-class and asked Ms. Dantzler to advise the committee on the necessity of making statutory changes before implementing changes. He indicated the next committee meeting is scheduled for February 27, 2004.

Ms. Bundrick stated Mr. Hugh Mobley informed the committee that a national meeting of the Home Infusion Association is planned for March 4, 2004 in Las Vegas, Nevada. She noted that the committee would hold a one-day workshop regarding Chapter 797. She indicated she is attempting to gain approval for one or two individuals to attend the workshop.

- Durable Medical Equipment (DME) - Hugh Mobley, R.Ph.

Mr. Mobley was not present for the meeting.

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

Mr. Rose stated the committee has not met since the last meeting; however, he plans to hold another meeting in the spring.

- Pharmacy Technician Committee - Davis Hook, R.Ph.

Mr. Hook stated the committee met on January 9, 2004. He further stated the committee has been concerned with the legal authority for disciplinary actions.

Ms. Dantzler briefly discussed the Engine Act that works in conjunction with the practice act in relation to the Board's legal authority for disciplinary action.

Mr. Hook stated Mr. David Dubose, of PassAssured, is traveling across the nation attempting to sell the PassAssured program as a training tool for technicians. He further stated the committee is recommending the following:

The committee feels that the PassAssured program is a good preparatory tool to introduce individuals to the pharmacy technician profession. However, the program does not meet the requirements for state-certification as stated in Section 40-43-82 of the

Pharmacy Practice Act. The committee recommends to the Board that the Department of Education seek ASHP accreditation for their pharmacy technician training program curriculum.

· Legislative Committee - Bobby Bradham, R.Ph.

Mr. Bradham stated the committee has not met. He noted that the state legislature reconvened last week and that the committee would become active shortly.

· Medication Errors Committee - Rufus Sadler, R.Ph.

Mr. Sadler stated there is nothing new to report. He suggested sending copies of illegal prescriptions to the Medical Board as in the past.

· Pharmacy Benefit Management (PBM) - Marvin Hyatt, R.Ph.

Mr. Hyatt had no report.

· Free Medical Clinic Task Force - Bobby Bradham, R.Ph., Leo Richardson, Ph.D.

Ms. Young stated currently there are 21 permitted clinics and one application in the office that is not yet ready to be inspected.

· NABP/AACP District III Planning Committee

Ms. Bundrick stated she is waiting to hear from the individual who filled Sam Coker's position as to what year South Carolina will host the meeting. She is unsure whether South Carolina will be the host state in 2006 or 2007.

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

Mr. Bradham stated the committee would be meeting on February 12, 2004. Ms. Young stated there are 96 facilities of which there are 77 that are not permitted.

## 8. Discussion Topics

J. Availability of Sudafed - David Banks, R.Ph.

Mr. Banks stated he has had several pharmacists contact him regarding problems with the amount of Sudafed that is going out of the stores. He indicated the pharmacists have indicated individuals are purchasing the maximum amount, taking the bottles to their car and attempting to purchase the same amount right away.

Ms. Bundrick stated she understands DEA is looking into this matter.

.Public Comments

There were no public comments.

Ms. Bundrick stated that during her report she had informed the Board she had drafted a letter to the FDA/CDER Ombudsman regarding veterinary compounding. She asked the Board to review and approve the letter.

## MOTION

Mr. Hyatt moved the Board accept the letter drafted by Ms. Bundrick. Mr. Lewis seconded the motion, which carried unanimously.

## Adjournment

The meeting adjourned at 3:56 p.m.

## South Carolina Board of Pharmacy

### Minutes

8:30 a.m., January 21-22, 2004

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Thursday, January 22, 2004

Rufus Sadler, R.Ph., Chairman, of Clinton, called the regular meeting of the Board of Pharmacy to order at 8:30 a.m. Other members present included: Bobby Bradham, R. Ph., Vice Chairman, of Charleston; David Banks, R.Ph., of Simpsonville; Davis Hook, R. Ph., of West Columbia; Marvin Hyatt, R.Ph., of Rock Hill; Terry Lewis, R.Ph., of Darlington; Dr. Leo Richardson of Columbia; and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Natalie Cobb, Administrative Assistant; Eddie Durant, R.Ph., Temporary Investigator; Temporary Investigator; Ray Trotter, R.Ph., Temporary Investigator; and Sheila Young, R.Ph., Compliance Manager/Investigator. LLR employees participating during the meeting included: Randall Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Glen Cohen, Dawn Perry, Joe Mullinax, and Stuart Fortune Williams.

### Meeting Called to Order

Mr. Sadler 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.

### Chairman's Remarks - Rufus Sadler, R.Ph.

Mr. Sadler had no remarks at this time. He turned the meeting over to Mr. Bradham at this time.

### 9. Old Business

Request for Exemption from Intern Limitations to Reinstate License - Glenn Cohen, R.Ph. Mr. Glenn Cohen has applied to have his license reinstated after being inactive. He understands that he can only receive credit for a maximum of 40 hours a week toward the 1000 hours necessary to satisfy one of the requirements. He is asking the Board to grant an exemption to this requirement. He was a pharmacist for 10 years; however, he allowed his license to lapse in 1994. He is asking the Board to allow him to work and have credited to his internship as many hours as he can work per week. He needed 60

hours of continuing education, the Board's exam and 1000 internship hours.

Mr. Cohen had appeared at the November 2003 meeting at which time the Board had asked that he submit further documentation and reappear at this meeting.

Glenn Cohen appeared before the Board at this time to answer questions from the Board. He stated he is currently working as a research associate monitoring drug studies for major corporations around the country. He is asking the Board to approve the hours he is working in the drug studies to apply toward the internship. He needs 60 hours of continuing education, the pharmacy boards, and internship. He indicated that the last work experience was completed in New York and North Carolina; however, the Board has not yet received this information.

The Board determined it should review documentation signed by the pharmacist on the hours he has worked in the past year under a registered pharmacist.

Ms. Bundrick noted that the statute requires the 1000 hours of internship are to be obtained under a registered pharmacist licensed in South Carolina.

## HEARINGS

In the matter of, Stuart Fortune Williams

An administrative hearing was held at this time in the matter of Stuart Fortune Williams, R.Ph. The hearing was held in public session. Patrick D. Hanks presented the State's case and Shannon Poteat served as Hearing Advisor to the Board. The proceeding was recorded by court reporter in order to produce a verbatim transcript if requested in accordance with the law.

At the conclusion of its deliberations, the board returned to public session.

## MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, that Mr. Williams' license be reinstated; that he complete 10 years with RPP; complete drug testing a minimum of 25 times a year during the first four years; that he not be allowed to be a PIC; that any time Mr. Williams takes a controlled substance he must notify the Board immediately and that the controlled substance be prescribed by a Board licensed practitioner; and he must meet all other requirements of the statute to be reinstated.

In the matter of, Reginald S. Carpenter

An administrative hearing was held at this time in the matter of Reginald S. Carpenter, R. Ph. The hearing was held in public session. Patrick D. Hanks presented the State's case and Shannon Poteat served as Hearing Advisor to the Board. The proceeding was recorded by court reporter in order to produce a verbatim transcript if requested in accordance with the law.

At the conclusion of its deliberations, the board returned to public session.

## MOTION

Mr. Banks moved the Board permanently revoke Mr. Carpenter's license. Mr. Rose seconded the motion, which carried unanimously.

## In-House Lunch

The Board recessed for lunch at 11:30 a.m. and returned to public session at 12:00 p.m.

## In the matter of, Bill Kevin Ray

An administrative hearing was held at this time in the matter of Bill Kevin Ray, R.Ph. The hearing was held in public session. Patrick D. Hanks presented the State's case and Shannon Poteat served as Hearing Advisor to the Board. The proceeding was recorded by court reporter in order to produce a verbatim transcript if requested in accordance with the law.

At the conclusion of its deliberations, the board returned to public session.

## MOTION

Mr. Lewis moved the Board reinstate Mr. Ray's license; that he make application; that he complete 1,000 hours under the supervision of a licensed pharmacist; that he obtain 60 hours of continuing education; that he complete five years with SCRIPT and an additional five years with RPP; that he not be allowed to be a PIC; that he complete the MPJE; and that he must meet all other requirements of the statute to be reinstated. The motion was seconded by Mr. Banks and unanimously carried.

## House Bill H4464

Mr. Bradham informed the Board that Bill H4464 was pre-filed on December 17, 2003. He further stated it was introduced on January 13, 2004 and referred to the Judicial committee on January 14, 2004. He indicated the bill deals with medical malpractice, tort reform and an increase regarding in-patient care. He noted that the definition section provides a definition for 'provider', which would include pharmacists. He went on to say that Section 15-80-240(e) establishes a Medical Claims Review Panel that determines whether or not a case will be heard and noted that there would be no review or appeal of the panel decision. He continued by saying that Section 15-80-290 provides that the revenue to fund the Medical Claims Review Office must be generated from the fees of each health care professions. He noted that this fee could become exorbitant to the Board and individual pharmacists. He stated he would advise the Board to vote to express opposition to the bill.

Mr. Randy Bryant, Assistant Deputy Director, explained the concept of the bill and the agency's position in regard to the bill.

## MOTION

Mr. Hyatt made a motion, seconded by Mr. Lewis and unanimously carried, that the Board oppose this bill.

The Board asked that Randy to inform the legislature that the Board of Pharmacy

opposes the bill.

#### Request for Permission to Fill Prescriptions at Pharmacy for Homeless Patients and Transport Prescriptions to HealthAccess

Mr. Bradham re-introduced the topic with the additional information faxed from Linda Janowski. The Board members were also provided with previous Board minutes that were referenced about a Charleston group who were denied a similar request.

The Board and staff briefly discussed this topic.

Ms. Young recommended that the Board seek another recourse for this group. Mr. Bradham asked Dr. Richardson to visit site and see if he can arrange for a transportation program for the patients of this clinic. He also asked Dr. Richardson for feedback on this matter for the March 2004 meeting.

The Board directed staff to notify Ms. Janowski of the Board's intent to provide assistance in bringing the facility into compliance.

#### In the matter of Lisa Ewing

An administrative hearing was held at this time in the matter of Lisa Ewing, R.Ph. The hearing was held in public session. Patrick D. Hanks presented the State's case and Shannon Poteat served as Hearing Advisor to the Board. The proceeding was recorded by court reporter in order to produce a verbatim transcript if requested in accordance with the law.

At the conclusion of its deliberations, the board returned to public session.

#### MOTION

Mr. Rose moved the Board immediately and permanently revoke Ms. Ewing's license. Mr. Banks seconded the motion, which carried unanimously.

#### Adjournment

There being no further business to be brought before the Board at this time, the January 22, 2004 meeting of the SC Board of Pharmacy adjourned at 3:10 p.m.