

# South Carolina Board of Pharmacy

## Board Meeting

8:30 a.m., September 28-29, 2005

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

## MINUTES

**Wednesday, September 28, 2005**

Terry Lewis, R.Ph., chairman, of Darlington, called the regular meeting to order at 8:35 a.m. Other board members participating in the meeting included: Marvin Hyatt, R.Ph., vice chairman, of Rock Hill; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Davis Hook, R.Ph., of West Columbia; Leo Richardson, Ph.D., of Columbia; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty.

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

Members of the public attending the meeting included: Keith Albert, Jennifer Baker, Paulette Bentley, Rosemary Boguski, Linda Boswell, Jim Bracewell, Pam Cain, Stacey Cooper, Rob Daniels, Dr. Joe DiPiro, Jay Funk, Larry Griffin, Jeffrey Hancock, Christopher Harrell, Carla Jackson, Simona Lazureanu, Mary Ludlow, Jennie Murdaugh, John O'Brien, Scott Padgett, Thomas Phillips and Eric Ridings.

### **Meeting Called to Order**

Mr. Lewis announced that the 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. Hyatt delivered the invocation.

### **Chairman's Remarks – Terry Lewis, R.Ph.**

Mr. Lewis did not have any remarks at this time.

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

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

### **1. Approval of Minutes for the June 15-16, 2005 Meeting**

#### **MOTION**

Mr. Bradham moved the minutes be approved as written. Mr. Hook seconded the motion, which carried unanimously,

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

June 6, 8, 15, 17, 20, 26, 29, 2005, July 6, 7, 8, 10, 11, 13, 20, 25, 22, 28, 2005, August 1, 15, 18, 19, 22, 24, 30, 2005, September 2, 4, 7, 8, 9, 13, 14, 2005

**MOTION**

Mr. Hook made a motion, seconded by Mr. Hyatt and carried unanimously, that the Board approve the reciprocity candidates interviewed by the Board members on June 6, 8, 15, 17, 20, 26, 29, 2005, July 6, 7, 8, 10, 11, 13, 20, 22, 25, 28, 2005, August 1, 15, 18, 19, 22, 24, 30, 2005, and September 2, 4, 7, 8, 9, 13, and 14, 2005.

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

Ms. Bundrick briefed the Board regarding staff's activities since the June 2005 Board meeting. In her report she noted that Mr. 'C' Turner and Mr. Hugh Mobley would be co-chairing the IRC Committee and Pharmacy Technician Disciplinary Review Committee.

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

IRC Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Consent Orders and Stipulations and Petitions from the Investigative Review Committee, (IRC).

Ms. Young briefed the Board regarding the activities of the compliance department since the June 2005 meeting.

- Voluntary Surrender  
Case #: 2005-0041  
Case #: 2005-0042  
Case #: 2005-0058  
Case #: 2005-0077

These cases were presented for the Board's information.

- Temporary Suspension  
Case #: 2005-0034  
Case #: 2005-0125

These cases were presented for the Board's information.

- Agreement to Relinquish  
Case #: 2005-0021

This case was presented for the Board's information.

- Formal Accusations  
Case #: 2002-0020  
Case #: 2005-0011  
Case #: 2005-0012  
Case #: 2005-0013  
Case #: 2005-0014  
Case #: 2005-0023  
Case #: 2005-0025  
Case #: 2005-0027  
Case #: 2005-0029  
Case #: 2005-0038  
Case #: 2005-0044  
Case #: 2005-0048

Case #: 2005-0052  
Case #: 2005-0053  
Case #: 2005-0057  
Case #: 2005-0059  
Case #: 2005-0064  
Case #: 2005-0065  
Case #: 2005-0066  
Case #: 2005-0068  
Case #: 2005-0072  
Case #: 2005-0074  
Case #: 2005-0075  
Case #: 2005-0076  
Case #: 2005-0077  
Case #: 2005-0079  
Case #: 2005-0080  
Case #: 2005-0081  
Case #: 2005-0084  
Case #: 2005-0085  
Case #: 2005-0087  
Case #: 2005-0089  
Case #: 2005-0090  
Case #: 2005-0091  
Case #: 2005-0092  
Case #: 2005-0093  
Case #: 2005-0094  
Case #: 2005-0095  
Case #: 2005-0099  
Case #: 2005-0102

**MOTION**

Mr. Banks made a motion, seconded by Mr. Hyatt and unanimously carried, that the Board approve the above cases as formal accusations.

Case #. 2005-0125

Mr. Rose moved the Board authorize a formal complaint in this matter. Mr. Bradham seconded the motion, which carried unanimously.

- Dismissals  
2005-0021    2005-0026    2005-0036    2005-0039    2005-0041    2005-0042  
2005-0062    2005-0075    2005-0083    2005-0097    2005-0100    2005-0101
- Dismissals with Letters of Concern  
2005-0037    2005-0054    2005-0059    2005-0080    2005-0081

**MOTION**

Mr. Hyatt moved the Board approve the IRC's recommendation regarding the cases for Dismissal and the cases regarding Dismissal with Letters of Concern. The motion was seconded by Mr. Rose and unanimously carried.

**5. Old Business**

**A. Engine Act - Bill H.3781**

Mr. Bryant stated he has held lengthy conversations with Mr. Bradham and Mr. Hook concerning the proposed legislation revising the Engine Act. He noted the agency filed the bill September 28-29, 2005

at the end of the 2004 legislative session. He stated the agency is asking that the Board issue a position statement on the legislation as soon as possible.

Mr. Bradham and Mr. Hook noted parts of the legislation in which they had concerns. These concerns included: removing the provision requiring a pharmacist to be the administrator, the agency having control over the finances, terminology in at least one area, the director's review of draft legislation to be completed and submitted to the legislature in ninety days or less.

**MOTION**

Mr. Bradham moved the Board accept the proposed legislation as information and continue working on the differences in the legislation. Since the recommendation came from committee it did not require a second. The motion carried unanimously.

**B. Policy & Procedure #55**

Ms. Bundrick stated the Board had deferred this discussion on this policy and procedure since the Board's orders are now on the Board's web page.

Ms. Dantzler stated the Freedom of Information Act makes the Board's final orders public information. She went on to say the Freedom of Information Act is less clear on whether or not an individual must submit a request for the information.

**MOTION**

Mr. Hyatt moved the Board leave policy #55 intact. Mr. Hook seconded the motion, which carried unanimously.

**6. New Business**

**C. South Carolina College of Pharmacy – Joe DiPiro, PharmD**

Dr. Joe DiPiro, Dean of the College of Pharmacy, made a presentation to the Board regarding the merger of USC and MUSC Colleges of Pharmacy.

Dr. DiPiro then answered questions from the Board members.

**D. Request for Approval of Renewal Application - Stacey Cooper, PhT**

On June 2, 2005 the Board received a pharmacy renewal application from Stacy Cooper, PhT. Ms. Cooper answered "yes" to the question which asked, "Since you last registered with this Board, have you been arrested, charged, indicted or convicted of violation of any Federal, State, or local law?" Ms. Cooper was arrested for DUI on August 6, 2004. She has pleaded not guilty and is still awaiting trial.

Stacey Cooper appeared before the Board at this time and answered questions from the members. She stated her trial date was August 31, 2005 at which time it was determined there was not enough evidence for a conviction of DUI.

Ms. Cooper presented documents to the Board for their review. The Board turned these documents over to Ms. Dantzler. Ms. Dantzler stated that there was a uniform traffic ticket showing a plea bargain down from DUI to reckless driving and character endorsements from Kenneth Johns, RPh. and Earl R. Carter, RPh.

Ms. Cooper stated she has not been diagnosed with nor has she been treated for an alcohol or drug addiction.

Mr. Lewis stated the Board would render a decision in this matter prior to the end of the meeting and would inform her of its decision.

**E. Request for Approval of Application – Christopher Harrell**

On June 29, 2005 the Board received a pharmacy technician registration application from Christopher Harrell. Mr. Harrell answered “yes” to the question which asks, “During the past five (5) years, 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?” Mr. Harrell was charged with driving under the influence in 2002 and was convicted on this charge in 2003. He has fulfilled all of the requirements of his conviction.

Christopher Harrell appeared before the Board at this time and answered questions from the members. He stated he has not been diagnosed nor has he been treated for an alcohol or drug addiction.

Mr. Lewis stated the Board would render a decision in this matter prior to the end of the meeting and would inform him of its decision.

**F. Request for Approval of Intern Hours – Simona Lazureanu**

On July 11, 2005 the Board received a letter from Simona Lazureanu. In the letter Ms. Lazureanu states that she is a pharmacist who was educated in Romania and relocated to the United States in 2000. She successfully completed the FPGEE examination in June 2004 and the NAPLEX examination in March 2005. She is currently employed at Eckerd Drugs in Simpsonville where she began accumulating hours in March 2005. She did not understand that she had to submit notification of hours at the beginning of her internship. She had logged 370 hours as an intern up to June 14, 2005 when she submitted her notification of employment. She is requesting the Board recognize these hours and that the Board consider a review of the thousands of hours of experience she obtained in hospitals located in Illinois.

Ms. Lazureanu stated she began working at Eckerd Drugs in March 2005 but she did not send in her Notification of Employment to the Board until June 2005. She is asking the Board to accept the 370 hours she accumulated between March 2005 and June 2005.

Mr. Lewis stated the Board would render a decision in this matter prior to the end of the meeting and would inform her of its decision.

**G. Request for Approval of State Certified Pharmacy Technician Application – Martha B. McAuley, PhT.**

Ms. McAuley contacted staff by phone and stated she would be unable to attend this meeting. She requested the Board allow her case to be continued to the November 2005 meeting.

**H. Request for Approval of State Certified Pharmacy Technician Application – Jennie Murdaugh, PhT.**

On August 26, 2005 the Board received a letter from Jennie Murdaugh, PhT., stating that she successfully completed the national certification exam on November 30, 2000. The letter also states that while she was reviewing the May 2005 newsletter she realized she missed the opportunity to become grandfathered into the state certification and is now appealing to the Board that she be grandfathered as state certified pharmacy technician.

Jennie Murdaugh appeared before the Board and answered questions from the Board.

Mr. Lewis stated the Board would render a decision in this matter prior to the end of the meeting and would inform her of its decision.

**I. Request for Approval of State Certified Pharmacy Technician Application – Cathy Sams-Owens, PhT.**

Ms. Sams-Owens contacted staff by telephone on September 27, 2005 and indicated she would be unable to attend this meeting. She asked that her case be continued to the November 2005 meeting.

**J. Request for Approval of State Certified Pharmacy Technician Application – Linda Boswell, PhT.**

On July 19, 2005 the Board received a letter from Kristen Terry, District Trainer for CVS, stating that Linda Boswell submitted a copy of her PTCB certification and affidavit signed by Jesse Hales, PIC at CVS Pharmacy, in September 2004. Ms. Terry is requesting that the Board grant Ms. Boswell state certification without the requirement of taking the required certification course at an approved technical college.

Linda Boswell appeared before the Board at this time and answered questions from the members. She began working full time with CVS in 2000 and became nationally certified in 2004.

Ms. Diana Harder stated staff did not receive all of Ms. Boswell's required documentation prior to the deadline and still has not received all of the required documentation.

Mr. Lewis stated the Board would render a decision in this matter prior to the end of the meeting and would inform her of its decision.

**K. Request for Approval of State Certified Pharmacy Technician Application – Carla Jackson, PhT.**

Carla Jackson initially became registered as a pharmacy technician in February 2004. She successfully passed the national certification exam in March 2004. Through an oversight Ms. Jackson's Affidavit of Experience was not mailed prior to the December 31, 2004 deadline.

Carla Jackson appeared before the Board at this time and answered questions from the members.

Mr. Lewis stated the Board would render a decision in this matter prior to the end of the meeting and would inform her of its decision.

**L. Request for Approval of State Certified Pharmacy Technician Application – Connie W. Wood, PhT.**

Ms. Wood contacted and stated she would be unable to attend today's meeting. She asked that her case be continued to the next meeting.

**M. Request for Approval of Intern Hours – Jay Funk**

On May 23, 2005 staff received an Intern Application from Mr. Jay Funk. A copy of his tentative letter of acceptance to pharmacy school accompanied the application. An Intern Certificate was issued to Mr. Funk on May 26, 2005. On August 31, 2005 staff received Mr. Funk's Notice of Employment. In a letter to the Board, Mr. Funk is requesting the Board approve the hours he worked between May 2, 2005 and August 31, 2005.

Mr. Funk stated Mr. Peter Edwards mailed documentation regarding hours worked, the Notice of Employment and the Intern application to him. He then received a letter from staff indicating the hours would not count toward his internship, as staff had not received a Notification of Employment form. He indicated the Notification of Employment was mailed on approximately June 1, 2005. He is requesting approval of 315 hours.

Ms. Diana Harder stated Mr. Funk's first Intern certificate was issued as a temporary certificate based on his tentative acceptance into the College of Pharmacy. She went on to say staff also mailed, with the temporary certificate, practical experience requirements and a Notification of Employment form. She noted that staff did not receive Mr. Funk's Notification of Employment until August 31, 2005. She indicated staff received his application and his tentative letter of acceptance on May 23, 2005. She went on to say his six-year Intern Certificate was issued on August 31, 2005.

Mr. Lewis stated the Board would take this information into consideration and would render a decision in this matter prior to the end of the meeting. The Board will inform him of its decision.

**N. Request for Approval to Substitute Medications, Greenwood Urological - Sheila Young, R.Ph.**

On August 29, 2005 the Board received a letter from Greenwood Urological to pharmacists giving the pharmacists permission to substitute medications if the medication fell in the following categories:

Quinolones, 2<sup>nd</sup> and 3<sup>rd</sup> generations Ciprofloxacin, Lovaquin, Ofloxacin, Tequin  
Antispasmodics: Detrol LA, Emablex, Oxybutynin, Oxytrol

Ms. Young stated she believes Greenwood Urological grew tired of receiving telephone calls because the drugs they have been prescribing are not covered by their patients' insurance plans. Greenwood Urological has sent a copy of the letter to pharmacies which is basically telling the pharmacies not to call them and that they may substitute medications. The pharmacists are unsure if they could do this. She noted that if the pharmacist makes a substitution without the physician's knowledge and the medication stops working the physician would need to know which medication the patient was taking. (A copy of the letter from Greenwood Urological is herewith attached and becomes a permanent part of this record retained at the Board's office.)

It is the Board opinion that it is up to the professional judgment of the pharmacist as to whether he or she is comfortable making the substitution, or if there are other issues beyond substituting one drug for another drug then the pharmacist should contact the physician.

**O. Pharmacy Quality Improvement Initiative - Jim Bracewell**

Mr. Bracewell and Ms. Baker made a presentation on Pharmacy Quality Improvement Initiative. He indicated the initial cost of the initiative is \$300 and thereafter is \$200. He also stated Ms. Baker would be heading the effort. During the presentation Mr. Bracewell noted that the association identified this issue from working with NACES and NCEA. He indicated an alliance had been formed and purchased a quality commitment program and endorsed it nationally. He went on to say approximately six states have passed regulations requiring community pharmacies to have the quality improvement program, although he now does not think that is necessary since Medicare Part D requires it as a contractual requirement. He would like the Board to take the program under consideration and to perhaps come forward with an article in an upcoming newsletter to make the community pharmacies aware of quality improvement. He indicated that data gathered in the program are non-patient specific and non-employee specific.

The Board agreed to place an article in the newsletter in regard to this program.

**P. Request for Approval to be PIC at Lowcountry Home Respiratory and Greenville Free Medical Clinic – Lloyd Sutherland, R.Ph.**

On June 2, 2005 the Board received a letter from Mr. Lloyd Sutherland, RPh. indicating he is the only pharmacist on staff at the Greenville Free Medical Clinic. He works at the clinic until 1:00 p.m., Monday through Friday. The letter goes on to say the PIC has just resigned from the clinic and no other pharmacist is willing to take the position. He is requesting the Board's approval to be PIC at the clinic as well as at the Low Country Home Respiratory Pharmacy, where he already serves as PIC.

Lloyd Sutherland and Paulette Bentley appeared before the Board at this time.

Mr. Sutherland is currently PIC at Lowcountry Home Respiratory and is the only pharmacist on staff at the Greenville Free Medical Clinic. He further stated there is one pharmacy technician working under him. He indicated there is no other pharmacist willing to take the position. He works at the free medical clinic from 9:00 a.m. to 1:00 p.m.

Ms. Bentley stated Mr. Sutherland is in compliance with RPP.

Mr. Lewis stated the Board would take this information into consideration and would make a decision in this matter prior to the end of the meeting. The Board will inform him of its decision.

**Q. Request for Exemption of Sink and Approval to be PIC at Starting Point of Florence and Starting Point of Columbia – Lisa Compo, R.Ph., Steve Merlin, MD, Larry Worley**

On August 30, 2005 and on September 12, 2005 the Board received a request from Lisa Compo, RPh., of Starting Point, LLC, in Columbia, to be PIC at the Columbia and Florence locations of Starting Point, LLC. In the September 12, 2005 letter she is also requesting that the Columbia location of Starting Point, LLC be exempted from having the required sink in the pharmacy.

Dr. Steve Merlin and Lisa Compo, R.Ph., appeared before the Board at this time.

Dr. Merlin stated Karen McKinnon inspected the Columbia location of Starting Point on February 7, 2003. Mr. Tom Porter inspected the facility in July 2005 at which time he noted that lack of a sink in the facility as a violation.

Ms. Bundrick stated Starting Point indicated a letter had been mailed to the Board requesting an exemption from having a sink. She does not recall seeing the letter and the letter is not in the facility's file. She noted that she informed Mr. Porter in a call that staff does not have the authority to grant an exemption of having a sink.

Dr. Merlin stated the employees leave the area to wash their hands and return to the facility. Ms. Compo stated she uses hand sanitizer throughout the day.

Ms. Compo stated she is currently PIC at the Columbia location. She further stated both of the clinics are open at the same time and that she would spend two or three days a week at one location. She indicated drugs would not be administered days she is not there. She noted there is one part-time pharmacist working at the Florence location and that she is the pharmacist at the Columbia location, along with a pharmacist who works on the weekends.

Dr. Merlin stated the request for Ms. Compo to be PIC at both locations is economic related.

Mr. Lewis stated the Board would take this information into consideration and would make a decision in this matter prior to the end of the meeting. He noted the Board would inform them of its decision.



**R. ASHP 797 Compliance – Dock H. Rose, R.Ph.  
Nuclear Regulatory Agency**

Mr. Rose stated he has contacted ASHP, the Society of Nuclear Medicine and the USP regarding compliance with 797 as it pertains to the nuclear pharmacy. He further stated the only agency that really responded well was the USP. He went on to say USP has not yet granted any exemptions to the nuclear pharmacies, although there have been concerns about exemptions of airflow from rooms. He was thinking about the nuclear pharmacies which work with hospitals and have to meet joint commission requirements. The joint commission requirements state they must comply with 797. It appears there will not be any exemptions from 797 for the nuclear pharmacies in South Carolina. He indicated he was going to hold a committee meeting prior to this Board meeting but did not want to until it was determined what USP would be exempting from 797.

Mr. Bradham stated the Medical University of South Carolina (MUSC) has a nuclear pharmacy. He went on to say MUSC met with the Joint Commission in regard to this issue and the MUSC now has a full time consultant to work with the Joint Commission who has communicated with Darryl Rich, a pharmacy staff employee with the Joint Commission. He further stated the ruling received by MUSC is that the USP 797 guidelines are not appropriate for nuclear pharmacies since the nuclear pharmacies have their own regulatory commission, the Nuclear Regulatory Commission. He indicated nuclear pharmacies operate according to the guidelines set forth by the Nuclear Regulatory Commission. He said the Joint Commission has issued a ruling to MUSC that as long as the nuclear pharmacies are in compliance with the guidelines set forth by the Nuclear Regulatory Commission they are considered in compliance with 797. He stated he did not think the Board's inspectors should be addressing the issue of nuclear pharmacies being in compliance with 797.

Mr. Rose stated he is satisfied with the decision from the Nuclear Committee.

**S. NABP's State E-newsletter Program – Lee Ann F. Bundrick, R.Ph.**

On July 12, 2005 the Board received a memo from NABP informing the Board of its state E-newsletter program.

Ms. Bundrick stated she is notifying the Board that NABP has an E-newsletter program that can be obtained by individuals via email. She indicated the practice act requires all pharmacies to have a hard copy of the newsletter on hand at the pharmacy. She further stated staff sends the newsletters to all licensed pharmacists and all permitted pharmacies. She went on to say the expense of sending the newsletters to all licensed individuals and permitted pharmacies runs approximately \$3,000 a quarter. She believes it would save the Board approximately \$10,000 a year if the Board went to the e-newsletter. She went on to say the Board has just signed a contract and if the Board decided to go with the e-newsletter it would not be able to begin with the e-newsletter until 2006. She also said that the Board's website has a link to NABP that has the state's newsletter there. She indicated individuals must now obtain the practice act from the Board's website and it is no longer mailed to individuals.

Mr. Bradham suggested the Board refer this matter to the Legislative Committee for review. Following further discussion the Board determined it would not consider the e-newsletter program at this time.

**T. Internet Pharmacy – John W. Owen, Sr. R.Ph.**

On June 24, 2005 the Board receive a letter from John Owen, RPh., in which he enclosed documentation regarding Internet pharmacy issues.

The Board took the information for review.

**U. Report on August 6-9, 2005, Knoxville, TN, NABP/AACP District III Annual Meeting – Terry Lewis, R.Ph.**

Mr. Lewis and Mr. Rose briefed the Board on the NABP/AACP annual meeting.

**V. Report on September 14-16, 2005 Charlotte, NC, MALTAGON Conference – Bobby Bradham, R.Ph.**

Mr. Bradham briefed the Board on the MALTAGON Conference. He indicated the conference includes the states of Mississippi, Alabama, Louisiana, Texas, Arkansas, Georgia, Oklahoma and North Carolina. He went on to say these states meet once a year to discuss common issues that exist among these Boards. He indicated that MALTAGON extended an invitation to the South Carolina Board of Pharmacy and the Florida Board of Pharmacy to take part in this year's conference. He further stated that they discussed legislation, NABP, and issues involving compounding. He said that after attending the conference on Friday MALTAGON extended an invitation to the South Carolina Board of Pharmacy and the Florida Board of Pharmacy to join the conference. He noted he accepted on behalf of South Carolina.

**W. Report on August 26, – September 1, 2005, San Diego, CA, NACDS - Terry Lewis, R.Ph.**

Mr. Lewis briefed the Board on the NACDS meeting in San Diego, California. He noted that every program dealt with Medicare Part D.

**X. Methadone Clinics – Tom Porter, R.Ph.**

Mr. Porter stated as a result of inspecting methadone clinics; he feels the methadone clinics do not have the items they are supposed to have in accordance with the law. He further stated the clinics are cash only.

Staff briefed the Board on its concerns regarding the methadone clinics.

Ms. Bundrick briefed the Board on the history of the methadone clinics. She has concerns that pharmacists are not at the clinics on a full-time basis. She noted that nationally nurses are able to dispense at methadone clinics. However, the South Carolina Board of Nursing practice act does not allow nurses to dispense at methadone clinics within the state. She went on to say approximately five years ago the Board required any nurse who was working in the pharmacy to be become registered as a pharmacy technician. She said there are approximately 15 methadone clinics in South Carolina.

Mr. Lewis appointed Mr. Rose and Dr. Richardson to the methadone committee.

**Y. Approval of 2007 Board Meeting Dates, January 17-18, 2007, March 14, 2007, June 13-14, 2007, September 19-20, 2007, November 21, 2007**

Staff presented the above-referenced dates for the 2007 Board meeting dates for the Board's review.

Mr. Bradham noted the November 21, 2007 falls during the week of Thanksgiving and asked the November 2007 meeting be moved to November 14, 2007

**MOTION**

A motion was made by Mr. Bradham that the Board approve the 2007 meeting dates, with the change of the November 2007 meeting. The motion was seconded by Mr. Hook and unanimously carried.

**Z. Discussion on Chapter 797 as it Applies to Doctor's Offices – Sheila Young, R.Ph.**

Ms. Young stated staff has received several calls regarding USP Chapter 797 applying to physician's offices that do sterile compounding. The Board stated the physicians' offices must comply with 797. It was noted, however, that the Board would need to work with the Medical Board in ensuring that the physicians are aware that their offices must comply with the 797 guidelines. The Board stated that any complaints must be filed with the Medical Board. Mr. Lewis will draft a letter regarding physicians' offices complying with 797 to be sent to the Medical Board.

**AA. Wholesale VAWD certification – Terry Lewis, R.Ph.**

Mr. Lewis stated he would appoint a committee be formed to review the VAWD certification.

Mr. Bradham stated the Legislative Committee would need to draft legislation regarding the VAWD certification for wholesale distributors.

**LUNCH**

The Board recessed for lunch at 1:00 p.m. and reconvened at 2:30 p.m.

**7. Committee Reports**

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

Mr. Hyatt had no report.

- Pharmacy Technology Committee – Terry Lewis, R.Ph.

Mr. Lewis stated several individuals/entities appeared before the committee.

**Integra Paperless Pharmacy System Presentation**

Mr. Lewis stated the committee is recommending the Board approve this system. Since the motion came from committee no second was needed. The motion carried unanimously.

**Little River Medical Center**

Mr. Lewis stated the committee denied this request until the SC General Assembly passes electronic prescribing legislation.

**McKesson Provider Technologies**

Mr. Lewis stated the committee denied this request until the SC General Assembly passes electronic prescribing legislation.

**Spartanburg Regional Medical Hospital System**

Mr. Lewis stated the committee is recommending the Board approve this system. Since the motion came from committee no second was needed. The motion carried unanimously.

**Electronic Relay of Prescriptions from medical Offices to Pharmacies – Nathan Jensen**

Mr. Lewis stated the committee denied this request until the SC General Assembly passes electronic prescribing legislation.

**HealthRamp Questionnaire Regarding Electronic Prescribing**

Mr. Lewis stated the committee deferred this matter until such time that HealthRamp requests an appearance before the committee.

**Asteres Automated Finished Prescription Machine**

Mr. Lewis stated the committee denied this request.

E-PharmPro, Inc.

Mr. Lewis stated the committee asked staff to notify the company that they must have a South Carolina permit, the PIC must be a registered pharmacist licensed in South Carolina.

Do SC Regulations Prevent a SC Private Company from Providing Off-Site Pharmacist Service via Internet Access?

Mr. Lewis stated the committee asked staff to notify Mr. Erwin stating the company must have a South Carolina permit, the PIC and all pharmacists must be licensed in South Carolina.

Mr. Lewis stated the committee then discussed the RFID (radio frequency identification tags) located in prescription vials.

The committee will be meeting again in approximately 45 days to see if the committee could address the RFID or it must be done on the Board level.

- Recovering Professional Program Committee – Davis Hook

The Recovering Professional Program meets at 1:00 P.M., October 14, 2005.

- Compounding Task Force – Davis Hook, R.Ph.

During the August 20, 2004 meeting of the Compounding Task Force the task force had made the following recommendation:

*Because of the importance of this issue and the concerns for the safety of the citizens of South Carolina, the Compounding Task Force asks LLR for adequate resources for the Board support system to effectively monitor compliance of pharmacists with sterile compounding to include efforts in education, awareness of the issue, and training, salary and enforcement resources for the staff. The Task Force is asking the Board, in conjunction with the staff, to evaluate the figures associated with the needs of achieving this measure.*

*The Task Force further asks that the professional pharmacy associations work together legislatively to support this issue and provide assistance with this goal.*

The task force is recommending the Board ask the agency for one pharmacist inspector to handle inspections of compounding pharmacies. Since the recommendation came from committee no second was needed. The motion carried unanimously.

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

Mr. Rose stated that prior to holding a meeting he would like to visit a nuclear pharmacy since he has not worked in that environment in a long time.

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

Mr. Banks stated the committee met on July 22, 2005. He further stated the committee discussed the minimum age requirement and educational requirements.

The committee made a motion that:

*The Board of Pharmacy authorize the committee to review the ASHP guidelines, develop a policy statement regarding the certification programs and re-evaluate each program.*

Discussion on this recommendation ensued.

The committee made a motion that staff direct any technician certification entity to the technician committee for their review and the committee assume that responsibility. Since the motion came from committee no second was needed. The motion carried unanimously.

The committee states that any individual requesting registration by reciprocity must first meet the Board's requirements.

- Legislative Committee – Davis Hook, R.Ph.

Mr. Bradham stated the committee gave its report of the phone conference regarding the proposed legislation regarding Engine Act during the discussion regarding proposed legislation regarding the engine act.

Ms. Bundrick stated the Board should look for sponsors in regard to the proposed central fill, electronic prescribing and intern requirement legislation. Mr. Bradham stated the Legislative Committee has informally discussed this matter with the South Carolina Pharmacy Association.

Mr. Hook stated the PBM bill has been introduced. He noted that Senator Ronnie Cromer and Senator Kevin Bryant are endorsing the legislation. He further stated that Senator Cromer and Senator Bryant are asking pharmacists to contact their legislators and ask them for their support of this bill.

- Medication Errors – Al Toole, R.Ph.

Mr. Toole had no report. However, he spoke briefly about quality assurance. The Board briefly discussed the medication error continuing education course sponsored by the association.

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

Mr. Hyatt had no report, however, he noted the Board should support the association in obtaining sponsors for the proposed PBM legislation.

Mr. Bracewell stated the Association would be working diligently during October 2005 in seeking sponsors for this bill. He went on to say the association would probably be holding public hearings in regard to the bill around the state in November 2005. He indicated the hearings would probably be held in Greenville, Columbia, Charleston and Florence. He further stated Maine and North Dakota have successfully passed the bill. He indicated California has passed the bill, however, the Governor vetoed the legislation. He noted that the association has not yet held the first hearing and the opponents have already hired three lobbyists to assist in orchestrating opposition.

- NABP/AACP District III Planning Committee – Lee Ann F. Bundrick, R.Ph.

Ms. Bundrick stated the committee met in June and July. She further stated the committee set the date of the meeting to be August 6-8, 2006 and that it would be held at the Doubletree Hotel in Charleston. She noted the committee would be meeting on October 27, 2005 in Charleston and would be touring the hotel. The committee will also be discussing continuing education topics. She welcomed Mr. Rose and Mr. Banks to the committee.

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

Mr. Bradham had no report.

Ms. Young stated there is really nothing else to be done.

- Federal Health Clinic Taskforce – Bobby Bradham, R.Ph.

Mr. Bradham stated the committee still has a couple of issues to resolve. He indicated the committee presented proposals to the Board during the June 2005 meeting.

## **8. Discussion Topics**

### **BB. Non-Resident Medical Gas/Legend Device Facilities – Sheila Young, R.Ph.**

Ms. Young stated staff is getting more DME companies across the state lines that want to dispense oxygen to patients in South Carolina. She further stated the Board currently has two non-resident permits, one is a pharmacy which requires a PIC and a wholesale distributor. She asked if the Board should now establish a Non Resident Medical Gas permit. She went on to say a company contacted staff last week in regard to a new legend device that reads prothrombin rates for patients on Coumadin. She went on to say the company had contacted her to see if they needed a permit to sell the device to patients. She stated the language should be in Regulation 99-43.

The Board referred this matter to the Legislative Committee.

Ms. Young read part of Chapter 99-43 where it describes the non-resident permit. She indicated the permit is for entities whose primary business is filling mail order prescriptions. She asked the Board if all of the entities should be permitted. This matter was referred to the Legislative Committee.

Mr. Hook stated he would like the Board's feelings on establishing a new category of pharmaceuticals. He further stated the category would be known as transition prescriptions to OTC and would also include the pseudoephedrine and the ephedrine products. It was noted during a brief discussion on this matter that this topic had been discussed during the meeting in Knoxville, Tennessee.

Mr. Lewis asked staff to research the statutes of all of the Boards of Pharmacy to see which states have passed laws regarding pseudoephedrine.

### **CC. Modification of Private Agreement – Keith Albert**

Keith Albert entered a private agreement in 2004 to obtain a pharmacist license. A stipulation of that agreement stated he could not serve as PIC. He is requesting release from the PIC portion of the agreement. Mr. Griffin stated Mr. Albert enrolled in RPP on September 27, 2004. He indicated RPP would be supportive of the exemption of the PIC requirement.

Mr. Lewis stated the Board would take this information into consideration and would render a decision in this matter later in the meeting. The Board would inform him of its decision.

## **Public Comments**

There were no public comments

## **Executive Session**

### **MOTION**

Mr. Bradham moved the Board enter executive session to seek legal advice. Mr. Hook seconded the motion, which carried unanimously.

### **Return to Public Session**

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

Request for Approval of Renewal Application - Stacey Cooper, PhT.

#### **MOTION**

Mr. Hook moved the Board grant Mr. Cooper's renewal application. The motion was seconded by Mr. Rose and unanimously carried.

Request for Approval of Pharmacy Technician Application – Christopher Harrell

#### **MOTION**

Mr. Banks made a motion, seconded by Mr. Hyatt and unanimously carried, that the Board accept Mr. Harrell's renewal application.

Request for Approval of Intern Hours – Simona Lazureanu

#### **MOTION**

Mr. Bradham moved the Board deny her application for intern hours of which the Board did not receive the proper notification. The motion was seconded by Mr. Rose and carried with a majority vote. Mr. Banks voted nay.

Request for Approval of State Certified Pharmacy Technician Application – Jennie Murdaugh, PhT.

#### **MOTION**

Mr. Rose moved the Board deny the request for state certification. Mr. Bradham seconded the motion, which carried unanimously.

Request for Approval of State Certified Pharmacy Technician Application – Linda Boswell, PhT.

#### **MOTION**

Mr. Toole made a motion, seconded by Mr. Hyatt and unanimously carried, that the Board deny the request for state certification.

Request for Approval of State Certified Pharmacy Technician Application – Carla Jackson, PhT.

#### **MOTION**

Mr. Hyatt moved the Board deny the request for state certification. The motion was seconded by Mr. Rose and unanimously carried.

Request for Approval of Intern Hours – Jay Funk

#### **MOTION**

A motion was made by Mr. Banks to deny the request for approval of the intern hours prior to the Notification of Employment. The motion was seconded by Mr. Hooks and unanimously carried.

Request for Approval to be PIC at Lowcountry Home Respiratory and Greenville Free Medical Clinic- Lloyd Sutherland, R.Ph.

#### **MOTION**

Mr. Hyatt moved the Board approve Mr. Sutherland's request to be PIC at Lowcountry Home Respiratory and Greenville Free Medical Clinic. Mr. Rose seconded the motion, which carried unanimously.

Request for Exemption of Sink and Approval to be PIC at Starting Point of Florence and Starting Point of Columbia – Lisa Compo, R.Ph., Steve Merlin, MD, and Larry Worley

**MOTION**

Mr. Bradham moved the Board deny the request for the exemption of a sink and deny the request for Lisa Compo to be PIC at the Starting Point of Florence and Starting Point of Columbia. Mr. Banks seconded the motion, which carried unanimously.

Request for Modification of Private Agreement – Keith Albert

**MOTION**

A motion was made by Dr. Richardson that the Board grant Mr. Albert's request to modify the private agreement and allow him to become PIC. Mr. Hyatt seconded the motion, which carried unanimously.

**Adjourn**

The meeting adjourned at 4:25 p.m.



# South Carolina Board of Pharmacy

## Board Meeting

8:30 a.m., September 29, 2005

Synergy Business Park

110 Centerview Drive, Kingtree Building, Room 111

Columbia, South Carolina

## MINUTES

**Thursday, September 29, 2005**

Terry Lewis, R.Ph., chairman, of Darlington, called the regular meeting to order at 8:35 a.m. Other board members participating in the meeting included: Marvin Hyatt, R.Ph., vice chairman, of Rock Hill; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Davis Hook, R.Ph., of West Columbia; Leo Richardson, Ph.D., of Columbia; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Pharmacist Investigator; Linda Moore, Temporary Pharmacist Inspector/Investigator; Tom Porter, R.Ph., Pharmacist Inspector; Clelia Sanders, Pharmacist Inspector; and Sheila Young, R.Ph., Compliance Manager. LLR employees participating during the meeting included: Marvin Frierson, Attorney, Office of General Counsel; Louis Rosen, Advice Attorney; and Sheridon Spoon, Attorney, Office of General Counsel.

Members of the public attending the meeting included: Paulette Bentley, Jeffrey Hancock, Amanda Lee, Windy Logan, and Eric Ridings.

### Meeting Called to Order

Mr. Lewis announced that the 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 Kingtree Building.

### Chairman's Remarks – Terry Lewis, R.Ph.

#### Signing of Licenses

The Board members signed licenses of newly licensed pharmacists.

### Hearings

#### In the Matter of, Theresa Lightle

Ms. Lightle had requested a hearing in lieu of signing a consent order. However, she signed the consent order since her request for a hearing.

Mr. Banks recused himself from participating in this matter and left the room.

#### In the Matter of, Windy L. Logan

This hearing was continued to the January 2005 meeting.

#### In the Matter of, Russell Frick

Mr. Frick requested reinstatement of his license and has entered into a consent agreement for reinstatement.

#### In the Matter of, William Long

At Mr. Long's request, the Board held a hearing, during the June 2005 Board meeting. Following the hearing Mr. Spoon discovered that Mr. Long had signed and mailed the consent order. Mr. Spoon stated he was asking the Board to approve the consent order.

### **Executive Session**

#### **MOTION**

Mr. Bradham made a motion that the Board enter executive session to discuss disciplinary actions. Mr. Hook seconded the motion, which carried unanimously.

### **Return to Public Session**

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

In the Matter of, Theresa Lightle  
Mr. Banks recused himself from voting in this matter.

#### **MOTION**

Mr. Rose moved the Board accept Ms. Lightle's consent order. Mr. Hyatt seconded the motion, which carried unanimously.

In the Matter of, Russell Frick

#### **MOTION**

Mr. Toole made a motion that the Board accept Mr. Frick's consent order. The motion was seconded by Mr. Bradham and unanimously carried.

In the Matter of, William Long  
Mr. Banks recused himself from voting in this matter.

#### **MOTION**

Mr. Bradham moved the Board accept Mr. Long's consent order. Mr. Hook seconded the motion, which carried unanimously.

### **Adjournment**

There being no further business to be discussed by the Board, Mr. Lewis declared the meeting adjourned.

The September 29, 2005 meeting of the SC Board of Pharmacy adjourned at 10:45 a.m.