

South Carolina Board of Pharmacy

MINUTES

Board Meeting

8:30 a.m., November 16, 2005

Synergy Business Park, Kingstree Building

110 Centerview Drive Room 111

Columbia, South Carolina

Wednesday, November 16, 2005

Meeting Called to Order

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; Sally Green, Administrative Specialist II; Diana Harder, Temporary Administrative Specialist; Linda Moore, Temporary Pharmacist Inspector/Investigator; Tom Porter, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Pharmacist Inspector; and Sheila Young, R.Ph., Compliance Manager. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel, Office of General Counsel; Marvin Frierson, Attorney, Office of General Counsel; and Eddy Lane, Advising Attorney.

Members of the public attending the meeting included: Paulette Bentley, Rosemary Boguski, Corlette Boykin, Pamela Cain, Carrie Creel, Kevin C. Floyd, Rachel Houchins, M. D., Reagan Infinger, Sul Jumani, Tamara Maxwell, Kim Morgan, Shashon Pener, Jennifer Pender, M.D., MPH, Thomas Phillips, Ed Poliakoff, Steve Ranck, Eric Ridings, Jacqueline Rollings, Richard W. Simmons, II, Teresa G. Varella, Connie Williams, and Phillip J. Zseki.

Mr. Lewis 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. Toole delivered the invocation.

Chairman's Remarks - Terry Lewis, R.Ph.

Mr. Lewis had no remarks at this time.

Introduction of Board Members and all other persons attending
The Board members, staff and members of the public attending the meeting introduced themselves.

1. Approval of Minutes for the September 28-29, 2005 Meeting

MOTION

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

2. Approval of Reciprocity Candidates for Licensure:

July 21, 2005, August 24, 2005, October 3, 7, 13, 14, 17, 21, 27, 2005
November 7, 2005

MOTION

Mr. Banks moved the Board approve the reciprocity candidates of July 21, 2005, August 24, 2005, October 3, 7, 13, 14, 17, 21, 27, 2005, and November 7, 2005. Mr. Hyatt seconded the motion, which carried unanimously.

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

Ms. Bundrick briefed the Board on staff's activities since the September 2005 Board meeting.

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

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

Ms. Young briefed the Board on staff's activities since the September 2005 Board meeting.

· Voluntary Surrender

Case #: 2005-73

Ms. Dantzler briefed the Board regarding the voluntary surrender on case #2005-73. She indicated this case was presented to the Board as information.

5. New Business

A. Request Release from Consent Order - Carrie Creel

Ms. Carrie Creel entered a consent order with the Board of Pharmacy on October 31, 2002, which ordered an indefinite probation period. On August 4, 2005 the Board of Pharmacy received a letter from Ms. Creel asking that the Board release her from RPP as well as from the consent order. (Ms. Creel's request, along with the consent order and a letter from Paulette Bentley, of RPP, is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Ms. Creel and Ms. Bentley appeared before the Board at this time.

Ms. Creel stated she has completed all of the requirements from her consent order and she is asking the Board to release her from the consent order.

Ms. Bentley stated Ms. Creel has been with RPP for 5 years, she has been in full compliance and continues to work a strong program within RPP.

Mr. Lewis informed Ms. Creel the Board would take this information into consideration and would render a decision in this matter later in the meeting.

B. Request to be Released from Agreement - Harold Gillung

On August 2, 2000 Mr. Harold Gillung, entered an agreement with the Board of Pharmacy, which required his license to be a five-year probation. On May 11, 2005 the Board of Pharmacy received a letter from Mr. Gillung asking that his license be released from the probation. (Mr. Gillung's letter, along with the consent order, is herewith attached and become a permanent part of the record retained at the Board's office.)

Harold Gillung, RPh., and Paulette Bentley, of RPP, appeared before the Board at this time.

Mr. Gillung stated he is seeking termination of his probation. He has been living in California for the past five years and returned to South Carolina in May 2005. He primarily does consulting work for Premier, which is a purchasing organization. He also works part time for CVS. He went on to say he had requested several individuals to submit letters of recommendation on his behalf. He did not have a California license, although he worked in sales with Cardinal Health and McKesson that included consulting related services for hospitals. He was involved with a group that included individuals whose licenses had been suspended and individuals who did not have a California license. He indicated he was a recovering professional in that group.

Ms. Bentley stated Mr. Gillung was monitored by a group of health professionals while he lived in California.

Mr. Gillung stated he has to understand he is not cured, however, he has to deal with temptation every day. He further stated he knows his triggers and he goes downhill very fast. He said his primary job now is not dispensing, but in sales. He indicated he would probably cut back in his job with sales after his divorce is final.

Mr. Lewis stated the Board would take this testimony into consideration and would render a decision later in the meeting.

C. Request Approval of Pharmacy Technician Application - Tamara Maxwell

On September 27, 2005 the Board of Pharmacy received a Pharmacy Technician

application from Tamara R. Maxwell. Ms. Maxwell 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?" In August 2004 Ms. Maxwell was convicted of shoplifting and was ordered to pay a fine. She will begin her junior year of college in January 2006. (Ms. Maxwell's application package is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Tamara Maxwell appeared before the Board at this time.

Ms. Maxwell stated she pled guilty to first offense shoplifting charge in 2004. She was convicted of the charge in August 2004, which resulted in a \$1,000 fine. The Work Inforcement Act (WIA), which is part of the Employment Security Commission, placed her at a pharmacy because she hopes to attend pharmacy school. She had been attending Francis Marion University, where she had a 2.6 GPA prior to having to leave classes in March 2005 due to family reasons. She noted she would be resuming classes in January 2006. She has learned from her incident that life's biggest teacher is experience and asked the Board to forgive her and to put a little faith in her.

Mr. Lewis informed Ms. Maxwell that the Board would take this testimony into consideration and would render a decision later in the meeting.

D. Request Approval of Pharmacy Technician Application - Stanley Piontek

On September 27, 2005 the Board of Pharmacy received a Pharmacy Technician application from Stanley M. Piontek. Mr. Piontek did not answer 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?" However, he noted on the application that, "*DUI - fine paid - cleared. I have no legal action pending, on probation, or any legal action." (Mr. Piontek's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Stanley Piontek did not appear at this meeting.

E. Request Approval of State Certified Pharmacy Technician Application - Corlette Boykin

Corlette Boykin was issued a Pharmacy Technician registration on May 25, 2004 after submitting an application on May 20, 2004. Her application reflects that she is a graduate of a pharmacy technician program and that she is nationally certified. She renewed her registration on June 30, 2005. On September 26, 2005 the Board of Pharmacy received a letter from Ms. Boykin stating that she had a misunderstanding with her pharmacist regarding state certification. The pharmacist was not aware he had to submit documentation regarding her hours of experience, although he is willing to write a letter to the Board. She is asking that the Board grant her state certification.

Corlette Boykin appeared before the Board at this time.

Ms. Boykin stated she was unaware that she was not state certified until she accepted her current position at Long's Pharmacy. She took a pharmacy technician program at MUSC, but then learned the Board did not honor that course. She became registered in 2004, although she became nationally certified in the summer of 2003.

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

F. Request Approval of State Certified Pharmacy Technician Application - Cathy Sams-Owens

On July 12, 2005 the Board of Pharmacy received a letter from Cathy Sams-Owens in which she indicated she attended a continuing education seminar recently that left her wondering whether she was state certified. Her employer contacted the Board during 2004 and mailed the necessary documentation to be grandfathered in to state certification. When she contacted the Board later she discovered that the Board had no record of her national certification or the Affidavit of Work Experience. She is asking for an exception and that she be considered state certified since, through no fault of her own, the Board has no record of her documentation.

Cathy Sams-Owens did not appear at this meeting.

G. Request Approval of State Certified Pharmacy Technician - Jill Grasty

Jill Grasty became a registered Pharmacy Technician in May 2001 and has renewed her registration every year since. Ms. Grasty is employed with Good Pharmacy in Rock Hill.

Mr. Hyatt recused himself from participating in the discussion of this matter, as he is the owner of Good Pharmacy.

H. Request Approval of State Certified Pharmacy Technician - Michelle Mumaw

Michelle Mumaw first became registered as a pharmacy technician in July 1999. She is currently employed at Good Pharmacy in Rock Hill.

Mr. Hyatt recused himself from participating in the discussion of this matter, as he is the owner of Good Pharmacy.

I. Request Approval of State Certified Pharmacy Technician - Angel Rushton

Angel Rushton first became a registered pharmacy technician in July 2000. She is currently employed at Good Pharmacy in Rock Hill.

Mr. Marvin Hyatt is requesting the Board approve Ms. Rushton for state certification as he submitted the required documentation prior to the December 31, 2004 deadline.

Mr. Hyatt recused himself from participating in the discussion of this matter, as he is the owner of Good Pharmacy.

J. Request Approval of State Certified Pharmacy Technician - Tiffany Byers
Tiffany Byers first became a registered pharmacy technician in May 2002.

Mr. Hyatt recused himself from participating in the discussion of this matter, as he is the owner of Good Pharmacy.

Reagan Infinger, R.Ph., a pharmacist employed with Good Pharmacy, represented Jill Grasty, Michelle Mumaw, Angel Rushton, and Tiffany Byers. Ms. Infinger stated these four technicians successfully passed the PTCB exam to become nationally certified. She went on to say the pharmacy mailed the Affidavit of Experience for all four of these technicians, along with the national certification certificates.

Ms. Harder stated staff researched the files of these four technicians but could not find an Affidavit of Experience on any of them. She went on to say the Affidavit of Experience received on each was dated October 27, 2005.

Ms. Infinger stated the Affidavits of Experience were originally mailed in May 2004; however, she hand carried them in two weeks ago when she learned that the documentation could not be found.

At this time Mr. Hyatt moved to the witness table and offered the following testimony. Mr. Hyatt stated he employs these four technicians. He signed the Affidavits of Experience which were sent, via UPS, to the Board's office on May 28, 2004. He indicated an individual named Knox, who is employed with the agency's mailroom, signed for the overnight package.

Ms. Bundrick stated staff could not find where the office received the documentation.

Ms. Infinger stated these four technicians took the PTCB exam in April 2004 and had completed their hours of experience. She indicated this information was mailed to the Board separately from their registration renewal.

Executive Session

MOTION

Mr. Bradham made a motion, seconded by Mr. Banks and unanimously carried, that the Board enter executive session to deliberate on these matters.

Return to Public Session

MOTION

Mr. Hyatt made a motion, seconded by Mr. Banks, and unanimously carried, that the Board return to public session.

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

during executive session.

Carrie Creel

MOTION

Mr. Rose made a motion to release Ms. Creel from her consent order. The motion was seconded by Mr. Banks and unanimously carried.

Harold Gillung

MOTION

A motion was made by Mr. Bradham that the Board release Mr. Gillung from the consent order, however, since he tested positive during a drug screen on July 22, 2005, he must continue with RPP for five years from that date. Mr. Hyatt seconded the motion, which carried unanimously.

Jill Grasty, Michelle Mumaw, Angel Rushton and Tiffany Byers

MOTION

Mr. Hyatt recused himself from voting in this matter.

Dr. Richardson moved the Board grant state certification. Mr. Rose seconded the motion, which carried unanimously.

Tamara Maxwell

MOTION

Mr. Hyatt made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve this application.

Stanley Piontek

MOTION

Mr. Hook moved the Board deny this request based on lack of information. Mr. Hyatt seconded the motion, which carried unanimously.

Corlette Boykin

MOTION

A motion was made by Mr. Rose that the Board deny this request. Mr. Bradham seconded the motion, which carried unanimously.

Cathy Sams-Owens

MOTION

Mr. Bradham moved the Board deny the request based on lack of support and documentation not received in a timely manner. Mr. Rose seconded the motion, which carried unanimously.

HEARINGS:

In the Matter of John Tuite, R.Ph.

This matter was recorded by a certified court reporter should the Board require an official

transcript of the matter.

Executive Session

MOTION

Mr. Banks made a motion, seconded by Mr. Rose, that the Board enter executive session to seek legal advice regarding this matter. The motion carried unanimously.

Return to Public Session

MOTION

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

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

MOTION

Mr. Bradham moved to continue the suspension pending passing of the MPJE on or before July 1, 2006.

In the Matter of Theresa Varella, R.Ph.

This matter was recorded by a certified court reporter should the Board require an official transcript of the matter.

Executive Session

MOTION

Mr. Hook moved the Board enter executive session to seek legal advice regarding this matter. Mr. Banks seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Hook made a motion, seconded by Mr. Hyatt and unanimously carried, that the Board return to public session.

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

MOTION

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

Lunch

The Board recessed for lunch at 1:00 and returned to public session at 2:30 p.m.

Request Approval of State Certified Pharmacy Technician Application - Kim Morgan

Kim Morgan is requesting the Board approve her for state certification. Ms. Morgan moved to South Carolina from Pennsylvania in 2005.

Mr. Lewis informed Ms. Morgan that the Board's deadline for grandfathering into state certification was December 31, 2004 and that the Board could not approve her for state certification.

Ms. Morgan withdrew her request for state certification.

Request Approval of State Certified Pharmacy Technician Application - Shashon Pener
Shashon Pener is requesting the Board approve her for state certification. Ms. Pener moved to South Carolina from another state in early 2005.

Mr. Lewis informed Ms. Pener that the Board's deadline for grandfathering into state certification was December 31, 2004 and that the Board could not approve her for state certification.

Ms. Pener withdrew her request for state certification.

Return to Public Session
New Business (Continued)

K. Requesting Exemption for Certified Pharmacy Technician Hours - Jennifer Pender

On June 2, 2005 the Board of Pharmacy received a letter from Jennifer Pender, MD MPH, requesting an exemption from the required coursework to become a state certified pharmacy technician. During her medical school training at USC the curriculum included all basic science courses, pharmacology, biochemistry, and practical experience with prescriptions and terminologies. She is willing to take the pharmacy technician exam as well as participating in the practical hours required for certification.

Jennifer Pender appeared before the Board at this time.

Dr. Pender stated she is requesting the Board's approval on the medical education she received as the coursework to become a certified technician. She is a co-owner of a pharmacy with Dr. Rachel Houchins.

L. Requesting Exemption Certified Pharmacy Technician Hours - Rachel Houchins

On June 2, 2005 the Board of Pharmacy received a letter from Rachel Houchins, MD seeking an exemption from the required coursework to become a state certified pharmacy technician. During her coursework at Quillen College of Medicine at East Tennessee State University, the curriculum included all basic science courses, pharmacology, biochemistry, and practical experience with prescriptions and terminologies. She is willing to take the pharmacy technician exam as well as participating in the practical hours required for certification.

Rachel Houchins appeared before the Board at this time.

Dr. Houchins stated she is requesting the Board's approval on the medical education she received as the coursework to become a certified technician. She is a co-owner of a pharmacy with Dr. Jennifer Pender.

MOTION

Mr. Bradham moved the Board grant that four years of medical school education be accepted to replace the one-year of ASHP pharmacy technician accreditation training program for state certification for Ms. Pender and Ms. Houchins. Mr. Banks seconded the motion, which carried unanimously.

M. Request Approval of State Certified Pharmacy Technician - Connie Wood

Connie Wood is requesting the Board's approval of an exemption from the grandfather deadline to allow her to become a state certified pharmacy technician.

Ms. Diana Harder, of the Board of Pharmacy staff, chronicled the following events regarding Ms. Wood's registration.

On May 4, 1999 registered as Connie W. Wood. On May 12, 2000 renewed registration as Connie W. Wood. On February 16, 2005, requested duplicate registration as Connie Wood. On May 7, 2001, she renewed registration as Connie W. Wood, no marriage license on file. On June 3, 2002 she renewed registration as Connie W. Lewis. At this time, she sent in a copy of a continuing education certificate for Compounding Techniques (Connie Lewis), a hand written note (Post It) stating "name changed in July of 1998", and struck through "Wood" and wrote "Lewis" on renewal form but did not complete section for name/address changes. On May 21, 2003 she renewed her registration under the name of Connie W. Lewis. She renewed her registration as Connie W. Lewis on June 1, 2004. A spreadsheet "PhT Renewals Non Exempt" shows 6/1/2004 renewal date. On August 13, 2004 staff noted in Connie's record that something was re-mailed to Ms. Wood. On May 16, 2005 the Board received Ms. Wood's registration renewal for 2005-2006. "Lewis" is stricken through on renewal and "Wood" is written in. The name/address change section is blank. The Board's database shows her as Connie W. Lewis. On June 21, 2005 staff received a fax from Connie W. Wood with copies of her 2001/2002 registration, 2002/2003 registration and her 2004/2005 registration.

Ms. Harder's research indicated that staff has found that Ms. Wood renewed her registration for 2004/2005; however there has been no indication staff received certification paperwork. She indicated she would allow Ms. Wood to resubmit the certification documentation unless staff finds otherwise. Ms. Wood has consistently renewed her registration and everything she has said has been proven true for those matters we could verify.

Connie Wood appeared before the Board at this time.

Ms. Bundrick stated Ms. Wood's 2002 certificate was hand stamped "Certified" in error by staff

Ms. Wood stated she passed the PTCB in March 2004. She has completed all of the requirements and mailed the documents to the Board within a timely manner. She noted her last name became Wood in 1998 and she has not been a "Lewis" since that time. She has been a pharmacy technician since 1973, at which time she began at Richland Memorial.

Ms. Wood stated she mailed the Affidavit of Experience when she mailed her registration form and mailed a copy of the PTCB certificate when she received it. She further stated Mr. Al Jones verified her hours on the Affidavit of Experience.

Ms. Harder stated staff received the Affidavit of Experience as well as the copy of the PTCB certificate on June 22, 2005.

Ms. Wood had a letter from Mr. Jim McNinch which states that he could attest to the completion of her Affidavit of Experience.

Mr. Lewis informed Ms. Wood that the Board would take this testimony into consideration and would render a decision later in the meeting.

N. Accepting Only Certified Checks and Money Orders for Pharmacists and Pharmacy Technician Application and Renewal Fees - Sheila Young, R.Ph.

Ms. Young stated she does not have a count of the number of letters mailed to pharmacy technicians informing them of insufficient fund checks. She further stated the certificates had already been mailed when staff received documentation regarding the insufficient fund checks. She went on to say after the letters had been sent and some of the technicians had responded, Ms. Harder informed her that there were still several pharmacy technicians who had not sent in the certified funds on the insufficient fund checks. Ms. Young stated she spent three days on the phone contacting pharmacies the technicians had listed on the renewals only to find most of the technicians no longer worked at those locations. She went on to say she had the inspectors going into the pharmacies removing certificates from the wall until such time the technicians paid the correct fees. She continued by saying she has had a good bit of assistance from the district managers, however, there is a huge stack of outstanding insufficient fund checks in the office.

Ms. Young stated she has discussed this problem with other boards within the agency and has learned it has been such a problem that some boards will accept only certified funds. She indicated there were also pharmacists who paid for their licenses with insufficient fund checks. She indicated that the Board should be able to renew pharmacist licenses on-line in April 2006. She indicated it is time consuming to attempt to collect on the

insufficient fund checks.

It was suggested that staff take the matters to a collection agency.

MOTION

Mr. Bradham made a motion, seconded by Mr. Rose, and unanimously carried, that the Board only accept certified funds for pharmacist and pharmacy technician renewals forthwith.

O. New Fire Service Ordinance - Sheila Young, R.Ph.

Ms. Young stated presented the members with a new fire ordinance in Greenville County that states a key box may be required for access to a building in case of an emergency. The key box is defined as "A secure, tamperproof device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency."

Ms. Young stated she recently received a call from an individual whose facility had just been permitted who informed her he had been visited by the fire department. She indicated the individual stated the fire department informed him he had to install a locked key box on the outside of the store with keys to the entry of his pharmacy in it. She further stated the fire department stated the only persons who would have keys to the key box would be the fire department. She indicated she and the individual have big concerns with having this key box on the outside of the store. She researched this matter and found that this ordinance went into effect in 2003, although stores or buildings built prior to 2003 are not required to have the locked key box. She noted that the only buildings that are required to have the key box are buildings in which the fire department cannot see to the back of the building from the front windows. The ordinance is in effect for the whole state.

Ms. Dantzler stated most of the key boxes that are built to a single master key that is held by the fire chief in that district. She indicated it is similar to the master key to the elevators. She went on to say it is a national code that has been updated. She believes a solution would be to appear before the Building Codes Council and the State Fire Marshal and explain to those entities they should train their personnel not to require locked key boxes in situations where narcotics are kept in buildings.

P. Greenville Hospital System Outpatient Prescription - Steve Ranck, R.Ph.

Mr. Steve Ranck, RPh., is the manager of Pharmacy Ambulatory Services for the Greenville Hospital System. He stated that the hospital system has developed an employee prescription plan in order to decrease some of the rising health care costs for their employees. He went on to say the plan would allow the retail pharmacies within the hospital system to fill a 90-day supply for a reduced rate. He indicated the plan would not eliminate the employees' option to use any other pharmacy they choose, however, it will allow the employees the option of obtaining a 90-day supply at a lower rate to save

money on their co-pay if the employees use the hospital's facility or mail order entity. He continued by saying that in order to facilitate this option the hospital has the main campus and satellite campuses. He noted the satellite campuses do not have retail pharmacies. He said the hospital system's intention is to develop a delivery system that would deliver the medication, by a secured courier, to an employee at an in-patient pharmacy during regular business hours. He indicated the delivery system would affect approximately one-third of their employees; the balance of employees would pick their medication up at the retail pharmacy where it was left. He said employees could also utilize the pharmacies for antibiotics; however, the hospital system would follow the state and federal guidelines regarding controlled substances. He noted that the in-patient pharmacies would keep a log for identification of employees obtaining the prescribed controlled substance. He went on to say the employee could have the prescription delivered to the pharmacy by a secured courier. The pharmacy would fill the prescription, file the hard copy of the prescription and deliver the filled prescription to the in-patient pharmacy. He indicated payment would be obtained in advance for prescriptions filled through the mail order system.

Ms. Bundrick stated this matter was being brought before the Board because staff felt that this system was similar to the central fill type of pharmacy, which is not yet covered by legislation. She noted that the central fill bill would not be going to the state legislature with the e-prescribing bill. She went on to say the agency is seeking sponsors for the central fill legislation.

Discussion on this topic ensued.

Mr. Rose recused himself from voting in this matter.

MOTION

Mr. Bradham moved the Board grant this request to the permitted facilities on a pilot project and that the Greenville Hospital System appear before the Board during the June 2006 meeting and hope that by that time the central fill legislation would be in place to address this issue on a permanent basis. Mr. Hyatt seconded the motion. Following some discussion the motion carried unanimously.

Q. Presentation of Labeling System - Target, Sul Jumani

Ikbal Jumani, of Target, briefed the Board on its new labeling system for medications. He noted during the presentation that medication bottles for each family member are color-coded.

Recess

The Board took a five-minute recess and returned to public session.

Return to Public Session

6. Old Business

R. Engine Act - Bill H.3781

Mr. Bradham stated he presented his response on behalf of the Board regarding Bill H.3781 during a SC Pharmacy Association House of Delegates meeting. Since he is a non-voting member of the House of Delegates it was introduced by a voting member and passed by the House of Delegates. He believes Mr. Bracewell is sending a letter to Mr. Lewis, Ms Youmans, and Ms. Bundrick stating the House of Delegates supports the four concerns stated in an e-mail dated November 7, 2005. He further stated the Board is offering the following changes:

Section 40-1-45 proposes that the Board membership must include two or more public members. The Board's Practice Act states that one member must be a lay member. The Board's Legislative Committee suggests replacing must to may or shall.

Section 40-1-50 (F) states: "The Director shall adjust fees to accommodate anticipated expenditures and program changes." The Board's Legislative Committee suggests changing the language to: "The Board, the department and the director shall adjust fees to accommodate..."

Section 40-1-50(F)(4) states "While developing fees analyses, maintain communication with staff and agency management to ensure... The Board's Legislative Committee is proposing this language be changed to "While developing fees analyses, maintain communication with staff, agency management and respective Boards to ensure..."

Section 40-1-70(A)(8) proposes preparing proposed regulations that must be reviewed by the director who then shall file them with Legislative Council pursuant to Title 1. The Board's Legislative Committee recommends that this language be changed to: Preparing proposed regulations that must be reviewed by the director and the status of the proposed regulation be reported to the respective Board within 90 days or shall file them with the Legislative Council pursuant to Title 1.

In Section 40-1-30(4) the proposed language states, "Except as otherwise provided, a practice authorization must not be renewed if it has been lapsed for five years or more." The Board's Legislative Committee has concerns that this section removes the Board from having authority in regard to a license which has been lapsed for five years or more.

In Section 40-1-50(A) the proposed language states, "The director shall employ and supervise personnel necessary to effectuate the provisions of this chapter. When hiring a person charged article for each board provided for in Section 40-1-40with evaluating or administering professional qualifications or licensing standards, the director must select from a list of three candidates submitted by the appropriate licensing board. However, a candidate whose name is submitted to the director must be chosen from a list of all candidates found to be qualified by the Human Management Office of the department." The Board's Legislative Committee recommends this language be left in.

Since the recommendations are coming from committee no second is needed. The motion carried unanimously.

S. Compliance with 797 in Doctors' Offices

The Board deferred this matter to the January 2006 meeting.

7. Committee Reports

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

Mr. Hyatt had no report at this time.

· Pharmacy Technology Committee - Terry Lewis, R.Ph., David Banks, R.Ph.

Mr. Lewis stated he believes the Committee is meeting soon.

· Recovering Professional Program Committee - Davis Hook, R.Ph.

Mr. Hook stated he attended the RPP meeting on October 14, 2005. He noted that there are currently 92 pharmacists currently participating in RPP. He went on to say Mr. Frank Sheheen has requested an appearance before the Board during the January 2006 meeting. He said a discussion was held regarding the pharmacy technicians participating in RPP. He noted the technicians should participate in RPP.

Ms. Bundrick stated the Pharmacy Technician Committee had asked Ms. Tracy Paschal to take the possibility of the technicians participating in RPP to the Academy of Technicians. She noted that entity stated the technicians did not want to pay the funds to participate.

· Compounding Task Force - Bobby Bradham, R.Ph., Marvin Hyatt, R.Ph.

Mr. Bradham stated he had no report at this time.

Ms. Young stated the final draft of the Sterile Compounding Inspection Report and the final draft of the Non-Sterile Inspection Report are included in the Board members agendas. She noted that the reports include the Practice Act sections, Regulation sections, and policies and procedures for each item on the report.

The Committee made a motion that the Board approve the final drafts of the Sterile Compounding Inspection Report and the Non-Sterile Compounding Inspection Report. Since the motion came from committee no second was needed. The motion carried unanimously.

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

Mr. Rose stated the committee has not met as he is waiting to receive information from USP. He noted the positive pressure rooms might not meet the USP guidelines.

Mr. Bradham believes the Nuclear Pharmacy Regulatory Committee has so many safeguards in place that the positive pressure rooms should not be in compliance with USP.

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

Walgreen TechBuilder Program - Jessica Puckett-Beasley

Mr. Banks stated the Pharmacy Technician Committee met on November 4, 2005 to discuss ASHP accreditation and other avenues of possibly accrediting entities without having to go through the whole ASHP process. He further stated the committee has tabled that discussion because it was discovered that Walgreen's is in the process of getting ASHP accreditation. He indicated the Committee thought that other entities could possibly become ASHP approved.

Ms. Bundrick stated she has not heard from Ms. Puckett-Beasley on whether or not ASHP has completed its process. She went on to say Ms. Puckett-Beasley had indicated during the committee that the process was in the final stages of the approval process. She went on to say Ms. Puckett-Beasley was in hopes that once final approval was received that individuals other than Walgreen's employees could utilize the program.

Mr. Banks stated the committee discussed encouraging interest in the pharmacy technician program. He believes one of the stumbling blocks is becoming state certified. He went on to say the committee is considering running an advertisement in the newspaper.

Discussion on this matter ensued.

Mr. Banks stated the committee is making a motion that the Board encourage the accredited technical colleges, Greenville Technical College, Spartanburg, Technical College, Midlands Technical College and Trident Technical College, to convert their format to the web-based on-line format for their academic curriculum in addition to their current format. Since the motion came from committee no second was needed. The motion carried unanimously.

· Legislative Committee - Davis Hook, R.Ph., Bobby Bradham, R.Ph.

Mr. Bradham stated the report was given earlier in the meeting.

· Medication Errors - Al Toole, R.Ph., Leo Richardson, PhD.

Mr. Toole had no report.

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

Mr. Hyatt had no report.

· NABP/AACP District III Planning Committee - David Banks, R.Ph., Dock H. Rose, R.Ph.

Mr. Banks turned the report over to Ms. Bundrick.

Ms. Bundrick stated the committee met in Charleston on October 27, 2005. She went on to say the committee toured the hotel (The Doubletree) which is located in the market area. The committee discussed topics for continuing education and came up with the title for the meeting. The committee has nice pictures of the new bridges for the programs. The next meeting is schedule for February 2006 to prepare a brochure. The committee is

also looking for sponsors or individuals to donate money for the convention. She went on to say the committee is looking at holding a drop-in at the South Carolina Aquarium and is asking the Association to host a reception.

Mr. Bracewell stated he has signed a contract with the South Carolina Aquarium. He went on to say the Association is researching the possibility of having a joint luncheon between NABP District III and the Southeastern State Pharmacy Association, which will also be meeting in Charleston.

- Detention Center Committee - Bobby Bradham, R.Ph., Leo Richardson, PhD.

Mr. Bradham stated the committee now has all of the detention centers in compliance.

Ms. Bundrick noted that Mr. Tom Porter conducted two education classes on medication administration to the jails and detention centers.

- Federal Health Clinics - Bobby Bradham, R.Ph., Dock H. Rose, R.Ph.

Mr. Bradham stated the committee has a list of individuals which the federal health clinics want to serve on the committee. He further stated the committee would be meeting in January 2006. He noted the federal health clinics are in the process of attempting to get the legislative process moved along to get what they want.

- VAWD Committee - Terry Lewis, R.Ph.

Mr. Lewis had no report.

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

Mr. Rose had no report.

Public Comments

Mr. Bracewell, Executive Director of the SC Pharmacy Association, stated Mr. Ed Poliakoff, the lobbyist representing Express Scripts, attended today's meeting. He went on to say Express Scripts has also hired Mr. Charlie Roundtree to represent Caremark and Mr. Cauthen to represent Medco.

Mr. Hook stated that a retirement reception was held on November 15, 2005 in honor of Dean Sadik. He further stated that several individuals had questioned him regarding the Board's position regarding the merger of the two schools. He went on to say he had informed the individuals that the Board had not taken a position on the merger; however, the Board had received a report on the merger by Dr. DiPiro. He noted that the Board was a little surprised that there would not be an increase of graduates and that the Board had some other concerns with the merger.

Mr. Hook stated a pharmacist informed him he had received a request for pharmacies to dispense an extra 100 - 150 prescriptions a day and the pharmacies would receive an extra \$400 a day. The request went to say the prescriptions would be forwarded to the pharmacies and the pharmacies would fill the prescriptions and ship them out. He noted

the Board has previously had a problem with this type of activity. He asked the Board if an article should be included in the newsletter.

Ms. Bundrick stated an article regarding this activity had been in a recent newsletter.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Request Approval of State Certified Pharmacy Technician - Connie Wood

MOTION

Mr. Hyatt made a motion, seconded by Mr. Rose and unanimously carried, that the Board approve Ms. Wood's request.

Adjournment

There being no further business at this time, Mr. Banks moved the meeting be adjourned. Mr. Bradham seconded the motion, which carried unanimously.

The November 16, 2005 meeting of the SC Board of Pharmacy adjourned at 5:18 p.m.