

South Carolina Board of Pharmacy

MINUTES

Board Meeting

8:30 a.m., March 15, 2006

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Wednesday, March 15, 2006

Bobby Bradham, R.Ph., of Charleston, called the regular meeting to order at 8:30 a.m. Other board members participating in the meeting included: David Banks, R.Ph., of Simpsonville; 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.

Marvin Hyatt, R.Ph., vice chairman, of Rock Hill, was granted an excused absence.

Staff members during the meeting: included: Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Pharmacist Investigator; Sally Green, Administrative Specialist II; Diana Harder, Temporary Administrative Specialist; Linda Moore, R.Ph., 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: Rion Alvey, Assistant Deputy Director, OIE; Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel, Office of General Counsel, Connie Huffstetler, Administrative Assistant and Lynne Rogers, General Counsel.

Members of the public attending the meeting included: John Allen, Jessica Beasley, Paulette Bentley, Jim Bracewell, Christy Brueckner, Rosemary Boguski, Pam Cain, Al Cavagnaro, Wade Cobb, John Cottle, Marika Franklin, Kevin Floyd, Steven Frazier, Bill Gibson, Marvin Gilbert, David Hayden, Cassie Jeffries, Anya Little, Mary Ludlow, Carolyn McClain, Richard Manuel, Joe Newton, John O'Brien, Scott Padgett, Thomas Phillips, Henry Powell, Eric Ridings, Rafael Robles, Susan Robles, Frank Sheheen, Robert Spires, Maria Spencer, and Janet Teeters

Meeting Called to Order

Mr. Bradham 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. Hook delivered the invocation.

Introduction of Board Members and all other persons attending

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

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

Mr. Bradham stated the chairman's remarks would be given upon Mr. Lewis's arrival.

1. Approval of Minutes for the January 18-19, 2006 Meeting

MOTION

Mr. Rose moved the minutes of the January 18-19, 2006 meeting be approved as written. Mr. Hook seconded the motion, which carried unanimously.

2. Approval of Reciprocity Interview Candidates for Licensure:

December 8, 2005, January 9, 11, 13, 18, 23, 27, 2006, February 2, 20, 23, 2006, March 16, 2006

MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, that the Board approve the reciprocity candidates interviewed on December 8, 2005, January 9, 11, 13, 18, 23, 27, 2006, February 2, 20, 23, 2006, and March 16, 2006.

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

Ms. Bundrick briefed the Board members on staff's activities since the January 2006 Board meeting. During her report she reminded the Board members that the Statement of Economic Interest forms are due to the State Ethics Commission no later than April 17, 2006.

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

Investigative Review Committee (IRC) Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Temporary Suspension, Voluntary Surrender, and Relinquishment and Formal Complaint from the IRC

Ms. Young briefed the Board regarding the compliance staff's activities since the January 2006 meeting. She also briefed the Board on the use of a panel hearing on cases, the possible use of PDAs by the inspectors, and citations. She noted that the Board would need to approve the use of the citations.

- Board Review of Proposed Violation Fines

Ms. Young presented the members with a list of recommended fines for violations of the practice. She noted these recommendations were presented to Mr. "C" Turner and Mr. Hugh Mobley during the March 1, 2006 IRC meeting. She stated that to move forward with the fines, staff must have the Board's approval.

A brief discussion regarding the recommendations ensued. The Board determined it would vote on this matter later in the meeting.

- Temporary Suspension
Case #: 2005-0105, 2005-0132

Ms. Dantzer briefed the Board regarding these two cases. She noted that these were presented for the Board's information. She indicated that Ms. Daves is involved in both of the temporary suspensions.

- Consent Agreement
Case #: 2005-0075

MOTION

Mr. Rose made a motion, seconded by Mr. Hook and unanimously carried, that the Board accept this consent agreement.

Case #: 2005-0082

MOTION

Mr. Banks moved the Board accept this consent agreement. The motion was seconded by Mr. Rose and carried unanimously.

Mr. Cottle thanked the Board for their consideration in this case. He noted that the last five years have been difficult. He went on to say his life has become stronger.

Case #: 2005-0011

Mr. Rafael Robles appeared before the Board at this time and made remarks to the Board.

MOTION

Mr. Hook moved the Board accept this consent order. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2005-0069

MOTION

Mr. Banks made a motion, seconded by Mr. Toole and unanimously carried, that the Board accept the IRCs recommendation regarding this case.

Case #: 2005-0078

MOTION

Mr. Rose moved the Board accept this consent order. The motion was seconded by Mr. Hook and unanimously carried.

Case#: 2005-0087

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board accept the IRCs recommendation regarding this case.

Case #: 2005-84

Mr. Banks noted that the consent order should read expired registration instead of expired license in 2A.

MOTION

Mr. Banks moved the Board accept the IRCs recommendation with the noted change in 2A. Mr. Rose seconded the motion, which carried unanimously.

• Formal Accusations

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|------------------|------------------|-------------------|
| Case #: 2004-32 | Case #: 2005-154 | Case #: 2005-41 |
| Case #: 2005-60 | Case #: 2005-151 | Case #: 2005-58 |
| Case #: 2005-140 | Case #: 2005-153 | Case #: 2005-64 |
| Case #: 2005-142 | Case #: 2005-147 | Case #: 005-73 |
| Case #: 2005-137 | Case #: 2005-146 | Case #: 2005-89 |
| Case #: 2005-139 | Case #: 2005-145 | Case #: 2005-100 |
| Case #: 2005-141 | Case #: 2005-143 | Case #: 2005-105 |
| Case #: 2005-123 | Case #: 2005-134 | Case #: 2005-139 |
| Case #: 2005-121 | Case #: 2005-149 | Case #: 2005-0140 |
| Case #: 2005-107 | Case #: 2005-112 | Case #: 2005-116 |
| Case #: 2005-108 | Case #: 2005-113 | Case #: 2005-114 |
| Case #: 2005-122 | Case #: 2005-117 | Case #: 2005-111 |

Case #: 2005-125	Case #: 2005-118	Case #: 2005-109
Case #: 2005-126	Case #: 2005-115	Case #: 2005-110
Case #: 2005-124	Case #: 2005-133	Case #: 2005-129
Case #: 2005-130		
Case #: 2005-150		
Case #: 2005-144		
Case #: 2006-9		
Case #: 2006-24		
Case #: 2006-20		
Case #: 2006-19		
Case #: 2006-18		
Case #: 2006-17		
Case #: 2006-16		
Case #: 2006-1		

MOTION

Mr. Banks moved the Board move forward with these cases. Mr. Hook seconded the motion, which carried unanimously.

- Dismissals

MOTION

Mr. Banks made a motion, seconded by Dr. Richardson and unanimously carried, that the Board accept the IRCs recommendation on the following cases.

2005-71	2005-152	2005-19	2005-7
2006-5	2005-127	2005-15	2006-2

- Dismissal with Letter of Caution

MOTION

Mr. Rose moved the Board accept the IRCs recommendation regarding the following cases. Dr. Richardson seconded the motion, which carried unanimously.

2005-13	2005-104
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A. Request Reinstatement of Pharmacist License – Kermit Randall Todd

On February 3, 2006 the Board received a letter from Randall Todd seeking the Board's approval for reinstatement of his pharmacist license. Mr. Todd entered a consent Order on March 2, 2001 for violation of the pharmacy practice by diverting a controlled substance. The consent order called for a three-year contract with the Recovering Professionals Program (RPP), which expires on March 15, 2006. On February 13, 2006 the Board received a reference letter from Scott Padgett, R.Ph., SCRIPT State Advisor, recommending the reinstatement of Mr. Todd's license. (Mr. Todd's letter, along with the Consent Order and the letter from Scott Padgett, are herewith attached and becomes a permanent part of the record retained at the Board's office.)

Kermit Randall Todd appeared before the Board at this time and was sworn to give correct testimony by Ms. Dantzer.

Mr. Todd stated he has completed the five-year contract with RPP and has been working.

Bill Gibson, of RPP, spoke on behalf of Mr. Todd.

Mr. Bradham informed Mr. Todd that the Board would render a decision in this matter at a later time in the meeting.

B. Request Reinstatement of Pharmacist License – Marvin Gilbert

On January 10, 2006 the Board received a letter from Marvin A. Gilbert seeking the Board's approval of the reinstatement of his license. Mr. Gilbert surrendered his license in 1986 due to a felony conviction of dispensing controlled drugs without prescription(s). He contacted staff by letter in 2003 seeking to become reinstated. He was informed he would have to apply for an intern license and take the Juris Prudence exam. He applied for and received an intern license and began accumulating hours. He was notified in September 2005 that his intern certificate was issued in error and that none of the 558 hours he had accumulated could be counted. (Mr. Gilbert's letter, along with pertinent information regarding Mr. Gilbert's indictment and subsequent intern certificate, are herewith attached and become a permanent part of the record retained at the Board's office.)

Marvin Gilbert appeared before the Board at this time and was sworn to give correct testimony by Ms. Dantzler.

Mr. Gilbert stated over the years he has been looking forward to returning to the practice of pharmacy. He has worked his way up as an industrial planner. He indicated he wrote the Board in 2003 stating his intentions and received a reply of what he needed to complete in order to reinstate his license. He found a facility which allowed him to work and discovered in September 2005 that the certificate was issued in error.

Mr. Bradham informed Mr. Gilbert that the Board would render a decision in this matter at a later time in the meeting.

5. Old Business

C. New Fire Ordinance – Sheila Young, R.Ph.

Ms. Young stated this item is on the agenda to remind the Board that a Board member should be appointed to meet with Ms. Dantzler and herself and the fire officials to see if they would allow pharmacies not have the lock boxes.

Mr. Bradham stated he would delegate the duty of appointing a member to Mr. Lewis.

D. USP 797 – JACHO's Recommendation – Davis Hook, R.Ph.

Mr. Hook stated he has been contacted by a couple of individuals in an institutional setting who have indicated that JACHO was not going to enforce 797 except in those states that have chosen to use 797 as the guideline. He noted that only 16 states are using 797 as a mandatory requirement. He wondered if the Board is going to stand in its commitment to 797.

Mr. Bradham stated he believed the Board stated sterile compounding facilities must have documentation addressing 797. He understands that the Board, upon inspection, is looking for steps toward compliance because, for many institutions as well as in private facilities, there are vast sums of money involved.

Mr. Hook stated it seems the Board may want to have some clear lines as to whether or not the Board will make compliance with 797 mandatory. He indicated renovations to institutional facilities would cost more than \$1,000,000. He believes 797 remains a work in progress.

Ms. Bundrick stated she contacted JACHO's in regard to this matter and has left voice mails with Mr. George Mills. She further stated he has not returned her calls.

E. Compliance with 797 and Doctor's Office, Draft Letter – Terry Lewis, R.Ph.

Mr. Lewis drafted a letter to Dr. Satish Prabhu, Chairman of the SC Medical Board, in regard to physicians being in compliance with USP Chapter 797. The letter states the Board has received various concerns regarding physicians in private practice adhering to USP Chapter 797 and that the Board of Pharmacy requests the Medical Board provide the contact information of physicians 'that have or will be preparing medications which fall under the regulations and guidance of USP 797'. (Mr. Lewis's letter is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Mr. Bradham stated he believes Mr. Lewis is requesting authorization from the Board to communicate to the Medical Board information regarding 797. He noted he has sent Mr. Lewis suggested changes to the letter.

MOTION

Mr. Bradham moved the Board authorize Mr. Lewis address this issue with the Medical Board. Mr. Toole seconded the motion, which carried unanimously.

F. June 2006 Board Meeting, Hilton Head, SC June 21-22, 2006, Room Rates and Meeting Room Rental – Lee Ann Bundrick, R.Ph.

Ms. Bundrick stated during the last meeting Mr. Hook asked the staff research moving the June 2006 Board meeting to the Wednesday and Thursday prior to the Pharmacy Association convention in Hilton Head. She has contacted the Marriott where the meeting is being held. She indicated the hotel would rent the conference room for \$250 and the hotel rooms for \$199 a night plus ten percent (10%) taxes. She informed the Board that Governor Sanford has mandated that the agency follow the federal rate for reimbursement, which is \$112 for the Hilton Head area. She continued by saying that the Board and staff would have to pay out of pocket for the difference or find another hotel to hold the meeting.

Mr. Bryant stated there may be some options for staff in regard to that.

Mr. Bradham stated the June meeting is normally the time the Board honors the outgoing chairman. Ms. Bundrick suggested the Board delay honoring the chairman during the September 2006 meeting.

MOTION

Mr. Banks moved the Board proceed with moving the June 2006 meeting to Hilton Head. Mr. Hook seconded the motion, which carried unanimously carried.

6. New Business

G. Request Approval of Certified Pharmacy Technician Application – Anya Little

On December 28, 2005 the Board received a letter from Anya Little seeking the Board's approval to be grandfathered as a state certified pharmacy technician. She passed the PTCB exam and became certified by that entity on November 30, 2003. She initially registered with the Board as a pharmacy technician on July 1, 1999 and has kept her registration up to date. Ms. Little was scheduled to appear at the January 2006 meeting; however, she was unable to

attend the meeting due to surgery. (Ms. Little's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Anya Little appeared before the Board at this time. Ms. Little stated she has been nationally certified since 2003. She went on to say her pharmacy technician certificate states she is a registered Pharmacy Technician. She contacted staff to see if she was listed as Registered or Certified in the system and was told she was listed as registered. She did not know that staff needed a copy of the national certificate and did not send that in with the rest of her documentation.

Mr. Bradham stated there are three levels of pharmacy technicians 1) registered, 2) nationally certified, and 3) state certification. He asked if she is asking for state certified. Ms. Little replied affirmatively. She indicated she became nationally certified on November 30, 2003.

Ms. Harder stated staff received an Affidavit of Experience in December 2004. She went on to say staff was lacking the national certificate, which was received in December 2005.

Mr. Bradham informed Ms. Little that the Board would render a decision in this matter at a later time in the meeting.

Recess

The Board recessed for seven minutes and returned to public session.

Return to Public Session

H. Request Approval of Registered Pharmacy Technician Application – John Allen

On January 24, 2006 the Board received a Pharmacy Technician Registration application from John David Allen. Mr. Allen 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. Allen's written explanation indicates he was hospitalized in November 2001 for a chronic illness that is being monitored and controlled. He was arrested in August 2001 for not getting treatment for the condition, which went to aggression. He credits his medication and support from family and counselors for assisting in keeping the aggression under control. Since Mr. Allen answered yes to the question in regard to being convicted, the application could not be approved at staff level. (Mr. Allen's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

John Allen appeared before the Board at this time. Mr. Allen stated he is currently taking classes and needs to take practicums. He was unable to become registered since he has an arrest record.

Linda Allen, Mr. Allen's mother, stated Mr. Allen's arrest record was privileged. She went on to say he was evaluated for mental illness and once he was released he returned to school and finished in the top five in the state for the GED class.

Mr. Bradham informed Mr. Allen that the Board would render a decision in this matter at a later time in the meeting.

I. Request Approval of Registered Pharmacy Technician Application –

Marika Franklin

The Board has received a Pharmacy Technician Registration application from Marika Franklin. Ms. Franklin 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?' Ms. Franklin was arrested and convicted of attempted theft in the second degree in January 2000 and of forgery in February 2000. Since Ms. Franklin answered yes to the question in regard to being convicted, the application could not be approved at staff level. (Ms. Franklin's application is herewith attached and becomes a permanent part the record retained at the Board's office.)

Marika Franklin appeared before the Board at this time. Ms. Franklin stated she submitted an application to become a registered pharmacy technician in 2005. She went on to say at that time she was about to be deployed, however she had to go to the State of Washington to settle a matter of an arrest warrant. She indicated she did not want to go to trial so she had to go to active duty in May 2005. She did not go to trial as she pled guilty and is in the process of making restitution. She returned to South Carolina in November 2005. She holds an Associate's Degree and is attempting to transfer to USC.

Mr. Bradham informed Ms. Franklin that the Board would render a decision in this matter at a later time in the meeting.

J. Request Approval of Reciprocity Application – Richard Manuel, R.Ph.

The Board of Pharmacy has received a reciprocity application from Richard Manuel, R.Ph. Mr. Manuel was initially granted licensure by the State of Kentucky on July 22, 1971. Mr. Manuel was granted licensure in the State of Florida in August 1982, however, that license is no longer active. Mr. Manuel was convicted of 19 counts of wire fraud, served ten months in jail and fined \$4,000. The Kentucky Board of Pharmacy has taken disciplinary actions against Mr. Manuel for improper labeling of prescriptions, practicing without a valid license, failing to submit continuing education credits, and not following discipline requirements. The Florida Board of Pharmacy disciplined Mr. Manuel following an investigation based on a complaint by the National Association of the Board of Pharmacy (NABP). The investigation conducted by the Florida Board of Pharmacy showed that the Kentucky Board had disciplined Mr. Manuel. (Mr. Manuel's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Richard Manuel appeared before the Board at this time. Mr. Manuel stated he graduated from the University of Kentucky in 1971 and worked in a couple of pharmacies for approximately one and one-half years. He went on to say that in 1973 he moved to Frankfurt, Kentucky. He purchased a drug store when he was 24 years old. He was involved in a case with an insurance company. He was later convicted of wire fraud. He stated he took the exams to become licensed in Florida; however, he never practiced in that state.

Mr. Bradham informed Mr. Manuel that the Board would render a decision in this matter at a later time in the meeting.

**K. Request Approval of Non-Resident Wholesale/Distributor/
Manufacturer Application – AAI Pharma Inc. – Al Cavagnaro**

In December 2005 the Board received a Non-Resident Wholesale/Distributor and/or Manufacturer application from AAI Pharma, Inc., which is located in Wilmington, NC. AAI Pharma would be located in Charleston, SC. The applicant answered yes to the question

which asks, 'Has the applicant(s) had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?' The application included a statement indicating AAIPharm entered into a consent agreement in May 2005 with the State of Illinois in regard to prior shipments of drugs into Illinois without a valid wholesale drug distributor license. AAIPharma paid a fine in accordance with the consent agreement. Since the applicant answered yes to the question in regard to a permit being disciplined, denied, refused, or revoked a license, the application could not be approved at staff level. (The AAIPharma application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Al Cavagnaro appeared before the Board at this time. Mr. Cavagnaro stated he is an attorney with AAIPharma which is a contract research organization headquartered in Wilmington, North Carolina. He went on to say the company holds a manufacturer's license in South Carolina and has a manufacturer's facility in Charleston as well as in Wilmington. He noted that in 2001 the company began acquiring pharmaceutical products for their own commercialization; however, in 2004 they became aware of a violation in Illinois to which they admitted. He said the company was unaware that a license was needed in some states for products that sit there when they still own the products. He went on to say that when the company became aware of an additional process they began application process and entered a consent agreement with Illinois. He continued by saying that since 2001 they have sold their pharmaceutical products and emerged from bankruptcy two weeks ago. He indicated the company is still engaged in small scale manufacturing for third parties.

Ms. Bundrick stated the company had a previous permit with the Board; however, the Illinois charge is new which is why the application was brought before the Board.

Mr. Bradham informed Mr. Cavagnaro that the Board would render a decision in this matter at a later time in the meeting.

L. Approval of Non-Resident Wholesale Distributor/Manufacturer Application - PMP Health Services Inc., Henry Powell

On December 1, 2005 the Board received a Non-Resident Wholesale/Distributor and/or Manufacturer application from PMP Health Services, Inc. Mr. Henry Powell, Vice President of PMP Health Services, Inc., answered yes to the question which asks, 'Has the applicant(s) ever been charged, convicted, fined, or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor, in South Carolina or any other state, or in a United States court. Mr. Powell indicated he was charged with possession of marijuana with intent to distribute and distribution of marijuana in 1995. Since Mr. Powell answered yes to the question in regard to being convicted, the application could not be approved at staff level. (The PMP Health Services, Inc. application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Henry Powell appeared before the Board at this time. Mr. Powell stated he has been part of PMP Health Services since its inception and was just made vice president. He further stated his main duties include purchasing and working with other wholesale distributors across the country. He indicated the company would like the opportunity to do business in South Carolina as his partner has a client here. He noted that in 1995 he was caught in a situation and noted that he no longer smokes marijuana. He went on to say he is studying accounting and is studying to become a licensed pilot in Maryland. He continued by saying he is also an active real estate agent. He said that PMP stands for Premium Medical Proprietors. He noted that the company sells prescription drugs, although the company does not sell controlled substances.

He went on to say the company distributes to other distributors and large hospitals and clinics and a few physicians' offices with medications.

Mr. Bradham informed Mr. Powell that the Board would render a decision in this matter at a later time in the meeting.

Mr. Lewis arrived at the meeting at this time.

Recess

At 10:30 a.m. the Board recessed for five minutes and returned to public session.

Return to Public Session

Mr. Bradham continued as acting chairman at this time.

M. Request Approval to Waive Intern Hours – Michael Eslick, PharmD

In a letter dated January 8, 2006 Michael A. Eslick, II, PharmD, is requesting a waiver to reduce the number of internship hours required for license renewal. Mr. Eslick's license was last active in May 2002. He wishes to return to the practice of pharmacy, however, due to his current military obligations he would not be reasonably be able to accrue 1,000 hours in a timely manner. Mr. Eslick joined the United States Air Force in 2001 where he entered flight school and became a pilot. He has not been able to practice pharmacy and complete the live continuing education hours. (Mr. Eslick's letter is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Mr. Eslick was not present for the meeting.

MOTION

Mr. Rose moved the Board defer this matter until such time as Mr. Eslick can appear. Dr. Richardson seconded the motion, which carried unanimously.

N. Request Approval of Non-Resident Wholesale/Distributor/ Manufacturer Application - Priority Healthcare Distribution, John Lafreniere

On February 1, 2006 the Board received a Non-Resident Wholesale/Distributor and/or Manufacturer application from Priority Healthcare Distribution, Inc., dba CuraScript SD Specialty Distribution. The applicant answered yes to the question which asks, "Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or distributor facility where you were employed by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?" CuraScript Pharmacy settled a matter with the New York Board of Pharmacy regarding an unlicensed pharmacist employed at a pharmacy, which was relocated from Connecticut to New York. The company paid a \$500 fine in this matter.

John Lafreniere appeared before the Board at this time. Mr. Lafreniere stated he is the vice president of operations for CuraScript Pharmacy. In October 2005 that pharmacy acquired Priority Healthcare Distribution. He noted that Priority Healthcare has specialty pharmacies, infusion pharmacies and wholesale distribution. He went on to say that in the change of ownership there were three disclosures, of which the first two disclosures were previously disclosed. He indicated the third disclosure involved a pharmacy that was moved from Connecticut to New York in 2002-2003. He noted the pharmacy had a part-time pharmacist that moved with the pharmacy and continued to practice in New York, although he did not have a license. He went on to say at that time the company had a process to validate or verify the

status of a pharmacist's license of new hires, however, since the company had never moved a pharmacy before the company did not have that same process to revalidate a pharmacist's license if a pharmacy was relocated to a different state. He said the compliance department has since developed a process to revalidate a pharmacist's license status twice a year.

Mr. Bradham informed Mr. Powell that the Board would render a decision in this matter at a later time in the meeting.

**P. Offices of General Counsel and Investigations and Enforcement –
Lynne Rogers and Rion Alvey**

Rion Alvey appeared before the Board at this time.

Mr. Alvey stated he serves as the Administrator for the Board of Dentistry as well as the Assistant Deputy Director for the Office of Investigations and Enforcement. He presented the Board with a flow chart, which shows how the Office of Investigations and Enforcement is set up. He indicated he wanted the Board to see how the agency works together to ensure all investigations are handled within the agency in a uniform fashion. He noted that in July 2006 the Office of Investigations and Enforcement will be in place two years. He went on to say he has been with OIE for nine months. He said the investigators for the boards are divided into teams, Business and Medical. He explained that Eddie DuRant is listed under Larry Atkins; however, Mr. DuRant is not supervised by Mr. Atkins. He went on to say that he holds Mr. Atkins responsible for ensuring he is aware of information required regarding pharmacy situations. He said he is working on establishing communication lines so there is no break down in communication.

Mr. Alvey stated that the Board's practice act states the investigators must be pharmacists and that the agency is aware of that. He noted that the pharmacy investigators answer to the Board of Pharmacy Administrator and the pharmacy staff, however, the Office of Investigations and Enforcement is responsible for ensuring the paper flow, the legal documents and the communication with the Board is handled properly. He went on to say the IRC is comprised of four components: 1) the Administrator, 2) the Board appointed professional individual(s), 3) the litigating attorney and 4) the investigator(s). He noted the Board it is important that the Board have full confidence in the IRC.

Mr. Alvey briefed the Board on the complaint process. Discussion on OIE ensued.

**Q. Request Extension to be in Compliance with USP 797 –
Palmetto Baptist Medical Center Easley and Hilton Head Regional
Medical Center, Providence Hospital – Sheila Young, R.Ph.**

On January 23, 2006 the Board received a letter from Cliff Collie, R.Ph, of the Palmetto Baptist Medical Center Easley, which is requesting a time extension on the IV admixture environment to be fully compliant with USP Chapter 797. Renovations were budgeted during the last fiscal year, however, it was determined that the pharmacy should move to a larger location which could take as long as two years. Mr. Collie is asking that the facilities be granted extension to November 2006.

Ms. Young stated this item is on the agenda since the Board addressed this issue earlier. She noted that because of budget and construction there are several hospitals, which would not be in compliance until the end of this year. She indicated she has received numerous calls from hospitals asking what should they do to which she has stated the hospital should send a letter to

the Board informing them of what is taking place. She went on to say this is just to let the Board know what is going on.

Mr. Bradham stated as long as some effort has been expended and the hospital has documentation in place showing the inspectors of what is taking the hospitals should be all right. He noted that a Board member should meet with staff on this matter.

R. Nurse Practitioners Dispensing at Clinics – Sheila Young, R.Ph.

Ms. Young stated she wanted to make the Board aware that staff, as well as the Bureau of Drug Control, has been receiving phone calls in regard to opening clinics and having nurse practitioners dispensing weight loss medications. She went on to say she has discussed this matter with Mr. Wilbur Harling, of the Bureau of Drug Control, who has stated that this scenario cannot take place. She said the pharmacy practice act defines “practitioner” as an individual with the authority to prescribe medications and is also referenced under (h) and (i) where doctors dispensing is discussed. She stated the weight loss clinics are attempting to say the nurse practitioners are practitioners, however, Mr. Harling states the Bureau of Drug Control would say that nurse practitioner must be working under the physician’s protocol but that does not give the nurse practitioner the authority to prescribe by themselves so they cannot dispense. She continued by saying the Bureau of Drug Control indicates the clinics do not have a leg to stand on.

On February 22, 2006 staff received an email from Pam Cain, R.Ph., with Palmetto Health Richland, who thought that the Board would be interested in the Levemir Successful Start Program, which she located this information in the e-Pharm/alert.

The epharmalert indicates that Levemir (insulin detemir [rDNA origin] injection) was recently approved by the FDA for patients who require long-acting insulin for the control of type 1 and type 2 diabetes. Levemir is a 24-hour basal insulin with few insulin-related side effects. He purpose of this letter was to inform individuals that some physicians and their patients with diabetes may be participating the Levemir Successful Start Program, which was designed to help physicians and patients become familiar with the benefits of Levemir.

Ms. Cain notes that this medication is available only to physicians to dispense and is not commercially available for community or hospital pharmacies to dispense. She listed three concerns in this strategy:

- a. Pharmacists are eliminated from the process of counseling patients on a new medication.
- b. Will patients of SC non-dispensing permitted sites (state or hospital-owned clinics) not have the option of dispensing this medication to their patient population?
- c. If a patient is admitted to a hospital and does not have access to his home medication, the hospital pharmacy cannot obtain a supply to continue the therapy.

Ms. Pam Cain of Palmetto Health Richland stated that when the new marketing strategy came to her attention she wanted to bring it to the Board’s attention. She indicated it is supposed to go to the physician for dispensing to the patient.

MOTION

Mr. Bradham made a motion, seconded by Mr. Rose and unanimously carried, that a letter be mailed to the FDA saying the restrictive access to a critical medication need for patients should be addressed.

S. CE Requirements for Lapsed Technician Registration/Certification – Diana Harder

Ms. Harder stated staff is coming up on the third year of pharmacy technician renewals requiring continuing education. She went on to say that up until now technicians who had allowed their registrations to lapse have been required to make up the ten hours of continuing education for each year the registration was lapsed. She asked the Board how long would they continue adding ten hours of continuing education to each year and what is the maximum number of continuing education credits a technician would be required to obtain when the registration has been lapsed two or more years.

MOTION

Mr. Bradham moved the Pharmacy Technician Committee could discuss this matter and bring a recommendation to the Board. Mr. Rose seconded the motion, which carried with a majority vote. A couple of members abstained from voting in this matter.

Mr. Bradham suggested 20 continuing education “hours until the Pharmacy Technician Committee comes up with something different.”

T. Sales Tax on Over the Counter Prescriptions – Sheila Young, R.Ph.

In an email dated February 27, 2006 to Sheila Young, Compliance Manager, John O’Brien, of Easley, conveyed his thoughts as to why it is not appropriate for sales tax to be charged on over the counter (OTC) medications. (The email along with Mr. O’Brien’s attachments are herewith attached and become a permanent attachment to the record retained at the Board’s office.)

Mr. John O’Brien appeared before the Board at this time. Mr. O’Brien stated the SC Department of Revenue audited Procare Rx in 2005. He went on to say the Department of Revenue indicated during the audit that sales tax is to be charged to prescriptions for non-legend medications. He further stated he has appealed to the Department of Revenue, which was denied and he is pursuing further appeals. He said that this decision was made in 1988 in a Technical Advice Memorandum (TAM) and made the same statement in document 0302. He indicated the sales tax is to be charged to prescriptions for over the counter (OTC) medications.

Mr. Lewis stated he believes there is a letter, dated 1997, from the Governor that states pharmacies are not to charge sales tax. He further stated he would search for that letter.

MOTION

Mr. Bradham made a motion, seconded by Mr. Toole and unanimously carried, that staff address a letter to the Department of Revenue that the Board endorses in situations where OTC medications require a prescription order that sales tax be exempt.

U. Returned Medications due to Medicare Part D – Sheila Young, R.Ph.

On February 27, 2006 staff received an email from John O’Brien regarding returned medication. Mr. O’Brien included an attachment from the NC Board of Pharmacy web site in regard to “Free pharmacies” being allowed to receive discontinued medications returned from nursing facilities. He wonders if the SC Board of Pharmacy would like to try a similar program. (Mr. O’Brien’s email and attachments are here with attached and become a permanent attachment to the record retained at the Board’s office.)

Mr. John O’Brien and Ms. Mary Ludlow appeared before the Board at this time. Ms. Ludlow stated there is an increased amount of non-predator items. She further stated that in the past if

a nursing facility had medication that was discontinued or a patient expired the medication would be returned. She indicated if the medication could be credited it would be, however, if the medication could not be credited it would be returned to the nursing facility for destruction. She went on to say the volume is increasing and is asking the Board if it would consider a program similar to the program in North Carolina where unit doses could be donated to the permit holder or PIC with a charitable organization. She went on to say the alternative is to return the medication to the manufacturer for incineration.

MOTION

Mr. Bradham made a motion that since North Carolina has a program that staff contact the North Carolina Board and if no problems have been encountered, that the SC Board of Pharmacy proceed with this program. Mr. Rose seconded the motion, which carried unanimously.

Ms. Bundrick stated she would research this matter and would bring a proposed policy to the June 2006 meeting.

- . MUSC's Request for Continuance to Dispense Sample Drugs to Indigent Patients in a New Location, Rutledge Tower Pharmacy – Joe Newton, R.Ph. and Don Neuroth, R.Ph.

On March 3, 2006 Ms. Bundrick received an email from Joe D. Newton, R.Ph., of Rutledge Towers Pharmacy, which is part of the Medical University of South Carolina (MUSC). Rutledge Towers Pharmacy was formerly located at the McClellan-Banks Hospital, however, that location closed on March 2, 2006 and relocated to Rutledge Towers. Mr. Newton stated that the pharmacy, while located in the McClellan-Banks Hospital, dispensed sample prescriptions to their indigent patients for the past eight years. Mr. Newton is requesting that the Board grant Rutledge Towers Pharmacy permission to continue to dispense the sample prescriptions to indigent patients.

Mr. Bradham recused himself from participating in this matter and turned the matter over to Mr. Lewis.

Mr. Newton appeared before the Board at this time. Mr. Newton stated since 1996 McClellan-Banks has been dispensing samples to indigent patients. He went on to say that McClellan-Banks has been moved into the Rutledge Towers due to construction. He asked Mr. Bradham if he had researched the 1996 ruling. Mr. Bradham stated staff has researched the ruling due to the Administrator or the Pharmacy Director of the County Hospital, prior to MUSC purchasing the county hospital, has had a stroke and could not remember in what year the ruling had been made. He noted Ms. Bundrick researched minutes between 1994 and 1997 but could not locate the ruling, so ruling was made prior to 1996. He indicated the Board members had a document listing the qualifications for a patient to receive samples. He went on to say it could only be done for an indigent or under funded patient. He said it could take six weeks to get the patient enrolled in a patient assistance program.

MOTION

Mr. Hook moved the Board approve the extension of the continuance of dispensing samples to indigent patients. Mr. Banks seconded the motion, which carried unanimously.

- V. Request Approval of Pharmacy Technician Registration Application – Cassie Jefferies

On March 9, 2006 the Board received a Pharmacy Technician Registration application from Cassie C. Jefferies. Ms. Jefferies answered yes to the question which asks, "During the past five years, have you been convicted of any criminal or civil charges (other than minor traffic ticket); is any legal action pending against you or are you currently on probation for any charges or legal action?" In August 2003 Ms. Jefferies was charged with disorderly conduct. The arrest report indicates the other individual began the incident. (Ms. Jefferies application and explanation are herewith attached and becomes a permanent part of the record retained at the Board's office.)

Cassie Jefferies appeared before the Board at this time. Ms. Jefferies made remarks.

Mr. Bradham informed Ms. Jefferies that the Board would render a decision in this matter at a later time in the meeting.

W. ASHP Representatives – Formal Academic Programs for Pharmacy Technicians

The Board members were presented with a copy of the ASHP Regulations on Accreditation of Pharmacy Technician Training Programs. (A copy of these regulations are herewith attached and become a permanent part of the record retained at the Board's office.)

Janet Teeters, R.Ph., M.S. and Maria Spencer, M.A., appeared before the Board at this time.

Ms. Spencer stated she works closely with state affiliates on legislative and regulatory issues and is currently spending a lot of her time on technician issues. She further stated ASHP is views the changes in South Carolina as standardizing the profession of pharmacy technician. She went on to say ASHP policy states that all technicians requesting registration go through a formal training program and move through PTCB.

Ms. Teeters briefed the Board on ASHP standards and the Walgreen's accreditation process. She noted that Walgreen's officially applied for accreditation in December 2005. She went on to say ASHP had developed a program that can ensure quality with a chain drug store. She indicated that the organization offered to have a contract with ASHP to provide quality training. She went on to say a program may apply for accreditation at any time as long as they have a candidate in that training program. The program then contacts ASHP for a financial annual accreditation fee, as it varies from large programs to small programs. She indicated the program has to have completed at least one cycle of training (600 hours or 15 weeks) prior to the survey and before accreditation. She noted that two individuals conduct the survey and will last from one to four days. The site must complete a Pre Survey Self Evaluation prior to the ASHP evaluation to show how they feel the program meets all of the intent of the standards. ASHP then conducts an on-site evaluation and informs the program where they meet or fail the standards. At that point the ASHP may grant a provisional or preliminary status. She said that after the survey process a written report is sent to the program after which the program has 45 days to respond to the report and correct the deficiencies and address the issues. She said the report is sent to the Commission on Credentialing, which reviews the programs. She indicated the commission meets in March and August. She went on to say the process could take six to nine months for the final part of the process. She said that ASHP would be conducting a survey on Walgreen's program in May 2006 and could receive a provisional accreditation at that time. She indicated the accreditation is retroactive to the application date. She stated that the final accreditation by the Board of Directors in September 2006.

Ms. Spencer stated ASHP would like to see all technicians go through PTCB and a formal academic training. She noted that Wyoming recently passed legislation and is waiting on the Governor's signature to match the South Carolina regulations.

Mr. Bradham stated state certification is not a mandate. He further stated the law regarding state certification says that if a registered pharmacist is going to supervise up to three individuals assisting him or her filling a prescription then effective July 1, 2006 two of those three technicians must meet some minimum qualification. He noted the third technician does not need to meet any minimum qualifications. He went on to say the state certified technicians have added responsibilities above and beyond the nationally certified technicians.

Ms. Pam Cain stated ASHP is coming from the national level and they keep hearing from states that register pharmacy technicians that a lot of time is being taken up in Board meetings for disciplinary actions. She further stated the national level has seen that those technicians that go through PTCB or state certification are less likely to appear before the Boards.

LUNCH

At 12:50 p.m. the Board recessed for ten minutes to organize lunch and returned to public session at 1:00 p.m.

Return to Public Session

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

Mr. Jim Bracewell, Executive Director of the SC Pharmacy Association, stated he met with the Pharmacy Technician Committee during the March 3, 2006 meeting. He went on to say that the SC Pharmacy Foundation would be happy to work with the Board in an attempt to outsource to review independent programs to see if the programs met the ASHP standards. He continued by saying the Foundation would conduct a survey and then pass the information to the Board for final approval or disapproval. He noted he made a presentation to the Foundation's Board of Directors, which gave permission to proceed with a proposal. He went to say that as of March 13, 2006 he had heard from a chain drug store. He continued by saying that Jim Quackenbush contacted him on the afternoon of Monday, March 13, 2006 and said the SC Chain Drug Stores Association held a conference call meeting and had a strong interest in reviewing this type of program. He said they discussed how they might find out the degree of that interest and set 2:00 p.m., March 30, 2006 as a date the SC Pharmacy Association Foundation would host a meeting of all interested parties. He noted that at time they would discuss in detail commitments from his organization and midland chain drug stores to see if a partnership could be formed. He stated they are still committed to that time; however, it may be more appropriate to meet following the next Pharmacy Technician Committee meeting.

Mr. Hook stated during the March 3, 2006 meeting the committee had examined several options that would be available to the committee to speed the process since it was their understanding it would take twelve to eighteen months to become ASHP accredited. He indicated the information received today indicates that may have been erroneous information. He went on to say the committee checked with USC who suggested contacting Mr. Bracewell, who, in turn, suggested the SC Pharmacy Foundation. He went on to say the Foundation produced a format to review a program and made a presentation to the committee. He noted the Board would the committee would submit a program to the Board for its approval or disapproval. He indicated this may not be necessary based on the ASHP report the Board heard today.

Mr. Hook thanked Mr. Bracewell and the Foundation for their hard work in this matter.

Mr. Bracewell stated he would contact Mr. Quackenbush and place the March 30, 2006 meeting on hold.

Executive Session

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board move into executive session.

Public Session

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

7. Committee Reports

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

This committee had no report.

- Pharmacy Technology Committee – Terry Lewis, R.Ph., David Banks, R.Ph.
- Recovering Professional Program – Davis Hook, R.Ph.

Mr. Hook had no report.

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

Mr. Bradham stated this committee had no report.

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

Mr. Rose stated during the November 2005 meeting they had asked the members of this committee to review the inspection reports and to let Ms. Young or him know of any additions or deletions to the reports. He further stated there has been no response so there are no changes to the reports.

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

Mr. Hook stated the committee has tentatively scheduled a meeting for March 24, 2006 or April 21, 2006.

Walgreen's TechBuilder Program – Jessica Puckett-Beasley

Ms. Puckett-Beasley stated the accreditation was progressing along very well and an on-site survey is scheduled for May 23, 2006.

Mr. Banks stated that during the March 3, 2006 committee meeting the information distributed during the January 2006 Board meeting regarding the technician continuing education audit was discussed. (The March 3, 2006 committee minutes are herewith attached and becomes a permanent part of the record retained at the Board's office.)

MOTION

Mr. Bradham moved that those pharmacy technicians who have falsified their continuing education information must mail in their continuing education and cannot renew their registration online for the next three years. Mr. Banks seconded the motion, which carried unanimously.

SC Pharmacy Association – Jim Bracewell

This committee had no report.

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

Mr. Hook stated the e-prescribing legislation has already been discussed.

Ms. Bundrick stated the bill regarding the PBM has been introduced and referred to committee. She further stated a subcommittee meeting would hold a hearing on this bill within the next two weeks.

Mr. Bradham stated the Medicare Modernization Act mandates that physicians have the e-prescribing in effect no later than 2008 or 2009. He indicated part of the \$700,000,000,000 estimated by the Medicare Modernization Act buys the software and the hardware for the physicians' office and the training if the physicians apply for it in 2006 and 2007, otherwise the physicians must buy the hardware and software and pay for the training.

Mr. Hook stated the methamphetamine bill introduced by Joan Brady is delayed due to the introduction of a similar bill in Congress.

Mr. Rose stated he might know of someone who would sponsor the central fill proposed legislation.

Mr. Hook stated the technician committee had discussed the enforcement of the restrictions of having two state certified technicians if a pharmacist is supervising three technicians. He went on to say the Board could not delay the enforcement but could delay the fines until January 2007. He indicated in this way the inspectors would fulfill the obligation of citing the pharmacists, however, the Board would grandfather the pharmacies to allow them to meet the requirement by January 2007.

Mr. Banks stated in November 2005 the Pharmacy Technician Committee was under the impression there would be some entities approved by ASHP possibly before December or by the end of the year. He further stated the committee delayed reviewing other options because the committee felt there would be that option of having a chain drug store ASHP accredited program

Mr. Bradham suggested the Board members have discussion with staff on this issue to produce a statement at the June 2006 meeting.

Mr. Bradham stated a Senator has introduced a bill in regard to wholesale verification and is tied into immunization authority for pharmacists. He further stated it was taken as stand alone legislation when there is wholesale verification process through NABP.

Ms. Bundrick presented the members with Bill H4277 and an email from Darrell Campbell in regard to the wholesale verification legislation. She stated they are willing to work with the

Board and not proceed with the legislation if the Board responded with their concerns and suggested changes. She went on to say she informed Mr. Campbell the Board was reviewing the NABP Model.

Mr. Bradham stated this is a popular issue especially with drug importation. He indicated several companies who manufacture medications for the United States have their manufacturing facility housed in other countries. He went on to say those manufacturers may be manufacturing medications for a major drug company for importation to the United States on certain days of the week; however, on the other days the facility manufactures drugs for importation into Canada or another country, which has different requirements other than the FDA. He said individuals are concerned that medication being taken may be manufactured by a major manufacturer in another country and shipped into the United States may be medication manufactured for another country. He noted it is a controversial issue.

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

Mr. Toole presented the member with the latest trends in medication errors. The noted trends are for the past three years (A copy of this document is herewith attached and becomes a permanent part of the record retained at the Board's office.)

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

Mr. Bradham stated he does not see a report but noted the PBM proposed legislation is in the legislature.

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

The Board was presented with a copy of the brochure regarding the District III meeting.

Ms. Bundrick stated postcards in regard to the meeting were mailed on February 8, 2006. She further stated the members may want to make reservations early, as space is limited. She indicated the Southeastern Pharmacy Association Executive Directors and Boards are meeting at that location and overlaps the first day of the District III meeting. She noted the room rate is not available for Saturday night. She said Mr. Bracewell is looking at the possibility of a joint lunch between District III and the Southeastern Pharmacy Association. She went on to say the committee was scheduled to meet the same day as the technician committee but that meeting is being rescheduled. She indicated the committee would be working on coordinating the continuing education topics.

Ms. Bundrick stated Governor Sanford would be hosting the National Governors Conference in Charleston the same time as the District III. She further stated Governor Sanford has requested the SC Aquarium for an event on Sunday night, which was when the District III had scheduled a function. She indicated Dr. Peter Edwards has coordinated the aquarium for Monday night.

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

Mr. Bradham stated this committee has no report.

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

Mr. Bradham presented the members with a lengthy report. He went on to say all of the information except one piece of information was provided. He indicated that one piece of information would be mailed when it was received. He introduced Carolyn McClain who works with the South Carolina Primary Health Association and David Hayden who also works with the South Carolina Primary Health Association. (The report is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Discussion ensued on the health clinics.

This committee had no report.

- VAWD Committee – Terry Lewis, R.Ph.

This committee had no report.

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

This committee had no report.

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

Mr. Banks stated this committee had not yet met, although he plans for this committee to meet the same day as the Pharmacy Technician Committee.

Request Reinstatement of Pharmacist License – Kermit Randall Todd

MOTION

Mr. Hook moved the Board reinstate Kermit Randall Todd's pharmacy license without restrictions. Mr. Rose seconded the motion, which carried unanimously.

Request Reinstatement of Pharmacist License – Marvin Gilbert

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board reinstate Mr. Marvin Gilbert's license contingent upon passing NAPLEX, the pharmacy law exam, completing 60 hours of ACPE approved continuing education, and 1,000 hours of internship and upon completion would have a five year probation, and would not be able to be a PIC or permit holder during that time.

Request Approval of Certified Pharmacy Technician Application – Anya Little

MOTION

Dr. Richardson moved the Board allow Ms. Little have her state certification when she submits the necessary documentation. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Registered Pharmacy Technician Application – John Allen

MOTION

Mr. Banks moved the Board grant Mr. Allen the ability to practice as a pharmacy technician. The motion was seconded by Mr. Hook and carried unanimously.

Request Approval of Registered Pharmacy Technician Application – Marika Franklin

MOTION

Mr. Toole made a motion the Board approve Ms. Franklin's request. Mr. Rose seconded the motion, which carried

Request for Approval of Reciprocity Application – Richard Manuel, R.Ph.

MOTION

Mr. Hook moved the Board grant the reciprocity application with the following restrictions: he be on probation for the next two years, that he not serve as PIC or permit holder and that he send a SLED criminal background check for the next two years. Mr. Banks seconded the motion, which carried unanimously.

*Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application –
AAI Pharma Inc. – Al Cavagnaro*

MOTION

Mr. Toole made a motion the Board approve the application with the stipulation that it meet all federal and state manufacturing regulations. Mr. Banks seconded the motion, which carried unanimously.

*Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application –
PMP Health Services, Inc., Henry Powell*

MOTION

Mr. Banks moved the Board approve the wholesale application with the stipulation that a criminal background check be submitted for the next three years. Mr. Hook seconded the motion, which carried unanimously.

*Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application –
Priority Healthcare Distribution, John Lafreniere*

MOTION

Mr. Rose moved the Board approve the request. Mr. Toole seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Cassie Jefferies

MOTION

Dr. Richardson made a motion, seconded by Mr. Rose and unanimously carried, that the Board allow Ms. Jefferies to register with the Board so she may proceed with her technical college training preceptor training.

Proposed Violations and Fines

Mr. Bradham stated Ms. Young had researched the Board minutes and found the violations from previous cases.

Mr. Bryant stated the technician issue has become a major issue within the United States. He went on to say the citation and hearing panel was placed in motion approximately one year ago. He further stated would like to have an individual in line on April 17, 2006. He noted that the hearing panel could have been handled 37 of the 57 cases the Board approved. He indicated Mr. Hugh Mobley and Mr. “C “Turner are in place as the hearing panel. He has asked Ms. Bundrick and Ms. Young to bring parameters to the Board for its approval. He indicated the Board has this information before them and asked the Board to approve or amend the information.

Mr. Banks requested that the line stating, “If more than one technician involved” multiple the fine by the number of technicians in the violation. He stated the information be placed in the newsletter. He asked that staff ensure it is understood that the multiple is in regard to licenses or registrations.

MOTION

Mr. Rose made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the proposed violations and fines.

8. Discussion Topic

Mr. Rose stated that during the last interviews he has conducted he has been told that those individuals made better grades were told to contact the pharmacy association regarding information on the law exam.

Mr. Bradham stated the applicants were not aware that only 60 of the 90 questions on the NAPLEX exam count. Ms. Bundrick stated that information is provided in the instruction booklet.

Mr. Bradham stated Mr. Bryant had indicated he would address the issue of hotel reimbursement for staff to attend the Board meeting in Hilton Head. Mr. Bryant stated he would figure a way for staff not to pay extra out of pocket expenses.

Public Comments

There were no public comments made during the March 15, 2006 meeting.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Banks moved the meeting be adjourned. The motion was seconded by Mr. Rose and unanimously carried.

The March 15, 2006 meeting adjourned at 4:05 p.m.