

South Carolina Board of Pharmacy Board Meeting

MINUTES

8:30 a.m., September 27-28, 2006
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Wednesday, September 27, 2006

Meeting Called to Order

Marvin Hyatt, R.Ph. chairman of Rock Hill called the regular meeting to order at 8:34 a.m. Other Board members participating in the meeting included: Dock Henry Rose, R.Ph., vice chairman, of Greer; 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; and Allen Toole, R.Ph., of Liberty.

Terry Lewis, R.Ph. of Darlington was granted an excused absence.

Dan Bushardt, R.Ph., of Lake City, member-elect, attended the meeting and sat with the Board members in observance of the meeting. He did not participate in any votes taken by the Board.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Sally Green, Program Assistant; Diana Harder, Administrative Assistant; Linda Moore, R.Ph., Temporary Inspector/Investigator; Clelia Sanders, R.Ph., Pharmacist Inspector; and Sheila Young, R.Ph, Compliance Manager. LLR employees participating during the meeting included: Larry Atkins, Chief Investigator, OIE; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Joe Greene, Administrative Specialist; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Millicent Alexander, Shanna Amersa, Joanne Bouchard, Bill Browder, Kelly Brown, Christy Brueckner, David Bull, Pam Cain, Carmelo Cinqueonce, Debbie Clark, Latecia Rich-Cobb, Cheri Crowley, Lynne Davis, Susan DelMonico, Joe DiPiro, Todd Eddy, Latisha Ford, Steve Greene, Larry Griffin, David Hasley, James Irwin, Douglas Jennings, Lindsey Lathren, Lee Lowimore, Dale Masten, Gay Middleton, Scott Padgett, Thomas Phillips, Shelley Pogue, Ed Pollock, Philip Price, Jim Quackenbush, James Richardson, Eric Ridings, Charles Saunders, Rick Saver, Eric Smith, Frank Sheheen, Donna Shipp, Eric Smith, Carrie Smoak, Anthony Snowden, Robert Spires, Lori Stepp, Bill Stevenson, Lloyd Sutherland, Nicole Voso, Norman West, Ken Whittemore, Jr., and L. J. Woodard.

Mr. Hyatt 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. Bushardt delivered the invocation.

Chairman's Remarks – Marvin Hyatt, Sr. R.Ph.

Mr. Hyatt 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 June 28-29, 2006 Meeting

MOTION

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

2. Approval of Reciprocity Interview Candidates for Licensure

June 19, 2006, July 19, 2006, July 22, 2006, July 31, 2006, August 2, 2006, August 14, 2006, August 23, 2006, August 24, 2006, August 26, 2006, August 28, 2006, August 31, 2006, September 7, 2006

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the reciprocity applicants of June 19, 2006, July 19, 2006, July 22, 2006, July 31, 2006, August 2, 2006, August 14, 2006, August 23, 2006, August 24, 2006, August 26, 2006, August 28, 2006, August 31, 2006, and September 7, 2006.

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

Mrs. Bundrick briefed the Board in regard to staff's activities since the June 2006 Board meeting.

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

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

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

Mrs. Young briefed the Board on the compliance staff's activities since the last meeting.

- Agreement to Relinquish
Case #: 2006-27

Mr. Hanks briefed the Board on this case.

MOTION

Mr. Hook moved the Board accept the Agreement to Relinquish the registration in case #2006-27. Mr. Banks seconded the motion, which carried unanimously.

- Temporary Suspension
Case #: 2005-57
Case #: 2006-27
Case #: 2006-38

Case #: 2006-51

Case #: 2006-52

Case #: 2006-67

The above cases were presented to the Board as information.

IRC Report – September 25, 2006

MOTION

Mr. Hyatt moved to accept the September 25, 2006 IRC Report in regard to the following cases. The motion was seconded by Mr. Rose and unanimously carried.

Case for Dismissal

2006-46

Cases for Dismissal with Letter of Caution

2006-10

2006-56

A. Request for Release from Order – David Hasley

David Hasley admitted to obtaining quantities of Stadol, Xanax, and Valium from Eckerd Drug between January and February 1999. He also admitted he used marijuana and cocaine. An arrest warrant was issued against Mr. Hasley on September 28, 1999. He enrolled with RPP on January 4, 2001. His license was reinstated in March 2001. In a letter dated July 28, 2006 Mr. Hasley is seeking the Board's approval of releasing him from his contracts with the Recovering Professionals Program (SCRPP) and SCRIPT and the Board's order.

David Hasley and Paulette Bentley of RPP were sworn to give correct testimony before the Board at this time.

Mr. Hasley gave the Board a brief background on what he has been doing since the March 2001 Board order reinstating his license and enrolling in RPP. He noted he is currently licensed in Georgia as well as in South Carolina.

Mrs. Bentley spoke in favor of Mr. Hasley being released from his order.

Mr. Bradham informed Mr. Hasley the Board would take his testimony into consideration and would render a decision in the matter later in the meeting.

B. Request for Release from Order – Norman West

Norman James West admitted to obtaining quantities of hydrocodone between May 2000 and January 2001. He enrolled with RPP and voluntarily surrendered his license on February 12, 2001. An arrest warrant was issued on February 14, 2001. His license was reinstated in September 2001. In a letter dated July 27, 2006 Mr. West is asking the Board to release him from the order.

Mr. Norman West was sworn to give correct testimony at this time. Mrs. Paulette Bentley of RPP remained under oath from an earlier appearance.

Mr. West briefed the Board regarding his activities since the September 2001 Board order reinstating his license and enrolling in RPP.

Mrs. Bentley noted Mr. West enrolled in RPP in February 2001 and he has been in compliance during his contract.

Mr. Bradham informed Mr. West the Board would take his testimony into consideration and would render a decision in the matter later in the meeting.

C. Request for Release from Order – Lloyd Sutherland

In August 2000 Mr. Lloyd M. Sutherland admitted to obtaining quantities of hydrocodone, oxycontin and diet pills. An arrest warrant was issued against Mr. Sutherland on August 9, 2000. He enrolled with RPP on August 18, 2000. His license was reinstated on January 24, 2002 and the order was modified on July 16, 2003 to allow him to be PIC. In a letter dated August 10, 2006 Mr. Sutherland is asking the Board to release him from the Board's order.

Mr. Lloyd Sutherland was sworn to give correct testimony before the Board. Mrs. Paulette Bentley of RPP remained under oath from an earlier appearance.

Mr. Sutherland briefed the Board on his activities since the Board reinstated his license in January 2002.

Mrs. Bentley noted Mr. Sutherland enrolled in RPP in August 2000. She went on to say RPP is in favor of releasing Mr. Sutherland from his contract.

Mr. Hanks stated Mr. Sutherland's petition would be for the Board to release him early from the Order of January 24, 2002.

Mr. Bradham informed Mr. Sutherland the Board would take his testimony into consideration and would render a decision in the matter later in the meeting.

D. Request for Release from Order – David Bull

On October 8, 1999 Mr. David W. Bull admitted to obtaining quantities of Adderall. He voluntarily surrendered his license on October 13, 1999. An arrest warrant was issued against Mr. Bull on November 17, 1999. He entered a Stipulation and Petition Agreement on February 7, 2000. A second arrest warrant for a relapse was issued on February 29, 2000. He failed to comply with the Stipulation and Petition and an Order of Suspension was issued on March 3, 2000. He enrolled in RPP on March 1, 2000. He tested positive during routine urine drug screenings on November 14, 2003 and March 22, 2005. In a letter dated April 28, 2006 Mr. Bull is asking the Board to release him from the Board's order and RPP.

Mr. David Bull and Mrs. Leticia Cobb-Rich of RPP were sworn to give correct testimony before the Board. Mr. Bull briefed the Board on his addiction and the subsequent actions.

Mrs. Cobb-Rich spoke in favor of releasing Mr. Bull from the Board's order.

Mr. Bradham informed Mr. Bull the Board would take his testimony into consideration and would render a decision in the matter later in the meeting.

E. Request for Reinstatement – Richard Saver

Mr. Richard L. Saver's license was originally placed on probation on June 30, 1988. The probation was removed in 1993. Mr. Saver admitted to unlawfully obtaining Promethazine, Butalbital/Aspirin, Hydrocodone/Apap, Hydrocodone Bitartrate/Apap, Diazepam, Yohimbine and

Viagra between January 2002 and June 2002. An arrest warrant was issued against Mr. Saver on June 4, 2002 after he was observed stopped by the road and appeared disoriented. He surrendered his license on May 31, 1993. The license was reinstated on January 22, 2004. He tested positive for alcohol on December 29, 1995 and again on March 2, 2006. He returned to Bradford Health Services in Alabama for treatment. An order of suspension was issued on April 11, 2006. In a letter dated August 30, 2006 Mr. Saver is asking the Board to reinstate his license.

Mr. Richard Saver and Mr. Larry Griffin of RPP were sworn to give correct testimony before the Board. Mr. Saver briefed the Board on what he has been doing since he surrendered his license.

Mr. Larry Griffin stated Mr. Saver switched addiction from Hydrocodone to alcohol and was admitted to the Bradford Health Services on March 5, 2006, where he underwent a three-month inpatient treatment plan.

Mr. Hanks stated Mr. Saver had an issue with Eckerd in 2002 which was brought before the Board in 2004. He went on to say at that time the Board placed Mr. Saver in a five-year contract with RPP that will end in 2009. He went on to say that the Board is reviewing a 2004 Board order and a relapse that occurred in April 2006.

Mr. Bradham informed Mr. Saver the Board would take his testimony into consideration and would render a decision in the matter later in the meeting.

Executive Session

MOTION

Mr. Banks moved the Board enter executive session. Mr. Rose seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

Mr. Bradham noted for the record that no motions were offered or made during executive session.

5. Old Business

F. Donations of Prescription Drugs

Mrs. Young stated staff emailed the other State Boards of Pharmacy in regard to donations of prescription drugs. She further stated most of the states are developing a drug repository that is being done strictly on a volunteer basis by the pharmacists. She went on to say the medications are kept at one location and the free medical clinics are allowed to call to see if medication is available for a patient or if they could use the medication. She said most of the states are not allowing the drugs to go anywhere other than the free medical clinics or maybe the health departments. She continued by saying an invoice is completed containing all information including but not limited to the original patient's name, prescription number and expiration date. Some states, very few, have written extensive regulations where pharmacies can donate the drugs to the free medical clinics themselves without going through the

repository. She noted the medications are not out-of-date and such medications are not allowed. She said the donated medications are single-use dosages only.

Mr. Hyatt stated if the skilled facilities discharge a patient South Carolina states the patient cannot take the medication when he or she is discharged.

MOTION

Mr. Hyatt moved the Board develop a policy and procedure condoning the use of in-date medications to be donated to a non-profit or free medical clinic type operation to be presented at a future Board meeting. Mr. Hook seconded the motion, which carried unanimously.

G. Board Member Website

Mrs. Dickert briefed the Board on the updated Board member website.

H. CVS Instructional Design Team – Update on ASHP Accreditation – Jan Irwin

Ms. Jan Irwin and Ms. Susan Delmonico of CVS appeared before the Board at this time.

Ms. Irwin stated she is the pharmacy training manager for CVS. She went on to say CVS had developed a fairly structured standardized technician training program, although it was geared for retail. She further stated CVS drafted a proposal and met with the ASHP corporate office in Rhode Island on July 20, 2006. She said CVS received a good response from ASHP. She further stated the company has agreed on general time frames on how CVS would proceed. She noted CVS is looking to build what they need to build to meet the educational and administrative requirements. She said the company would probably pilot what they are developing in Greenville. She went on to say ASHP has tentatively agreed to an accreditation site visit in February 2007.

Discussion on this matter ensued. It was noted during the discussion that CVS has 6200 stores in 42 states. CVS is currently building an approximate 40-hour program in addition to their normal training program.

Ms. Irwin stated ASHP requires that full programs be rolled out nationwide and that the program cannot be rolled out geographically.

Mr. Hook stated during a discussion on telepharmacy he thought ASHP indicated there would be a possibility of accreditation in one state since they accredited Midlands Technical College. Mrs. Bundrick stated with three levels of technicians in CVS and the highest level being state certified in South Carolina only was what she understood. Ms. DelMonico stated CVS did not have that understanding from ASHP.

Mr. Dale Masten of the National Association of Chain Drug Stores stated he had spoken with Janet Teeters of ASHP. He further stated Ms. Teeters said there is a difference between accrediting just the South Carolina technicians and what the cost would be. He said once the initial program is developed if CVS chooses just to accredit the South Carolina technicians and incur just that cost they are able to do that, however, ASHP would charge them to set the program up for all 6200 stores.

Mr. Bradham stated he thinks those pharmacists who are Board members and those pharmacists who are ASHP members could assist in facilitating a meeting of the minds on this

issue which may assist in addressing that particular concern. He said that another chain drug store has recently received full accreditation from ASHP.

Mrs. Bundrick stated a student gathered information from the renewals and applications from CVS with the actual listed technicians and technicians who renewed in June 2006. She said the student took a random sampling of some of the high volume stores and based on what CVS submitted it looks as though CVS would need 0.4 more state certified pharmacy technicians to meet the requirements of the 3:1 ratio. She went on to say the inspectors have not found violations in the 3:1 ratio during routine inspections.

Mr. Robert Spires stated he has spoken with ASHP on several occasions involving this issue. He said that Walgreens determined it would seek nationwide accreditation, whereas, CVS took a different approach and determined it wanted to accredit only South Carolina. He believes ASHP was accommodating to them in allowing the company to develop a second level program that only applies to South Carolina. He noted ASHP accredits programs so once they accredit a program it would be nationally accredited program, but CVS would only use the 40-hour program in South Carolina.

6. New Business

I. South Carolina College of Pharmacy Update – Joe DiPiro

Joe DiPiro, Dean of the South Carolina College of Pharmacy, appeared before the Board at this time.

Mr. DiPiro briefed the Board members on the school's activities and the accreditation process.

During discussion with the Board Mr. DiPiro noted that a pharmacy college in the upstate could happen in approximately five to seven years.

J. Technician Reciprocal Agreements and CE Hours – Lori Stepp, PhT.

In a letter dated August 14, 2006 Ms. Lori Stepp of the Greenville Technical College Pharmacy Technician Program stated she wished to discuss 1) technician reciprocal agreements between states and 2) education clinical hours counting toward certification hours work with the Board.

Lori Stepp, PhT. appeared before the Board at this time.

Mrs. Stepp stated Greenville College is developing a night class that would go into effect in 2007 and the college is researching on-line classes as well. She went on to say her students obtain approximately 310 clinical hours during school. She is asking the Board to consider allowing these hours to count toward the 1,000 hours of internship. She verifies all clinical hours as well as the student's preceptor. She noted pharmacy technicians are not currently able to count their clinical hours toward the internship.

Mrs. Bundrick stated the clinical hours are ASHP approved clinical hours. She understands Mrs. Stepp is asking that the hours be counted twice, as part of the ASHP approved class hours and as intern hours. Mrs. Stepp stated this was correct.

Mr. Bradham asked Mrs. Stepp to research how many hours of exposure every program has before the Board could make a determination in this matter.

Mrs. Stepp stated individuals are coming in from other states to work as pharmacy technicians in South Carolina. She went on to saying these individuals are remaining registered technicians. She further stated her advisory committee has asked her to approach the Board about reciprocal issues and provided the members with proposed guidelines for a reciprocal agreement.

Mr. Bradham stated these two items would be referred to the Pharmacy Technician Committee. Mr. Banks asked that Mrs. Stepp be included as a member of this committee.

K. Request Approval of Certified Technician Application – Kelly Brown, PhT

In a letter to the Board received on August 10, 2006 Kelly Brown states she is currently nationally certified and waiting for authorization to become state certified. Her certification information did not make the December 2004 deadline, although she mailed the necessary information in June 2004. She completed all required tasks to meet Board standards prior to the December 2004 deadline.

Kelly Brown, PhT appeared before the board at this time.

Ms. Brown stated she is currently employed with Mobley Drug Store in Lancaster. She further stated she learned just this past year the Board did not receive her Affidavit of Experience or documentation regarding her national certification. She went on to say she went out on maternity leave in June 2004 and returned to work in September 2004. She said she was nationally certified, however, she was not state certified. She stated her job would depend on the Board's decision. She noted she is currently unable to attend the state certification program, as she must work full time to support her child.

Mr. Bradham informed Ms. Brown the Board would take her testimony into consideration and would render a decision in the matter later in the meeting.

L. Request Approval of Reciprocity Application – Joanne Bouchard

Joanne K. Bouchard submitted a reciprocity pharmacist license application dated May 10, 2006. She is currently licensed as a pharmacist in Rhode Island. Ms. Bouchard answered yes to the question asking, "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" Information from NABP revealed disciplinary action was taken against Ms. Bouchard by the Rhode Island Board of Pharmacy on March 1, 1996. A letter of reprimand was issued against Ms. Bouchard stemming from a consumer complaint regarding a misleading set of directions on a prescription label.

Joanne Bouchard appeared before the Board at this time to answer questions from the members. She stated she has been a licensed pharmacist for 24 years. She explained the pharmacy procedure at the time the letter of reprimand was issued. She said the medication was correct; however, the label contained a wrong listing of the medication. She went on to say she was the registrant at that time; however, all pharmacists within the pharmacy had equal duty and that all of the pharmacists within that pharmacy received a letter of reprimand. She said the procedure has since been changed.

Mr. Bradham informed Ms. Bouchard the Board would take her testimony under advisement and would render a decision later in the meeting.

M. Request Approval of Reciprocity Application – Todd Eddy

On April 21, 2006 the Board received a reciprocity license application from Todd Eddy. Mr. Eddy currently holds a pharmacist's license in the State of Colorado. Mr. Eddy answered yes to the question asking, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" On August 6, 1999 Mr. Eddy received a minor in possession of alcohol ticket in August 2001. He noted that in Michigan a minor in possession of alcohol is a misdemeanor.

Todd Eddy appeared before the Board at this time to answer questions from the members.

Mr. Bradham informed Mr. Eddy the Board would take his testimony under advisement and would render a decision later in the meeting.

N. Request Approval of Reciprocity Application – Philip Price

On June 30, 2006 the Board received a reciprocity pharmacist license application from Philip Price who is currently licensed in the State of Maryland. Mr. Price answered yes to the question asking, "Are you presently or have you within the past five years participated in a chemical substance rehabilitation program?" Mr. Price suffered a severe ankle injury in July 2004, which was initially misdiagnosed. He took large amounts of opiate pain medication and subsequently became addicted. He realized his addiction and voluntarily contacted the appropriate Board-approved program for assistance with the addiction. He has successfully completed inpatient and outpatient treatment and continues to undergo regular drug screens.

Philip Price appeared before the Board at this time and briefed the Board on the circumstances of his licensure and to answer questions from the members. He stated he has received a promotion and has moved to South Carolina. He went on to say since moving to South Carolina he has signed a five-year contract with RPP. He noted the Maryland addiction assistance program, Pharmacy Education Assistance Committee (PEAC), only requires a three-year contract.

Mr. Bradham informed Mr. Price that the Board would take his testimony under advisement and would render a decision later in the meeting.

O. Request Approval of Reciprocity Application – Douglas Jennings

On July 30, 2006 the Board received a reciprocity pharmacist licensure application from Douglas Jennings. He is currently licensed as a pharmacist in Michigan. Mr. Jennings answered yes to the question asking, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" He was convicted of a misdemeanor for open intoxicant. He was spotted by police drinking an alcoholic beverage on a friend's porch and was arrested for having an open container in a public place. He pled guilty and had the misdemeanor expunged on the same day by the same judge.

Douglas Jennings appeared before the Board at this time to answer questions from the members. Mr. Jennings stated he was arrested in 2002 for an open intoxicant in a public place. He noted he was 21 years old at the time.

Mr. Bradham informed Mr. Jennings the Board would take his testimony under advisement and would render a decision on this matter later in the meeting.

P. Request Approval of Reciprocity Application – James Richardson

On October 4, 2006 the Board received a reciprocity pharmacist license application from James Richardson. He is currently licensed by the Arkansas Board of Pharmacy. According to a questionnaire completed by Charles S. Campbell of the Arkansas Board of Pharmacy on February 6, 2004, Mr. Richardson voluntarily agreed not to practice pharmacy and participate in a program under the direction of the Arkansas Pharmacy Board in 1983. He noted Mr. Richardson is currently serving on the executive committee of the support board. Mr. Campbell also stated that Mr. Richardson, from all indications is in complete recovery at this time.

Mr. James Richardson appeared before the Board at this time to explain the circumstances of disciplinary action taken by the Arkansas Board of Pharmacy. Mr. Richardson stated he is now employed with Trinity Healthcare in Florence.

Mr. Bradham informed Mr. Richardson that the Board would take his testimony under advisement and would render a decision later in the meeting.

Q. Request Approval of Renewal Application – Bill Browder

The Board is in receipt of Bill Browder's pharmacist licensure renewal application dated April 27, 2006. Mr. Browder answered yes to the question asking, "Since you last registered with this Board, have you been arrested, charged, indicted or convicted of violation of any Federal, State, or Local Law?" Mr. Browder's explanation states that on February 9, 2006 he was charged with distributing #2 generic Xanax to a patient without having a physician's authorization. As of April 11, 2006 he has applied through the solicitor's office for pre-trial intervention.

Mr. Bill Browder appeared before the Board at this time. He said he knew the patient, his father and grandparents. He explained to the individual that he could not refill a prescription of a deceased individual. He stated he made no mention of this to the Eckerd loss prevention. He further stated he was asked to sign a security agreement with the company and to not speak of the incident. He went on to say he has completed the pre-trial intervention program. He noted Alicia Hall, his pre-trial intervention case worker, informed him the charges are scheduled to be dropped the second week in October 2006 and his record is scheduled to be expunged in November 2006.

Mr. Bradham informed Mr. Browder the Board would take his testimony under advisement and would render a decision later in the meeting.

R. Request Approval to Waive FPGEC Requirements – Eric Smith

Eric Smith earned a Bachelor of Pharmacy Degree (with distinction) from Rhodes University in South Africa in 1983 followed by a 12-month internship prior to becoming fully licensed. He then earned a Doctor of Philosophy Degree in the field of transdermal drug delivery and dermatopharmaceutics and a post-doctoral fellowship in the Department of Dermatology at the University of California – San Francisco. He was appointed as a tenured faculty member at the Rhodes University School of Pharmacy and was promoted to Senior Lecturer. He served as Acting Head of the division of Pharmaceutics for the last year of his tenure in South Africa.

In 1998 Mr. Smith relocated to the United States and joined the faculty as an Associate Professor of Pharmaceutics at Ohio Northern University. He also developed courses for the

school's curriculum and a continuing education course. He transferred to the USC School of Pharmacy in 2002 where he has been teaching as an Associate Professor.

In 2006 he and his wife purchased the Blythewood Pharmacy West. His intention is to continue the specialized closed-door pharmacy service to clients with special needs and disabilities that the former owner built up over the years.

In a letter to the Board dated August 25, 2006 Mr. Smith is seeking the Board's approval of a waiver of the Foreign Pharmacy Graduate Equivalency Commission (FPGEC) requirements and to allow him to begin as a pharmacy intern. Mr. Smith included curriculum vitae, a copy of his current South African Pharmacist License, and a copy of Professional Transcripts from Rhodes University, South Africa with his letter.

Eric Smith appeared before the Board at this time to discuss his request. He stated his wife went through the FPGEC process in Ohio.

Mr. Bradham informed Mr. Smith that the Board would take his testimony under advisement and would render a decision later in the meeting.

S. Request Approval of Intern Hours – Nicole Voso

In 2005 Nicole Voso worked at Hawthorne Pharmacy. On May 8, 2006 the Board received a letter from Nicole Voso stating she had received a letter notifying her she had not mailed the board the Notification of Employment in regard to her employment with Hawthorne Pharmacy. In her letter Ms. Voso states thought she had mailed the Notification of Employment for Hawthorne Pharmacy. She included a copy of a Notification of Employment with Hawthorne Pharmacy with her letter. On August 31, 2006 the Board received a letter from Ms. Voso asking to petition the Board for credit for the 150 hours she worked at Hawthorne Pharmacy in 2005.

Nicole Voso appeared before the Board at this time. She stated she began working with Hawthorne Pharmacy on August 8, 2005 and began school later in that month. She noted she mailed the Notification of Employment form; however, the Board did not receive the form.

Mr. Bradham informed Ms. Voso that the board would take her testimony under advisement and would render a decision later in the meeting.

Mr. Hook recused himself from participating and voting in this matter as he is an employee of Hawthorne Pharmacy.

T. Request to Discuss Electronic Prescribing – SureScripts, Ken Whittemore, Jr., R.Ph. and Paul Uhrig, Esquire

On August 23, 2006 the Board received a letter from Ken Whittemore, Jr., stating in 2005 SureScripts appeared before the Board's Technology Committee requesting that digital prescriptions be allowed in South Carolina. He further stated following the meeting SureScripts received a letter from Mrs. Bundrick stating this type of transfer was illegal in South Carolina.

Ken Whittemore, R.Ph. appeared before the Board at this time. He stated the bill regarding electronic prescribing was not introduced in 2004 and another bill introduced in 2006 did not move out of committee. He further stated because they had not made progress through the legislative process SureScripts is asking the Board to reconsider their position. He went on to say there are currently 40 independent pharmacies and 400 chain pharmacies that are supporting their organization.

Mr. Bradham stated he believes the order went from SureScripts to an intermediary where it was coded so no alterations could be made and from there went to the pharmacy. He went on to say if he remembers correctly that a concern the Board had was that the prescription did not go straight from the physician to the pharmacy. Mr. Whitmoore stated electronic prescriptions are created in a physician's practice which is forwarded to SureScripts through the technology company used by the physician's office and SureScripts ensures the prescription is formatted in accordance with the nationally recognized format. He noted the prescription is then directed to the corporate office of the chain drug store the patient has chosen or to the pharmacy technology company that has provided their technology.

Mr. Bradham stated the South Carolina Pharmacy Practice Act states that a prescription pad shall have two lines, with the line on the left stating "dispense as written" and the line on the right stating "substitution permitted". He asked Mr. Whitmoore if anywhere in that process those lines could be flipped. Mr. Whitmoore replied negatively. He went on to say there is a "product selection code" in the transmission process which requires affirmative action with the field so that the information is conveyed in the field when the transmission is received at the pharmacy the prescription will say "drug product selection allowed" or "selection allowed".

Mr. Banks asked if it would be possible for the Board to offer a pilot project in this matter.

Mr. Hook stated the evidence is clear that it's a safety factor that the Board is concerned with and if the Board could decrease medication error it needs to be done.

Mr. Bradham informed Mr. Whitmoore that the Board would take his testimony under advisement and would render a decision later in the meeting.

U. Technician Requirements – Oconee Memorial Hospital, Bill Stevenson, Director of Pharmacy Services

On June 23, 2006 the Board received a letter from Bill Stevenson of Oconee Memorial Hospital in regard to the technician registration and licensure.

Mr. Bill Stevenson appeared before the Board at this time. Mr. Stevenson stated he does not expect a resolution on this matter today; however, he would be happy to work with Mr. Banks on the Pharmacy Technician Committee. He noted the differences between the technician requirements between the Board and PTCB. He further stated he has a technician who has had some problems this year and if that individual had registered on line the Board would not have known about the problems. He believes there is a problem with the online renewal not requiring the PIC to sign the form.

Mr. Stevenson stated problems with the technicians include: 1) too much confusion among pharmacists and technicians; 2) two separate fees; 3) different requirements for each organization; 4) inconsistent education requirements and 5) too much confusion between state certified, nationally certified, and non-certified technicians.

Mr. Stevenson is proposing: 1) still require certified technicians take PTCB exam initially; 2) all remaining registrations would be through the Board; 3) utilize ACPE education requirements specified by the Board; continue to require formal academic training program approved by ASHSP; and PTCB annual renewal not required after initial registration.

Mr. Bradham asked Mr. Stevenson if he is advocating that every technician be PTCB certified. Mr. Stevenson replied negatively.

V. DEA Issues – Cheri Crowley

Mrs. Cheri Crowley appeared before the Board at this time. Mrs. Crowley stated she had been asked to appear before the Board to see if the Board had questions for her. She went on to say if the Board did not have questions she could discuss is the Internet pharmacy issue. She further stated a search warrant against a possible Internet pharmacy was issued on September 26, 2006. She noted it was probably the third Internet pharmacy case in eighteen months. She went on to say two physicians within South Carolina have been participating and approving prescriptions without seeing the patients and three pharmacies within the state that have filled prescriptions that were from Internet pharmacy prescriptions.

Discussion on Internet pharmacies ensued. Mrs. Crowley noted that the Internet pharmacies are now accepting electronic checks as a form of payment since the major credit card companies are working with DEA.

Recess

The Board recessed at 1:25 p.m. and returned to public session at 1:42 p.m.

Return to Public Session

W. SCPHA Medication Therapy Management Taskforce Representative

In a letter dated September 1, 2006 the SC Pharmacy Association states it has formed a multidisciplinary task force of pharmacists. The task force will address the Medication Therapy Management Program (MTMP) section of Medicare Part D. The association is inviting a representative of the Board join the task force.

Mrs. Bundrick stated she has noted in her report that she met with the task force on September 14, 2006.

Mr. Bradham stated Mr. Hyatt would appoint a Board representative to attend these meetings.

Mr. Banks nominated Mr. Hook to be the Board's representative for this task force. The nomination was seconded by Mr. Toole and unanimously carried.

X. Request to change January 2007 Board Meeting Dates from January 17-18, 2007 to January 24-25, 2007 - Lee Ann F. Bundrick, R.Ph.

Mr. Bradham stated the January 17-18, 2007 Board meeting dates conflict with a NABP event.

Mrs. Bundrick stated she would be reviewing the law exam questions on January 17-18, 2007.

MOTION

Mr. Rose moved the Board change the January 2007 meeting to January 24-25, 2007. Mr. Banks seconded the motion, which carried unanimously.

Y. Delegate for NABP 2006 Fall Educational Conference

Mr. Bradham stated this process is usually done by member seniority. Mr. Hook and Mr. Bradham plan to attend this meeting.

Z. Discussion on Proviso 8.46 - SC Primary Health Care Association – Lathren Woodward

On September 13, 2006 the Board received a letter from Lathren Woodard, Executive Director of the SC Primary Health Care Association asking to meet with the Board to discuss Proviso 8.46, which was enacted during the last legislative session. She would like to discuss specific concerns and language that would continue to allow the centers the ability to fulfill their mission and meet the needs of their patients.

Lathren Woodward, Carolyn Emmanuel McClain and Ed Pollock appeared before the Board at this time. Mr. Pollock stated there 19 federally qualified centers within the State. He went on to say the centers' concerns include rules in regard to dispensing, the method by which prescription drugs are dispensed by a pharmacist but the patient lives a good distance away and having the medication delivered by a courier. He hopes some mechanism can be put in place.

Mr. Bradham stated the Board had set a means to work through these issues and proviso 8.46 had hit Board blindsided. He went on to say the Board did not appreciate having the proviso move through the state legislature when the Board was attempting to work with the clinics

Mrs. Woodward stated the clinics panicked and when the Board informed the clinics they were out of compliance they are used to repairing the problem. She noted the clinics do not want to jeopardize the federal money coming in. She noted the clinics became confused with the Board and the association in terms of working with them. She went on to say the clinics wanted to be covered while mending the problems. She went on to say Ms. McClain is a consultant with the clinics to work with the pharmacy aspects.

Mr. Bradham stated during the March 2006 Board meeting the members asked the federally qualified clinics research telepharmacy in regard to the satellite facilities; however, the Board has not received information regarding this possibility. Mrs. Woodward replied that most of the clinics could not afford telepharmacy.

AA. Discussion on Board Newsletters – Bobby Bradham, R.Ph.

Mr. Bradham stated he believes the Board's interpretation of the statute requires hard copies of statutes, regulations, DEA laws and Board newsletters.

MOTION

Mr. Bradham moved the Board draft a policy allowing pharmacies to access the availability of all of these documents electronically on the pharmacy software that it be acceptable to the Board's inspectors. Mr. Banks seconded the motion. During discussion on the motion, Mr. Bradham noted he did not want to change the way the newsletters are mailed. The motion carried unanimously.

7. New Business (Continued)

BB. Request Approval of State Certified Pharmacy Technician Application – Latisha Ford, PhT

In a letter to the Board dated September 4, 2006 and received on September 7, 2006 Latisha Ford states she is employed with Georgetown Memorial Hospital and she is requesting the Board grant her state certification.

Latisha Ford appeared before the Board at this time. Ms. Ford stated she was nationally certified in November 2002 and she believed she was state certified. She was not aware that she had to submit her hours to the Board to be grandfathered as a state certified technician.

Mr. Bradham informed Ms. Ford that the Board would take her testimony under advisement and would act upon her request later in the meeting.

CC. Request Approval of State Certified Pharmacy Technician Application – Debbie Clark

On August 4, 2006 the Department of LLR received a letter from Governor Sanford with an email from Debbie Clark asking for the Governor's assistance with becoming state certified. Governor Sanford asked for the agency's assistance in this matter. In a letter to Ms. Clark dated August 11, 2006 Mrs. Lee Ann Bundrick replied to Ms. Clark's email regarding the grandfathering of state certified technicians.

Debbie Clark appeared before the Board at this time. She stated she works in a small pharmacy in which the technicians keep each other informed of changes. She noted all of the technicians received the 2004 technician renewal forms; however, the Affidavit of Experience was not included with the renewal forms. She went on to say all of the technicians mailed the renewals in and three of renewal forms were returned to the technicians and the Affidavit of Experience was included with the returned forms. Out of seven technicians, four did not receive the Affidavit of Experience. She stated at that time each technician mailed the renewal forms individually; however, all of the renewals are now mailed together. The Board informed Ms. Clark that the Affidavit of Experience was not mailed with the renewal notices. She is asking that she and the other three be grandfathered as state certified technicians.

Mr. Bradham informed Ms. Clark that the Board would take her testimony under advisement and would act upon her request later in the meeting.

DD. Request Approval of State Certified Pharmacy Technician Application - Shelley Pogue, PhT

In a letter received by the Board on August 22, 2006 Shelley Pogue states she has learned she is nationally certified but not state certified. She feels that the technician who mailed the renewal forms to staff had been misinformed by staff later when she was told that the correct registration would be mailed the next year. Ms. Pogue has been a pharmacy technician since 1995.

Shelly Pogue appeared before the Board at this time. Ms. Pogue stated she did not receive additional information regarding state certification with her renewal application. She noted she passed the national certification exam in 2003. She further stated she has 11 years of experience and works as a pharmacy technician in two states.

Mr. Bradham informed Ms. Pogue that the Board would take her testimony under advisement and the Board would act upon her request later in the meeting.

EE. Request Approval of State Certified Pharmacy Technician Application – J. Crouse, PhT

Ms. Harder stated Jamie Crouse was not scheduled to appear at this meeting. She further stated the letter to Governor Sanford was in response to an email sent to him from Mr. Crouse. She noted this documentation was presented for the Board's information only.

FF. Request Approval of State Certified Pharmacy Technician Application - Charles Saunders, PhT

In an email to the Board's staff dated September 8, 2006 Charles R. Saunders requested to appear before the Board to clarify the status of his pharmacy technician registration. Mr. Saunders' email states he met the requirements for state certification prior to January 1, 2005, however, the Board's records indicate he is a registered pharmacy technician. Mr. Saunders sent a letter to Representative Miller on August 28, 2006 regarding his state certification.

Charles Saunders appeared before the Board at this time. Mr. Saunders stated his matter was similar to those who had appeared earlier. He further stated there has been confusion among the technicians as to what documentation was needed for proof to become state certified. He continued by saying he mailed the completed and signed the Affidavit of Experience in 2002. He said he is seeking the Board's approval to be grandfathered as a state certified technician.

Mr. Bradham informed Mr. Saunders that the Board would take his testimony under advisement and would be acting upon his request later in the meeting.

GG. Request Approval of Pharmacy Technician Application – Donna Shipp

On June 1, 2006 the Board received a pharmacy technician renewal application from Donna Shipp. During the renewal process the Board's staff could not renew Ms. Shipp's registration due to a consent agreement with the SC Board of Nursing dated February 26, 1998. The consent agreement states that Ms. Shipp's practical nursing license would be placed in inactive status and upon such time Ms. Shipp wished to reactivate her license she would have to appear before the full Board with sufficient documentation that she was physically and mentally competent to return to the practice of nursing.

Donna Shipp appeared before the Board at this time. Ms. Shipp stated she has been a pharmacy technician since October 9, 2002. She further stated she worked with Wal-Mart until June 2006 when she quit work to be a full-time mother. She went on to say she received a letter from staff on June 26, 2006 regarding her application. She continued by saying she has received expungement orders from Spartanburg and that she successfully completed the pre-trial intervention program in 1997. She also said she answered no to the question asking, "Since you last registered with the Board, have you been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?" because she was not convicted of any crime.

Mrs. Bundrick stated the Office of General Counsel would not allow staff to renew Ms. Shipp's registration because of the consent agreement. She reminded the members that staff now uses a centralized database, which is how staff became aware of the consent agreement.

Mr. Bradham informed Ms. Shipp that the Board would take her testimony under advisement and would act upon her request later in the meeting.

HH. Request Approval of Pharmacy Technician Application – John Shupe

On March 21, 2006 the Board received a pharmacy technician registration application from John Shupe. Staff was unable to approve Mr. Shupe's application due to a Stipulation and Petition

Mr. Shupe signed with the SC Board of Nursing on November 21, 1996 and adopted by the Board of Nursing on January 30, 1997.

Mr. Shupe did not appear at this meeting. The Board deferred action on Mr. Shupe's application until such time that he appears before the Board.

II. Request Approval of Pharmacy Technician Application – Millicent Alexander

On August 16, 2006 the Board received a pharmacy technician registration application from Millicent Alexander. Ms. Alexander answered yes to the question asking, "Have you ever 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 an explanation Ms. Alexander states she was convicted of simple assault in March 2005 when she got into an altercation with her cousin.

Millicent Alexander appeared before the Board at this time. She stated she was charged with assault and battery approximately one year ago after a confrontation with a relative. She further stated this is her first job in six years, as she had a kidney transplant in 1999. She noted the judge ordered her to pay a reduced fine and that she was not ordered to pay a fine. She went on to say she went on to the SLED website to view the criminal records check and found she was not charged; however, the Kershaw County record indicates she was charged. She stated the judge ordered her to stay away from the relative and she feels this was a wise decision at this time.

Mr. Bradham informed Ms. Alexander that the Board would take her testimony under advisement and would act upon her request later in the meeting.

JJ. Request Approval of Pharmacy Technician Application – Anthony Snowden

On May 11, 2005 the Board received a letter from Anthony Snowden requesting an appearance before the Board to appeal a decision. Mr. Snowden's letter indicates he was being assessed a \$25 fine for falsifying his renewal application. The letter goes on to say Mr. Snowden did not receive the initial notification that he was being audited nor did his employer receive documentation that he was being audited.

Anthony Snowden appeared before the Board at this time. Mr. Snowden stated he is appearing before the Board as a result of falsification. He further stated he first received information from the Board in December 2005. He went on to say neither he nor his employer received any documentation from staff regarding an audit. He noted he has lived at the same address for three years.

Ms. Harder stated he provided the continuing education documentation on May 1, 2006. She noted according to the March 2006 meeting he would be required to pay a \$25 fine and be placed on probation for three years.

Mr. Hyatt stated the Board would take Mr. Snowden's remarks as information at this time.

KK. Request Reinstatement of Registration without Live Continuing Education – Jessica Curtis

Ms. Curtis did not appear at this meeting.

The Board deferred action on this matter until such time as she appears before the Board.

LUNCH

The Board recessed for lunch at 3:15 p.m. and returned to public session at 3:58 p.m.

8. Discussion Topics

LL. Clarification of Pharmaceutically Equivalent and Bioequivalent Generic Substitution – Davis Hook, R.Ph.

Mr. Hook stated it has been brought to his attention that some third party insurance plans are sending contracts which state that pharmacists would use pharmaceutical equivalent instead of bioequivalent generic substitution. He believes this a direct contradiction to the statute. He went on to say when a substitution is made it should bioequivalent or therapeutic equivalent.

Mrs. Young presented the members with information regarding bioequivalent and pharmaceutical equivalent. She stated therapeutic equivalent has to meet everything.

Mr. Bradham stated this matter could be handled two ways, strike through pharmaceutically and insert therapeutic or the phrase “as mandated or allowed by law” could be added.

The Board asked staff to write an article for the newsletter regarding this matter.

MM. Pedigree Proof for Pharmaceuticals Distributed In South Carolina by Wholesalers – Davis Hook, R.Ph.

Mr. Hook stated there is evidence that counterfeit drugs are being distributed in the state. He went on to say he thought the Board may want to consider having VAWD in place for wholesalers.

Mrs. Bundrick stated she believes the Board should move in this direction, however, it would require a statutory change.

Mrs. Sanders stated the FDA has information on their web site that this agency is requiring all facilities to be working toward this direction by December 2006.

Mr. Bradham stated the federal government is working on this matter and feels the state would be spinning its wheels.

NN. Board Response to DEA in Regards to e-prescribing – Davis Hook, R.Ph.

Mr. Hook stated this matter was discussed earlier in the meeting.

OO. Request Approval of Pre-printed Blanks – Sheila Young, R.Ph.

Mrs. Young stated she mailed 27 letters to individuals in regard to pre-printed blanks and substitution permitted lines. She went on to say Dr. Howard asked her to discuss this matter with the Board. She further stated that Dr. Howard informed her he had mailed the prescription blanks to the Board for their approval sometime ago and she was now saying he could not use them. She said he had asked her to take the forms to the Board and ask what is wrong with the forms.

Mr. Bradham stated the Board had not approved pre-printed prescription pads during his tenure on the Board. He went on to say a pre-printed pad is all right as long as it is not for multiple products.

Mrs. Bundrick stated she believes the Board approved the form for Dan Hood for an automatic substitution.

Mrs. Young stated she had also received a similar letter from James Amrhein, MD.

Mr. Bradham stated again the Board had not approved multiple choice pre-printed prescription blanks.

Public Comments

Carrie Smoak stated she is employed with Walgreen's Pharmacy. She said Walgreens would be glad to assist the Board with the e-prescribing pilot program.

Executive Session

MOTION

Mr. Banks moved the Board enter executive session to discuss the matters heard by the Board. Mr. Rose seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

Mr. Bradham noted for the record that no motions were offered or made during executive session.

Adjourn

The Board adjourned this meeting at 5:00 p.m.

South Carolina Board of Pharmacy

Board Meeting

MINUTES

8:30 a.m., September 28, 2006

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 111

Columbia, South Carolina

Thursday, September 28, 2006

Mr. Hyatt 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.

Meeting Called to Order

Marvin Hyatt, R.Ph., chairman, of Rock Hill; called the regular meeting to order at 9:10 a.m. Other board members participating in the meeting included: Dock Henry Rose, R.Ph., vice chairman, of Greer; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Davis Hook, R.Ph., of West Columbia; Terry Lewis, R.Ph., of Darlington; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Dan Bushardt, R.Ph., of Lake City, member-elect, attended the meeting and sat with the Board members in observance of the meeting. He did not participate in any votes taken by the Board.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Linda Moore, R.Ph., Temporary Inspector/Investigator; 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; Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, LLR-Office of General Counsel; and Shirley Robinson, Hearing Advice Attorney.

Members of the public attending the meeting included: Cassandra Backus, Desa Ballard, Donald Beam, Christy Brueckner, Carmelo Cinqueonce, Freida Cone, S. W. Cone, Kevin Eisenhour, Mark Hatchety, Daryl Hendrix, Bobby Hinson, Lionel Lofton, D. Mason, Ken Mason, Gay Middleton, Denise Reynolds, Eric Ridings, Pam Robertson, William Robertson, Frank Sheheen, Robert Spires, Pete Strom, Ken Woodington, and Paul Zion.

Chairman's Remarks – Marvin Hyatt, Sr., R.Ph.

Mr. Hyatt made no remarks at this time.

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

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Bushardt delivered the invocation.

Hearings

In the Matter of, Ken Mason, R.Ph.

Ken Mason and his attorney Paul Zion Esq. appeared before the Board at this time. Mr. Ken Woodington represented the State in this matter.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Mr. Woodington presented a signed consent agreements to the Board and briefed the members on the agreement's contents.

Mr. Bradham informed Mr. Mason that there are a number of cases to heard and that the Board would take action on this matter later in the meeting.

In the Matter of, Daryl Hendrix, R.Ph.

Daryl Hendrix, R.Ph. and Desa Ballard, Esq. appeared before the Board at this time. Ken Woodington represented the Board in this matter.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Mr. Woodington presented the Board with a consent order signed by Ms. Hendrix and briefed the members on the agreement's contents.

Mr. Bradham informed Ms. Hendrix that there are a number of cases to be heard and that the Board would take action on this matter later in the meeting.

*Request for Release from Order - David Hasley

MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, to release Mr. Hasley from the Board's order.

*Request for Release from Order - Norman West

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Toole moved the Board release Mr. West from the Board's order. Dr. Richardson seconded the motion, which carried unanimously.

*Request for Release from Order – Lloyd Sutherland

MOTION

Mr. Banks made a motion seconded by Dr. Richardson and unanimously carried that the Board release Mr. Sutherland from the Board's order.

*Request for Release from Order – David Bull

MOTION

Mr. Hook moved the Board extend Mr. Bull's RPP requirements for eighteen months (to March 2008) and his probation for two years from his last violation. Mr. Banks seconded the motion, which carried unanimously.

*Request for Reinstatement – Richard Saver

MOTION

Mr. Rose made a motion seconded by Mr. Toole and unanimously carried that the Board deny Mr. Saver's request for reinstatement of licensure and that he wait until April 2007 to submit another request for reinstatement.

*Request Approval of Certified Technician Application – Kelly Brown, PhT

MOTION

Mr. Rose moved the Board deny the request for approval of state certification for Kelly Brown. Mr. Banks seconded the motion, which carried unanimously.

*Request Approval of Reciprocity Application – Joanne Bouchard

MOTION

Mr. Rose moved the Board approve the request for reciprocity for Joanne Bouchard. Mr. Toole seconded the motion, which carried unanimously.

*Request Approval of Reciprocity Application – Todd Eddy

MOTION

Dr. Richardson made a motion seconded by Mr. Rose and unanimously carried that the Board approve this application.

*Request Approval of Reciprocity Application – Philip Price

MOTION

Dr. Richardson moved the Board approve this application and that he is to complete the contract with RPP. Mr. Rose seconded the motion, which carried unanimously.

*Request Approval of Reciprocity Application – Douglas Jennings

MOTION

Mr. Toole made a motion seconded by Mr. Banks and unanimously carried that the Board approve this reciprocity application.

*Request Approval of Reciprocity Application – James Richardson

MOTION

Dr. Richardson moved the Board approve this reciprocity application. Mr. Rose seconded the motion, which carried unanimously.

*Request Approval of Renewal Application – Bill Browder

MOTION

Mr. Hook made a motion, seconded by Mr. Rose and unanimously carried that the Board deny Mr. Browder's application until such time as the Board receives documentation that his record has been expunged and the PTI has been approved

*Request Approval of Intern Hours – Nicole Voso

Mr. Hook recused himself from participating in the motion and vote on this matter.

MOTION

Mr. Bradham moved the Board deny this request for approval of intern hours. Mr. Rose seconded the motion, which carried unanimously.

*Request for Electronic Prescribing from SureScripts, Ken Whitemore, Jr., R.Ph.

MOTION

Mr. Banks made a motion the Board allow SureScripts to be a pilot program under the current statute or until new legislation is approved, however, if the legislation is not approved SureScripts must report their findings to the Board. Mr. Hook seconded the motion, which carried unanimously,

Ken Mason, R.Ph.

MOTION

Mr. Toole moved the Board accept the consent agreement in regard to Mr. Mason. Mr. Lewis seconded the motion, which carried unanimously.

Daryl Hendrix, R.Ph.

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried that the Board accept the consent agreement in regard to Ms. Hendrix.

*Request Approval of State Certified Pharmacy Technician Application–Latisha Ford, PhT

Mr. Rose recused himself from voting in this matter.

MOTION

Dr. Richardson moved the Board deny this request. The motion was seconded by Mr. Banks and unanimously carried.

*Request Approval of State Certified Pharmacy Technician Application – Debbie Clark

MOTION

Mr. Rose made a motion seconded by Mr. Banks and unanimously carried that the Board deny this request.

*Request Approval of State Certified Pharmacy Technician Application–Shelley Pogue, PhT

MOTION

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

*Request Approval of State Certified Pharmacy Technician Application – Charles Saunders, PhT

Mr. Rose recused himself from voting in this matter.

MOTION

Mr. Hook made a motion to deny this request. Mr. Toole seconded the motion, which carried unanimously.

***Request Approval of Pharmacy Technician Application – Donna Shipp**

MOTION

Mr. Banks moved the Board grant Ms. Shipp licensure. Mr. Rose seconded the motion, which carried unanimously.

***Request Approval Pharmacy Technician Application – Millicent Alexander**

MOTION

Dr. Richardson made a motion seconded by Mr. Banks and unanimously carried that the Board approve this request.

***NOTE: MR. LEWIS DID NOT PARTICIPATE IN THE VOTE REGARDING THESE MATTERS.**

In the Matter of, Pamela Robertson, R.Ph.

In the Matter of, Cassandra Backus, R.Ph.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Executive Session

MOTION

Mr. Rose made a motion, seconded by Mr. Lewis and unanimously carried, that the Board enter executive session to seek legal counsel on this matter.

Return to Public Session

MOTION

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

Mr. Bradham noted for the record that no motions were offered or made during executive session.

In the Matter of, Pamela Robertson, R.Ph.

In the Matter of, Cassandra Backus, R.Ph.

MOTION

Mr. Rose made a motion, seconded by Mr. Lewis and unanimously carried, that the Board suspend the licenses of Ms. Robertson and Ms. Backus for a period of six months, require that they pass the MPJE exam with a passing grade prior to reinstatement; and that they be placed on five-year probation during which time they cannot serve as PIC or permit holder.

PP. Request for Reinstatement – Freida Cone

In October 1998 Freida Cone voluntarily surrendered her license. In February 2000 she endorsed a Stipulation and Petition. Her license was reinstated during February 2000. In June

2000 Ms. Cone's license was temporarily suspended for failure to remain alcohol and drug free. She appeared before the Board in January 2001 seeking reinstatement of her license. Her license was reinstated in March 2001. She again failed to comply with her consent order in July 2001 and a Temporary Suspension was issued. She re-enrolled with RPP on July 8, 2005. On August 4, 2006 the Board received a letter from Freida Cone seeking the Board's approval for reinstatement of her license.

Ms. Cone appeared before the Board at this time and was sworn/affirmed to give correct testimony. Ms. Cone stated during the week of October 1-7, 2006 she will celebrate being sober for one year. She further stated since her last hearing before the Board she drank for the first three and one-half years and was basically unemployable. She went on to say her mother was severely injured in a vehicle accident in 2004. She went on to say she entered a half-way house a few months later, sobered up and took her mother to live with her. She continued by saying she then hired sitters and began some part time work. She said her mother now resides in an assisted living facility and she would like to return to the practice pharmacy. She noted she had a two-week relapse approximately six months after returning to the RPP program. She has not yet made application to any pharmacy for employment. She noted that she survives by taking each day as it comes.

Frank Sheheen of RPP was sworn/affirmed to give correct testimony and spoke on Ms. Cone's behalf.

Joseph Cone was sworn/affirmed to give correct testimony and spoke on Ms. Cone's behalf.

Mr. Bradham stated the Board would take her testimony under advisement and would take action on her case prior to adjourning the meeting.

QQ. Request for Reinstatement – Donald Beam

On November 29, 2001 Donald Beam entered a Federal Plea Agreement for conspiracy to defraud the United States Food and Drug Administration by selling quantities of drug samples. He surrendered his North Carolina license on November 5, 2001 and cannot reapply for five years in accordance with the consent order. He surrendered his South Carolina license on August 28, 2001. In a letter to the Board dated April 28, 2006 Mr. Beam states he is seeking the Board's approval for reinstatement of his license.

Mr. Hook recused himself from participating in the discussion regarding this matter.

Donald Beam appeared before the Board and was sworn/affirmed to give correct testimony. Mr. Beam stated he was ashamed of what he had done. He went on to say he has done some positive things since he lost his license.

Mr. Hook spoke on behalf of Mr. Beam.

Mr. Bradham stated the Board would take Mr. Beam's testimony under advisement and would taken action on his case later in the meeting.

RR. Request for Reinstatement – Bobby Hinson

In June 1996 Mr. Hinson consented to discipline and treatment for addiction. On August 6, 1996 he failed to complete a detoxification program and his license was suspended. In October 1999 Mr. Beam's license was reinstated with conditions including drug and alcohol monitoring. On March 13, 2000 his license was suspended for failure to comply with conditions of

monitoring order. His license was reinstated on July 25, 2000 with conditions for extensive drug and alcohol monitoring. On July 31, 2001 his license was again suspended for failure to comply with the order, but he remained in RPP. In 2003 he failed to meet the conditions of the contract with RPP and in December 2004 he again failed the contract because he tested positive for Darvocet and had not notified RPP of any prescription for said drug. On November 30, 2005 he tested positive for alcohol. In June 2005 he appeared before the Board seeking reinstatement; however, his request was denied at that time.

Bobby Hinson appeared before the Board at this time and was sworn/affirmed to give correct testimony. Mr. Hinson stated he has been sober since January 2001 and has not been around alcohol. He is involved in quite a few areas of volunteerism in the Greenville area. He is currently working as a car salesman in the Greenville area.

Frank Sheheen spoke on behalf of Mr. Hinson. He stated that Mr. Hinson tested positive during a routine drug screening on November 30, 2005. He went on to say RPP has raised the cut off level from 250 to 500.

Ted Watson of Greenville spoke on Mr. Hinson's behalf.

Mr. Bradham stated the Board would take Mr. Hinson's testimony under advisement and would take action on his case prior to adjourning the meeting.

Executive Session

MOTION

Mr. Rose moved the Board enter executive session to seek legal advice regarding these matters. Mr. Lewis seconded the motion, which carried unanimously.

Return to Public Session

Mr. Bradham noted for the record that no motions were offered or made during executive session.

MOTION

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

Request to Waive the Foreign FPGEC Requirements - Eric Smith

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board deny Mr. Smith's request and allow him to begin his internship once he has informed the Board in writing he has applied for the Foreign exams so he may accumulate intern hours prior to completing the FPGEC, the NAPLEX and the law exams. Mr. Lewis did not vote on this matter as he was excused from the September 27, 2006 meeting.

Request for Reinstatement - Freida Cone

MOTION

Mr. Banks moved the Board reinstate Freida Cone's license with the following stipulations: that she complete the MPJE prior to beginning 1600 hours of internship with a maximum of 32 hours per week, that she obtain 60 hours of continuing education of which 24 must be live and arrange for her supervising pharmacist while in her internship submit quarterly reports of performance

and hours and an indefinite RPP contract. Mr. Rose seconded the motion, which carried. Mr. Lewis abstained from voting in this matter.

Request for Reinstatement – Donald Beam

Mr. Hook recused himself from voting in this matter.

MOTION

Dr. Richardson made a motion seconded by Mr. Banks and unanimously carried that Mr. Beam successfully pass the MPJE prior to being granted an intern certificate, after which he must earn 1,000 hours under the supervision of a South Carolina licensed pharmacist in a permitted site he does not own or have financial interest, he must obtain 60 hours of continuing education of which 24 hours must be live.

Request for Reinstatement – Bobby Hinson

MOTION

Mr. Toole moved the Board deny Mr. Hinson's request at this time. Mr. Rose seconded the motion, which carried unanimously,

11. Committee Reports

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

This committee had no report.

- Pharmacy Technology Committee – David Banks, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

This committee had no report.

- Recovering Professional Program Committee – Davis Hook, R.Ph., Leo Richardson, PhD.

Mr. Hook stated Ms. Diana Harder attended the meeting. He further stated the RPP web site is currently being revised. He went on to say the Psychology Board signed with RPP in June 2006. He further stated Debbie Francis is currently working on a Power Point presentation in regard to a five year report. He said a new project is under way entitled Voices of Recovery. He noted the next meeting is scheduled for November 3, 2006.

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

This committee had no report.

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

This committee has been inactive for the past eight months.

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

This committee had no report; however, Mr. Banks stated the committee would like to hold a meeting at 10:00 a.m., Friday, October 13, 2006.

Mr. Kevin Eisenhour of Midlands Technical College appeared before the Board at this time. He stated the college began the online certificate program during the summer 2006. He further stated there are currently two classes. He noted there are nine students in the summer program of which seven are from Publix in Greenville, Charleston, and Spartanburg areas. He noted the other two individuals are from independent pharmacies located in Myrtle Beach and Florence. He went on to say the fall class includes a student from CVS in Hilton Head, one from CVS in Columbia, one from Wal-Mart in Aiken and a couple of other independent pharmacies. He said the student take the classes online and must attend four labs during the semester. He went on to say there are no labs in the second semester. He noted the certificate program is two semesters. He briefly discussed the entrance requirements.

Mr. Eisenhour presented information regarding the program to Mrs. Bundrick for the next newsletter.

- Legislative Committee – Davis Hook, R.Ph., Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph.

This committee had no report.

- Medication Errors Committee – Al Toole, R.Ph.

This committee had no report.

- Pharmacy Benefit Management (PBM) – Marvin Hyatt, R.Ph., Dan Bushardt, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

This committee had no report.

- NABP/AACP District III Planning Committee

This committee was dissolved.

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

This committee had no report.

- Federally Qualified Health Clinic Taskforce – Bobby Bradham, R.Ph., Dock Rose, R.Ph.

This committee had no report.

- VAWD Committee – Terry Lewis, R.Ph., Dan Bushardt, R.Ph.

This committee had no report.

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

This committee had no report.

- Practice Act Revisions Task Force – Al Toole, R.Ph., Leo Richardson, PhD., David Banks, R.Ph., Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., and Joe Newton, R.Ph.

This committee had no report.

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

This committee had no report; however, Mr. Banks stated the committee would meet immediately following the pharmacy technician committee meeting on October 13, 2006.

Adjournment

MOTION

Mr. Banks moved the meeting be adjourned. Mr. Hook seconded the motion, which carried unanimously.

The September 27-28, 2006 meeting adjourned at 3:30 p.m., Thursday, September 28, 2006.