

South Carolina Board of Pharmacy

Board Meeting

MINUTES

8:30 a.m., June 20-21, 2007

Sheraton Myrtle Beach Convention Center Hotel

Myrtle Beach, South Carolina

Wednesday, June 20, 2007

Meeting Called to Order

Marvin Hyatt, R.Ph., Chairman, of Rock Hill, called the regular meeting to order at 8:35 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; Dan Bushardt, R.Ph., of Lake City, Davis Hook, R.Ph., of West Columbia; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Diana Harder, Administrative Assistant; 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: Randy Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Darrell Bauer, Christy Brueckner, Carmelo Cinqueonce, Jason Clark, Dr. Will Floyd, Kristin Forbes, Josephine Garcia, David Little, Timothy Lordi, Tammy McDowell, Scott Miller, Hugh Mobley, Joe Mullinax, Judiann Myers, Thomas Phillips, Eric Ridings, Jimmy Sain, Lori Stepp, Paula Stover, and Dennis Young.

Mr. Hyatt announced that this meeting is 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 and the Sheraton Myrtle Beach Convention Center.

Invocation

Mr. Hyatt delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

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 – Marvin Hyatt, R.Ph.

Mr. Hyatt stated he appreciated the Board members and staff during his tenure as chairman. He believes the Board is headed in the right direction under their leadership.

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

1. Approval of Minutes for the March 14, 2007, April 3, 2007 and May 11, 2007 Meetings

March 14, 2007 Board Meeting

MOTION

Mr. Banks moved the Board approve the minutes of the March 14, 2007 meeting. Mr. Hook seconded the motion, which carried unanimously.

April 3, 2007 Meeting

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the minutes of the April 3, 2007 meeting.

May 11, 2007 Meeting

MOTION

Mr. Banks moved the Board approve the minutes of the May 11, 2007 meeting. Mr. Hook seconded the motion, which carried unanimously.

2. Approval of Reciprocity Candidates for Licensure:

Dates: March 8, 15, 19, 22, 2007, April 1, 4, 9, 18, 20, 23, 25, 28, 2007

May 4, 8, 16, 17, 22, 24, 29, 2007

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the reciprocity candidates interviewed on the above dates.

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

Mrs. Bundrick briefed the Board on staff's activities since the March 14, 2007 Board meeting.

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, Temporary Suspension, Stipulation and Petitions and Voluntary Surrenders from the Investigative Review Committee, (IRC)

Mrs. Young briefed the Board on the compliance staff's activities since the March 14, 2007 meeting.

Mr. Hook stated the Board has previously discussed salespersons with repackaging medications visiting physician offices and the physicians dispensing those medications. He further stated the patients are not receiving counseling in regard to the medications. He asked if the Board or staff has attempted to make the Medical Board or the Medical Association get involved in this practice.

MOTION

Mr. Hook moved that a representative of the Board meet with the Medical Board to address the dispensing of repackaged medications. Mr. Hyatt seconded the motion, which carried unanimously.

The following topics were suggested to be discussed with the Medical Board: complaints in regard to dispensing lines and rubber stamping of signatures on prescriptions, technicians dispensing medications, the physician's staff compounding and administering IV products to in-office patients, and the lack of compliance with USP 797.

Discussion ensued regarding clinic protocols for nurse practitioners.

- Report from May 22, 2007 Citation Hearing

Mrs. Young stated a citation hearing was held on May 22, 2007 regarding citation #68 and was heard by Mr. Joe Mullinax. She further the respondent had already paid the \$810 required fees and penalties for a lapsed permit and then received a \$500 fine for a lapsed permit.

Mrs. Young stated Mr. Mullinax is making the following recommendations based on the citation hearing:

- 1) That the fine in this case (citation #68) be reduced to \$250,
- 2) That a second notice mailed one week after the June 30th deadline,
- 3) That the permit number not be changed, but remain as the same number, and
- 4) That the permit should be renewed from the date it lapsed with the same permit number.

Mrs. Young stated she contacted other agencies to research their procedures in similar matters. She said the Bureau of Drug Control has the following procedures. The Bureau of Drug Control's registration expires April 30th.

April 1st to April 30 is a grace period.

May 1st to June 30th a \$25 penalty is charged plus the renewal fee.

July 1st and after the Bureau charges \$100 plus the renewal fee for reinstatement.

MOTION

Mr. Hook made a motion the Board accept the recommendations as presented. Since the recommendation came from committee no second was needed. The motion carried unanimously.

- Formal Complaints:

Case #:	2004-46	2005-01
	2006-58	2006-90
	2006-98	2006-102
	2006-103	2007-1
	2007-2	2007-3
	2007-11	2007-13
	2007-14	2007-16
	2007-19	2007-20
	2007-21	2007-22
	2007-23	2007-35
	2007-37	2007-38
	2007-40	2007-45

MOTION

Mr. Rose moved the Board approve the formal complaints. Mr. Hook and Mr. Banks seconded the motion, which carried unanimously.

- Temporary Suspension

Case #:	2007-11	2007-22
	2007-14	2007-23
	2007-16	2007-35
	2007-19	2007-37
	2007-20	2007-38
	2007-21	2007-45
	2007-46	2007-47

Mr. Hanks presented these cases as information for the Board members.

- Agreement to Relinquish

Case #:	2006-55	2007-19
	2007-11	2007-20

Mr. Hanks briefed the Board on these four cases. He noted the Agreements to Relinquish, Formal Complaints and the Request to Relinquish the registrations have been served on these individuals.

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, the Board accept the Agreement to Relinquish on the above cases.

- Consent Orders

Case #:	2007-1
Case #:	2007-23

MOTION

Mr. Hook moved the Board approve the consent orders in the above cases. Mr. Banks seconded the motion, which carried unanimously.

Case #: 2006-98

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board accept the consent order on this case.

- Dismissals with Letter of Concern

Case #:	2006-45	2006-76
	2006-74	2007-33

MOTION

Mr. Banks moved the Board approve the IRCs recommendation in regard to the above cases for Dismissals with Letter of Concern. Mr. Hyatt seconded the motion, which carried unanimously.

- Dismissals

Case#:	2005-31	2007-15
	2005-72	2007-28
	2006-89	2007-30
	2006-100	2007-05
	2006-101	2007-34
	2006-13	2007-08

MOTION

Mr. Banks made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board accept the IRCs recommendation on the above cases for dismissal.

A. Request to Modify Order – Jason Clark

In June 2004 Jason Clark entered into a consent agreement with the Board following diversion of a controlled substance while he was employed as a pharmacist in Spartanburg. The consent agreement reflects Mr. Clark’s license was placed on probation for a period of five years and that during that time he could not serve as a pharmacist-in-charge (PIC) or permit holder of a drug outlet. On June 4, 2007 the Board received a letter from Jason Clark seeking permission to modify his order to become a PIC in a retail pharmacy located in Spartanburg.

On June 5, 2007 the Board received a letter from Paulette Bentley, R.N., CARN, Recovery Specialist with the Recovering Professionals Program (RPP). Ms. Bentley’s letter states Mr. Clark is in total compliance with his RPP monitoring agreement and that all of his drug screens have been negative. Ms. Bentley’s letter also states that RPP supports Mr. Clark’s his request to become a PIC.

Jason Clark appeared before the Board at this time and offered the following testimony.

Jason Clark is asking to have his consent order modified to become a PIC. He has been with RPP for four years and everything has been 100% positive and good. He believes becoming a PIC would help him to better himself in his career and with his family. He is aware of the PIC’s responsibility to notify the Board of a pharmacist’s change of address within ten days.

Mr. Eric Ridings, of Rite Aid, offered the following testimony.

Mr. Clark is currently a pharmacist at Rite Aid in Spartanburg. He has not had any problems with Mr. Clark. There is currently a situation where the current PIC has moved to Greenville and there is not a ready replacement.

MOTION

Mr. Hook moved the Board accept the modification of Mr. Clark’s consent order to allow him to become PIC, with all other conditions of the agreement remaining in effect. Mr. Banks seconded the motion, which carried unanimously.

5. Old Business

B. Donations of Prescription Drugs

On April 30, 2007 the Board received an electronic mail (e-mail) from Mary Ludlow with White Oak Pharmacy in Spartanburg. Ms. Ludlow is asking the Board to accept a draft policy on the Donation of Non-Controlled Legend Drugs / Legend Devices. The draft policy would allow a

permitted pharmacy to donate legend medications or legend medical devices to free medical clinics whose patients are indigent or uninsured. The policy lists requirements which must be met. (The draft policy is herewith attached to the agenda retained at the Board's office.)

Jimmy Sain of Network Healthcare stated Ms. Ludlow was unable to attend this meeting and stated he would speak on her behalf. He presented a revised document to the Board and discussed proposed changes with the Board on the policy regarding the donation policy of Non-Controlled Legend Drug/Legend Devices. He noted the document does not define the limitation to medications in original manufacturer containers, whether unit dose items or bottles.

Mrs. Clelia Sanders stated pedigree laws are coming down which require an audit trail down to the last receiver.

MOTION

Mr. Banks made a motion, seconded by Mr. Hyatt and unanimously carried, that the Board amend the policy noting the change to limit medications to original manufacturer containers.

MOTION

Mr. Rose moved the Board approve the amended policy in regard to the donation of prescription drugs. Mr. Hook seconded the motion, which carried unanimously.

**C. Clarification of Requirements for Non-Resident Pharmacy Permits
Regarding Counseling – Sheila Young, R.Ph.**

Mrs. Young stated staff was seeking guidance from the Board as to who is to be licensed in South Carolina. She further stated more non-resident pharmacies are opening and earlier minutes reflect that the PIC must be licensed in South Carolina. She noted staff is learning several pharmacists are counseling; however, those pharmacists are not licensed in South Carolina. She said the PIC is not counseling patients.

Mr. Bradham referred this matter to the legislative committee.

D. Pharmacy Technician Issues

Mr. Bradham stated issues were discussed during the May 11, 2007 meeting which would result in legislative changes. The Board discussed the draft amendments. Mrs. Bundrick asked if the matter should be referred jointly to the technician committee and the legislative committee and asked that the hospitals be allowed to speak on the ratios in the institutional facilities. Mr. Banks asked that a committee meeting be set for August 2007. Mr. Bradham asked that Robert Spires be invited to represent the health systems and Jimmy Sain be invited to represent the long term health care facilities.

6. New Business

**E. Request Approval of State Certified Pharmacy Technician Application
- Kristin Forbes**

On March 21, 2007 the Board received a letter from Kristin Forbes seeking the Board's approval to become grandfathered as a state certified pharmacy technician. Ms. Forbes' letter states she has been a pharmacy technician since 1996. She received a Bachelor of Arts Degree from USC in December 1999, then attended USC-Beaufort and Armstrong Atlantic State University from September 2002 through May 2003 where she completed the prerequisites for pharmacy

school. She kept her PTCB national certification active, but failed to renew her state registration. When she returned to work with Medicap Pharmacy she was made aware of the state certification requirements.

Kristin Forbes appeared before the Board at this time and offered the following testimony.

Ms. Forbes has been practicing pharmacy since January 1996. She has been a nationally certified technician since July 1998. She was not employed as a technician for approximately one and one-half years and was not aware of the deadline for the documentation to be submitted for grandfathering to become state certified as she was attending school in an attempt to get the prerequisites for pharmacy school.

Darryl Bowers, of Medicap Pharmacy, spoke on Mrs. Forbes' behalf.

Mr. Bradham informed Mrs. Forbes the Board would take this testimony under advisement and would render a decision later in the meeting.

F. Request Approval of State Certified Technician Application – Crystal High, PhT

On March 2, 2007 the Board received a letter from Crystal High seeking the Board's approval to become grandfathered as a state certified technician. Ms. High's letter states she had spoken with a Board staff member in 2005 and then in November 2006 she again spoke with staff and learned she had not submitted the documentation in a timely manner.

Ms. High did not appear at this meeting. The Board did not take action on this issue during this meeting.

G. Request Approval of Pharmacist Renewal – Scott Miller, R.Ph.

The Board received a pharmacist renewal application from Scott Miller in March 2006. At that time Mr. Miller 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 Laws?" Mr. Miller's written response dated March 15, 2006 stated he was charged with four misdemeanors on February 17, 2006. Mr. Miller did not renew his license at that time. He was notified by letter dated May 3, 2006 that a committee would review his application and would make a recommendation in regard to his renewal application. Mr. Miller was then notified to appear at the March 2007 meeting. Mr. Miller contacted staff on March 13, 2007 to cancel his appearance at the March 2007 meeting and asked that he be placed on the June 2007 agenda.

Scott Miller appeared before the Board at this time and offered the following testimony. Mr. Miller's criminal history report reflects four misdemeanors. He was arrested in February 2006. He went through a six-week pre-trial intervention to have three of the four misdemeanors removed within the past year. He presented the Board with documentation reflecting the expungement of the three misdemeanors. He allowed his license to lapse approximately one and one-half years ago in order to straighten his legal matters. He has not maintained his continuing education. He attended a continuing education program in 2006; however, he did not bring any documentation.

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

H. Emergency Box in Long Term Care Setting – SCASCP, Judiann Myers

On April 26, 2007 the Board received an e-mail from Judiann Myers of Network HealthCare, on behalf of the SC Chapter of ASCP, asking to appear before the Board to discuss having a pharmacist “restock and reseal” an Emergency Box in a long term care setting as stated in the practice act.

Judiann Myers appeared before the Board at this time. She presented the members with documentation regarding the regulation(s) on emergency boxes. She is representing the SC Chapter of the American Society of Consulting Pharmacists. She further stated the Department of Health and Environmental Control (DHEC) is preparing to amend their law concerning long term care facilities and replacing medications in an emergency box. She stated the SCASCP is asking the Board change its practice act to add or designee to the section requiring the pharmacist to restock and reseal the kit and on the expiration date shall replace the expired drug or device in section 40-43-86(B)(6)(d)(vii) and (viii).

The sentences would read:

“Whenever an emergency kit is opened...the pharmacist or designee shall restock and reseal the kit within a reasonable time to prevent harm to patients.”

“Upon expiration date the pharmacist or designee shall replace the expired drug or device.”

A policy in the policies and procedures in the long term health care facility indicating a ‘licensed health care provider’ would cover what she is seeking. The wording would not allow a pharmacy technician to work with the emergency kit; however, it would allow a registered nurse or licensed practical nurse to do so.

Mr. Bradham informed Mrs. Myers the Board would take this testimony under advisement and would render a decision later in the meeting.

I. Dispensing Non-narcotic Medications Purchased by Employer to Injured Employees – Will Floyd, MD, MPH

The Board has received a letter dated April 23, 2007 from Mr. Will Floyd, MD with Palmetto Health. Mr. Floyd’s letter states his department provides work-related injury care to employees of Palmetto Health and client organizations. He understands “there may be an issue with Section 40-43-30 (45) which prohibits non-physician-owned entities from allowing its practitioners to dispense prescription medications.” Mr. Floyd is asking the Board to consider 1) allowing Palmetto Health to provide these medications to injured workers would improve patient care. It would also offer the employee convenience by not having to walk to the in-house pharmacy located across the hospitals’ campuses and 2) offering non-narcotic medications at their clinic would increase compliance because of convenience.

Dr. Will Floyd appeared before the Board at this time. He is seeking the Board’s approval of a formulary for routinely filled, non-controlled pain medications at the Palmetto Health Richland

and Baptist Hospitals. He noted they have pharmacies on most of their hospital campuses. He said his office is normally open 8:00 a.m. to 5:00 p.m., Monday through Friday.

Mr. Hook asked that he be allowed to work toward a compromise with Dr. Floyd on this matter.

J. Request Approval of Intern Hours – Josephine Garcia

The Board received a request from Josephine Garcia seeking the Board's approval of 190 intern hours from 2006. Documentation was provided reflecting Ms. Garcia's Pharmacy Intern Certificate Application received on August 10, 2004; internship hours, her score on the Foreign Pharmacy Graduate Equivalency Examination (FPGE) and the TOEFL exam; a Notification of Employment received by staff on January 10, 2005; and two Affidavits of Practical Experience.

Josephine Garcia appeared before the Board at this time and offered the following testimony.

Ms. Garcia read the following statement into record:

"I am Josephine Garcia, a pharmacy intern at St. Francis Hospital in downtown Greenville. That is my preceptor site. I am presenting to you my papers regarding the 190 hours that I earned for the year 2006. I have to apologize that you did not receive a copy of the last notification of employment for 2006. I should have verified to you earlier if all of my papers were okay. It is my fault of making presumptions that all my hours were counted and that all my papers are complete. Now I fully understand of the law of pharmacy intern to have the Notification of Employment be completed at the very beginning of the year.

Attached together with a copy of my volunteer hours as a pharmacy intern is a letter from my supervisor, Ms. Roseanne Beacher. I truly worked very hard earning those 190 hours. I am always grateful for the opportunity and good experience from my preceptor.

I rest my case in your hands.

Thank you for your time."

She completed pharmacy school in the Philippines in 1987 and worked as a pharmacist from 1987 until 1994. She worked as a pharmacy technician for ten years, from May 1992 to May 2002, in a pharmacy north of Guam. It was a combination of in-patient and out-patient center.

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

K. Request Approval of Reciprocity Application – Timothy Lordi

The Board received a Pharmacist Reciprocity Application dated February 22, 2007 from Timothy Lordi. Mr. Lordi answered 'no' 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?" A letter dated February 8, 2007 from the National Association of Boards of Pharmacy (NABP) included a Notification of Disciplinary Action – Pharmacists, which reflects Mr. Lordi was fined \$500 for a medication or dispensing error.

Timothy Lordi appeared before the Board at this time and offered the following testimony.

He was disciplined by the New York Board of Pharmacy for two dispensing errors that occurred in December 2001 for which he was fined by the Board. He has taken continuing education in medication errors.

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

L. Request Approval of Reciprocity Application – David Little

On October 4, 2006 the Board received a Pharmacist Reciprocity Application from David Little. Mr. Little is licensed as a pharmacist in Massachusetts, Florida, and Vermont. Mr. Little answered 'yes' to the question asking, "Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance authority?" He also 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?" Mr. Little's statement on his application states his license was suspended in 2002 by the Massachusetts Board of Pharmacy for professional misconduct. The Massachusetts Board placed his license on probation for one year. His statement says Florida and Vermont took disciplinary action against his license as a result of the Massachusetts disciplinary action.

David Little appeared before the Board at this time and offered the following testimony.

Mr. Little is currently licensed in Massachusetts, Florida and Vermont. He was disciplined by the Massachusetts Board of Pharmacy in January 2004 for professional misconduct. He was placed on probation and was disciplined by Florida and Vermont as a result of the action taken by Massachusetts. His probation ended in May 2007. He began the application process a year ago and placed it on hold until now.

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

M. Election of 2007-2008 Board Officers

MOTION

Mr. Bradham moved Mr. Rose be elected as chairman and Mr. Hook elected as vice chairman. Mr. Bushardt seconded the motion, which carried unanimously.

N. Election of 2007-2008 IRC Chairman

MOTION

Mr. Bradham made a motion, seconded by Mr. Rose and unanimously carried, Mr. "C" Turner as IRC chairman.

O. Election of 2007-2008 Hearing Panel Officers

MOTION

Mr. Bradham moved Marvin Hyatt and Joe Mullinax as the hearing panel officers. Mr. Rose seconded the motion, which carried unanimously.

- P. Report of NABP's 103rd Annual Meeting, May 19-22, 2007 in Portland, OR – D. Henry Rose, R.Ph.

Mr. Rose briefed the Board on the NABP annual meeting. He noted next year's meeting would be held in Baltimore, Maryland.

- Q. Delegate for District 3 NABP/AACP Meeting August 5-7, 2007 in Orlando, FL

MOTION

Mr. Bradham moved Mr. Rose serve as the delegate for the NABP/AACP meeting. Mr. Hook seconded the motion, which carried unanimously.

- R. Representative for MALTAGON, September 9-12, 2007, Point Clear, Alabama

The 2007 MALTAGON on meeting will be held in Point Clear, Alabama on September 9-12, 2007.

MOTION

Mr. Bradham made a motion, seconded by Mr. Banks and unanimously carried, that either Mr. Rose or Mrs. Bundrick serve as the representative.

- S. Approval of Accredited Schools and Colleges of Pharmacy, Certified by the American Council on Pharmaceutical Education

Mr. Bradham briefed the Board on the accreditation process. He noted the members are recommending that the school receive accreditation; however, the school must address four matters.

MOTION

Mr. Banks made a motion, seconded by Mr. Rose and unanimously carried, the Board grant the provisional approval and on the previous two schools.

- T. Select Date of March 2008 Board Meeting to be Held in Conjunction with March 9-12, 2008 SCSHSP Convention in Myrtle Beach – Lee Ann Bundrick, R.Ph.

The SC Society of Health-System Pharmacists will be holding its annual meeting in March 2008 in Myrtle Beach. Mr. Robert Spires, R.Ph., President, has invited the Board to hold its March 2008 meeting in Myrtle Beach in conjunction with the SCSHSP annual meeting.

Mrs. Bundrick stated the meeting would be held at the Marriott Grand Dunes. She said the 50th celebration would be held on Monday, March 10, 2008 and that Mr. Spires has invited the Board members to the celebration. She suggested the Board meeting be held on Tuesday, March 11, 2008.

MOTION

Mr. Bradham moved the meeting be held on Tuesday, March 11, 2008. Mr. Bushardt seconded the motion, which carried unanimously.

U. Update of Pharmacy Inspectors' Computer Notebooks – Clelia Sanders, R.Ph.

The Board determined it would hear this presentation later in the meeting.

LUNCH

The Board recessed for lunch at 12:30 p.m. and resumed session at 2:23 p.m.

Public Session

7. Committee Reports

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

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.

Ms. Diana Harder stated a retirement luncheon was held on May 11, 2007 for Dr. Hugh Coleman

- ❖ Survey Results, Frank Sheheen, RPP Director

Ms. Harder presented the members with a draft survey results.

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

This committee had no report.

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

This committee had no report.

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

This committee had no report

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

Mr. Bradham stated the e-prescribing bill passed through the legislature. He further stated the DHEC bill allowing satellite offices without the oversight of pharmacists also passed.

Ms. Bundrick stated this bill was attached to the critical needs bill. She further stated the bill allows satellite DHEC offices to operate in a district without the oversight of a pharmacist. She noted Governor Sanford vetoed the bill; however, the veto was overridden by the state legislature.

Mr. Bradham stated a bill proposing changes in the controlled substances act has also passed. This bill allows a physician to fax a prescription for controlled substances, Schedule III – V can be dispensed in 90 day supplies and the C-II prescriptions are now good for 90 days, whereas it previously had been good for only 60 days.

Mrs. Bundrick stated Mr. Wilbur Harling, of DHEC Bureau of Drug Control, would be writing two articles in regard to these changes for the August 2007 newsletter.

- Medication Errors – Al Toole, R.Ph.

Mr. Toole presented the Board with a copy of a pharmacist's letter in regard to medication errors. He mentioned an article from the first issue SC College of Pharmacy magazine regarding medication safety.

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

Mr. Cinqueonce stated the association testified in a public hearing during a committee meeting; however, the proposed legislation did not move out of committee. He hopes the association could advance it during the 2008 legislative year. He said Maine was one of the first states to enact PBM legislation and that the association hopes to have a legislator from Maine testify on behalf of the legislation. The PBM industry, the SC Manufacturer's Alliance and the Pharmaceuticals Manufacturers are heavily opposed to the proposed legislation at this time and the legislators would have to be educated on the matter.

- Federally Qualified Health Clinics – Bobby Bradham, R.Ph., Dock H. Rose, R.Ph., Marvin Hyatt, R.Ph.

Mr. Bradham stated a meeting was held between members of the Board and the FQHC on April 24, 2007. He went on to say the proviso expires June 30, 2007.

Mrs. Bundrick stated proposals have been made to the FQHC. She further stated it was her understanding Ms. Lathran was going to take those proposals to the FQHC association; however, they had concerns about the Board's proposed legislation. She went on to say the FQHC proviso is attached to the budget and would probably pass with the budget.

- 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.

Mr. Rose stated the committee met on June 19, 2007 and discussed the Pyxis machines in a hospice setting. He noted the committee would be making a presentation during the September 2007 Board meeting on a proposal for the Pyxis machines to be used in the hospice settings.

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

This committee had no report.

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

Mr. Banks had no report but the committee would meet prior to the September 2007 meeting to discuss pharmacists and pharmacy technicians moving from one location to another.

- Medication Therapy Management Task Force – Davis Hook, R.Ph.

Mr. Cinqueonce stated a survey would be conducted during the annual conference requesting information from individuals completing medication therapy management.

Mrs. Bundrick stated a survey was also taken during the annual pharmacist renewal period.

8. Review of Policies & Procedures

The Board reviewed its policies and procedures for any updates necessary. No changes were made to the policies and procedures during this meeting.

9. Discussion Topics

There were no topics for discussion.

Update of Pharmacy Inspectors' Computer Notebooks – Clelia Sanders, R.Ph.

Mrs. Sanders updated the members in regard to the inspectors' computer notebooks at this time.

Public Comments

There were no public comments made during this meeting.

Executive Session

MOTION

Mr. Banks moved the Board enter executive session. Mr. Rose 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. Banks made a motion, seconded by Mr. Rose and unanimously carried, that the Board return to public session.

Request Approval of State Certified Technician Application – Kristin Forbes

MOTION

Mr. Banks moved the Board deny Ms. Forbes' request for approval to become grandfathered as state certified technician. Mr. Hook seconded the motion, which carried unanimously.

Request Approval of State Certified Technician Application - Crystal High

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board deny the request for approval of state certified technician application from Crystal High.

Request Approval of Pharmacist Renewal - Scott Miller

MOTION

Mr. Rose moved the Board approve the pharmacist renewal of Scott Miller with the following stipulations: that he obtain 45 hours of continuing education, of which 18 must live; that he pass the MPJE within 90 days; that he sign a RPP contract for 5 years; that his license be placed on probation for one year from date of employment as a licensed pharmacist in South Carolina; and that he be required to pay a \$500 fine. Mr. Hyatt seconded the motion, which carried unanimously.

Request Approval of Intern Hours - Josephine Garcia

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Bushardt made a motion, seconded by Mr. Rose and unanimously carried, that the Board deny Ms. Garcia's request for approval of intern hours.

Request Approval of Reciprocity Application - Timothy Lordi

MOTION

Mr. Toole moved the Board approve Mr. Lordi's reciprocity application. Mr. Banks seconded the motion, which carried unanimously.

Request Approval of Reciprocity Application - David Little

MOTION

Mr. Hyatt made a motion, seconded by Mr. Rose and unanimously carried, that the Board approve Mr. Little's reciprocity application.

Mr. Bradham thanked Mr. Hyatt for the time he has served as chairman and as a board member under the challenges of resources, finances and time. He finds it fortunate Board would be working with him as a hearing panel member. He went on to say the Board would be having party for him in the next couple of months.

Adjournment

The Board adjourned the June 20, 2007 meeting at 4: 56 p.m.

South Carolina Board of Pharmacy

Board Meeting

MINUTES

9:00 a.m., June 21, 2007

Sheraton Myrtle Beach Convention Center Hotel

Myrtle Beach, South Carolina

Thursday, June 21, 2007

Meeting Called to Order

Marvin Hyatt, R.Ph., Chairman, of Rock Hill, called the regular meeting to order at 8:35 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; Dan Bushardt, R.Ph., of Lake City; Davis Hook, R.Ph., of West Columbia; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Staff members during the meeting: included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Diana Harder, Administrative Assistant; 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: Randy Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, LLR-Office of General Counsel.; Lynn Rivers, Administrator, Office of Human Resources; and Shirley Robinson, Hearing Advice Attorney, Office of POL Administration.

Members of the public attending the meeting included: Jennifer Hines, Hugh Mobley, Cecily Janet Moody, Joe Mullinax, Eric Ridings, James Wilson, and Dennis Young.

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.

Invocation

Mr. Hook delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

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

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

Signing of Licenses

The Board members signed licenses to be issued to pharmacists who have become licensed since the last meeting.

The Board set Wednesday, August 22, 2007 at 7:00 p.m. as the meeting date for the Pharmacy Technician Committee and Legislative Committee.

In the Matter of, Cecily Janet Moody, PhT

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

Recess

The Board took a ten minute recess at 11:05 a.m. and returned to public session at 11:15 a.m.

Return to Public Session

Request for Reinstatement – James Wilson

On May 29, 2007 the Board received a letter from James Wilson requesting he be allowed to appear before the Board to petition for reinstatement of his pharmacist license. His license was revoked on January 26, 2006. Mr. Wilson was arrested by DHEC investigators in 2005 for diverting controlled substances.

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

Return to Public Session

MOTION

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

In the Matter of, Cecily Janet Moody, PhT

MOTION

Mr. Hyatt made a motion, seconded by Dr. Richardson and unanimously carried, that the Board reinstate Ms. Moody's registration. Mr. Banks abstained from voting in this matter.

Request for Reinstatement – James Wilson

MOTION

Mr. Toole moved the Board deny Mr. Wilson's request for reinstatement. Mr. Hyatt seconded the motion, which carried unanimously.

Recess

The Board took a fifteen minute recess at 11:30 a.m. and returned to public session at 11:45 a.m.

Return to Public Session

In the Matter of, Melinda Cheryl Louie, PhT

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

In the Matter of, Aster Dee Harrelson, PhT

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

In the Matter of, Aster Dee Harrelson, PhT

MOTION

Mr. Hyatt moved the Board accept as evidence the date of mailing of the hearing notice and the date the hearing notice was returned unclaimed to the last known address of Ms. Harrelson. Mr. Rose seconded the motion, which carried unanimously.

In the Matter of, Kristel Lynn Monahan, PhT

This hearing was carried over to the September 2007 meeting.

In the Matter of, Lauren M. Felmet, PhT

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

In the Matter of, Jennifer Lynn Hines, PhT

Mrs. Bundrick stated Ms. Hines appeared at the meeting and signed an Agreement to Relinquish her registration. She further stated the document is in reference to case # 2006-102. She asked that the Board review this document for approval or disapproval.

MOTION

Mr. Toole moved the Board accept the Agreement to Relinquish in this matter. Mr. Hook seconded the motion, which carried unanimously.

Mrs. Bundrick stated she wanted to make a clarification in regard to Mr. Mullinax's recommendation from the citation hearing panel. She further stated this matter was discussed during the meeting on June 20, 2007. She went on to say she believes Mrs. Young stated the recommendation correctly; however, the Board's motion may have not been stated correctly. She said the committee's motion was for the reminder to be mailed after the renewal due date of June 30th.

Mr. Bradham stated those letters would be mailed on July 7th.

Executive Session

MOTION

Mr. Banks moved the Board enter executive session to seek legal counsel. Mr. Bushardt seconded the motion.

Return to Public Session

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

MOTION

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

In the Matter of, Melinda Cheryl Louie, PhT

MOTION

Mr. Bushardt made a motion, seconded by Mr. Rose and unanimously carried, that the Board permanently revoke Melinda Cheryl Louie's registration.

MOTION

Mr. Banks made a motion the Board permanently revoke Ms. Harrelson's registration. The motion received a second from Mr. Hyatt. The motion carried unanimously.

In the Matter of, Lauren M. Felmet, PhT

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board permanently revoke Ms. Felmet's registration.

Executive Session

MOTION

Mr. Rose made a motion, seconded by Mr. Banks and unanimously carried, that the Board enter executive session to discuss personnel issues.

Return to Public Session

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

MOTION

Dr. Richardson moved the Board return to public session. Mr. Bushardt seconded the motion, which carried unanimously.

Adjournment

The June 20-21, 2007 meeting of the SC Board of Pharmacy adjourned at 2:42 p.m.