

South Carolina Board of Pharmacy

MINUTES

Board Meeting

9:00 a.m., January 16-17, 2008

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Wednesday, January 16, 2008

Meeting Called to Order

Dock Henry Rose, R.Ph., of Greer, called the regular meeting of the SC Board of Pharmacy to order at 9:08 a.m. Other Board members participating in the meeting included: Davis Hook, R.Ph., vice chairman, of West Columbia; Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

David Banks, R.Ph., of Simpsonville, was granted an excused absence for the morning of Wednesday, January 16, 2008.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Ron Cook, Investigator; Eddie Durant, R.Ph., Temporary Investigator; Diana Harder, Administrative Assistant; Joe Newton, R.Ph., Investigator; Tom Porter, R.Ph., Pharmacist Investigator; and Clelia Sanders, R.Ph., Pharmacist Investigator. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

Members of the public attending the meeting included: Mike Ayotte, Jennifer Baker, Jessica Beasley, Mike Blakely, Deborah Bowers, Louie Brown, Wendy Carter, Anna Cartin, Jason Cox, Kathryn Dail, Jon Davidson, Himanshu, Desai Candice Geiger, Larry Griffin, Thomas Henry, III, James Hubbard, Mike Keener, Mary Ludlow, Aaron Kropf, Carolyn McClain, Bradley Miller, Kayode Odediran, Christy Pettit, Tim Propst, Caroline Sojourner, Robert Spires, Christopher Steele, Julie Surlles, Dana Tate, Donald Webster, Renee Valentine, Sue Veer, Ed Vess, Vickie Young, Catherine Warner, and Rick Wilson.

Mr. Rose 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 – Dock H. Rose, R.Ph.

Mr. Rose stated the Board is working on several pieces of legislation that are very important to the public and to pharmacy in general, which includes legislation on pharmacy technicians and central fill. He further stated there have been objections to the central fill bill because the prescriptions must be returned to the pharmacy from which the prescription originated and the inability to fill Schedule II drugs. He went on to say the Board would be meeting with Mr. Wilbur Harling of the SC Department of Health and Environmental Control, Bureau of Drug Control on February 1, 2008. He also said the Methadone Committee would be meeting on that date.

Introduction of Board Members

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

1. Approval of Minutes for the November 14, 2007 Meeting

Mr. Mobley noted one correction to the Application for Pharmacist-in-Charge and Permit Holder Change, Apothecare Compounding Pharmacy, Charles Shively, R.Ph. He stated he would like to add a sentence to the paragraph in which Mr. Shively discussed the veterinary products he would be using in the pharmacy.

MOTION

Mr. Hook moved the Board approve the minutes of the November 14, 2007 meeting as amended. Mr. Bushardt seconded the motion, which carried unanimously.

2. Approval of Reciprocity Interview Candidates for Licensure:

Dates: October 4, 29, 2007, November 1, 2, 7, 15, 21, 28, 29, 2007,
December 4, 6, 11, 12, 14, 20, 27, 29, 31, 2007

MOTION

Mr. Mobley made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the reciprocity candidates for licensure from October, 4, 29, 2007, November 1, 2, 7, 15, 21, 28, 29, 2007, December 4, 6, 11, 12, 14, 20, 27, 29, 31, 2007.

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

Mrs. Bundrick presented the members with the Statement of Economic Interest Forms. She noted these forms are due to the SC Ethics Commission no later than April 15, 2008. She stated the penalties for not returning the form on time are quite high.

Mrs. Bundrick introduced Ms. Renee Valentine, a SC College of Pharmacy, USC Campus pharmacy student, who is currently serving a rotation with staff.

Mrs. Bundrick stated the ballots for the fourth congressional district election were mailed on January 10, 2008 to all pharmacists residing in that district according to their last renewal application. She further stated the candidates running for this position are Mr. David Banks, Mr. Brian Moon, Mr. Donnie Eric Ridings, Mr. Dock Henry Rose, Mr. George Edward Vess, Jr. and Mr. Robert Wyatt. Staff mailed 549 ballots. The ballot count will be held at 10:30 a.m., February 28, 2008 in room 306-30 of the Kingstree Building in order for staff to meet the deadline to notify the Governor of the election winner by March 1, 2008.

Mrs. Bundrick stated 639 pharmacy technicians were randomly selected for the continuing education audit. Staff mailed letters to these pharmacy technicians on December 6, 2007. The deadline for submission was January 15, 2008. To date 234 technicians have not responded to the audit and 31 are incomplete. Staff will be mailing a second notice to those technicians who have not responded, as well as their PICs, to inform them to cease practice as a technician until such time proof of continuing education is determined.

Mrs. Bundrick stated staff began the practice of sending the second notices to the PICs last year at the Board's request.

Mrs. Bundrick stated 508 pharmacists were randomly chosen for the continuing education audit. Staff mailed letters to those pharmacists on October 18, 2007. The deadline for those submissions was December 1, 2007. To date 24 have not responded to the audit. Staff will begin fining these pharmacists \$200 and their licenses will be placed on a three year probation as previously approved by the Board. These pharmacists will not be able to renew on-line during the probation period.

Mrs. Bundrick stated as of this report there are approximately 2,218 active state certified pharmacy technicians; 4,439 active registered pharmacy technicians; 5,962 active licensed pharmacists; 3,370 permitted facilities and three electronic prescribing routing companies.

Mrs. Bundrick stated there are currently 79 cases being investigated, of which 17 resulted from one issue and will be resolved soon. Of the 62 remaining cases approximately half of the cases are diversion and medication errors, 10 cases are major investigations that pharmacy staff is currently investigating and five cases are cease and desist matters. There are 18 cases pending Board action which appear on this agenda. There are 35 cases pending OGC action, three cases pending hearings which are scheduled for January 17, 2008, and four cases pending closure which is an administrative function. This brings the total number of cases to 139.

Staff is currently re-evaluating investigations and reassigning the cases to Mr. Durant and Mr. Trotter. These investigations were previously assigned to pharmacist inspectors. The reassignment will allow the pharmacist inspectors can focus on inspections and compounding issues.

Mrs. Bundrick stated there are 37 pending citations. Ninety inspections have been completed since the last Board meeting.

The South Carolina Society of Health System Pharmacists has offered staff an opportunity to have an exhibit booth at their upcoming annual convention March 9 – 12, 2008 in Myrtle Beach. It is an excellent opportunity for staff to improve public awareness of the Board and its duties and responsibilities. As a reminder the next Board meeting will be in Myrtle Beach on Tuesday, March 11, 2008.

The NABP 104th annual meeting will be held May 17 – 20, 2008 in Baltimore, Maryland. The Board will need to select an official delegate and an alternate to attend the meeting. NABP is offering a travel grant program for the voting delegate at the meeting. If this individual is interested in applying for the grant there is an application that must be completed.

Mrs. Bundrick and/or her staff have participated in the following meetings since the November 2007 Board meeting: a compliance meeting was held with Mr. Bryant on November 29, 2007,

an Immunization Task Force meeting on December 7, 2007, a Pharmacy Technician Committee meeting on December 7, 2007, an RPP Committee meeting on December 7, 2007, an Inspection Report Committee meeting on December 7, 2007, and a Medication Errors Committee meeting on December 7, 2007. Mrs. Clelia Sanders and Mrs. Bundrick met with Mr. Paul Bush and his leadership at MUSC on December 11, 2007 to discuss updating their MOA with the Board and actual sites for pharmacy services in order for staff to begin the inspection process to give feedback to the Board in regard to the proposed changes to the MOA. There was an IRC meeting on December 19, 2007. Mrs. Bundrick met with Senator Cromer and various entities on December 19, 2007 to discuss the PBM bill. The following committees met on January 8, 2008: Pharmacy Technology Committee, Compounding Task Force, Nuclear Pharmacy Committee, Legislative Committee, Federally Qualified Health Clinic Committee, and the Pharmacy Practice Task Force. Staff has attended agency/board staff/compliance staff and legal counsel meetings since the last Board meeting.

Mr. Wilbur Harling, of the Bureau of Drug Control and Mrs. Bundrick attended the MPJE review in Ft. Lauderdale, Florida, January 9 – 13, 2008. They reviewed 3,946 questions to determine if the questions would be appropriate to be in compliance with state and federal laws.

Mrs. Bundrick has completed documentation requesting three full time pharmacist positions. These positions are geared toward compounding inspections to include sterile and non-sterile compounding. The agency has forwarded the documentation to the Budget and Control Board for approval and agency staff is waiting for that Board's decision to see if the three positions could be obtained.

Mrs. Bundrick presented the following documentation for the Board's review: a letter from the Department of Health and Human Services regarding patient information evaluation for 2007 and the budget information.

Mrs. Bundrick stated Mr. Bryant apologizes for not being able to attend this meeting; however, he would be glad to answer any questions the Board members may have.

Mrs. Bundrick thanked the Board for their support of her and her staff. She stated she and staff appreciates the encouragement and support expressed by the Board. She further stated she would respectfully answer any questions the Board members would have.

Mr. Bradham questioned Mrs. Bundrick in regard to the review of the questions she and Mr. Wilbur Harling reviewed. Mrs. Bundrick stated the new questions reviewed last week would be added as field questions to the exam to be administered in June 2008.

Mr. Hook stated the letter from the Department of Health and Human Services requests the Board participate in the trial long range action plan for division of useful prescription drug information. He asked if that agency has to ask the Board's permission to participate in this state. He asked what that agency is looking for.

Mrs. Bundrick stated she does not know what the Department of Health and Human Services is looking for. She thinks the agency is doing an evaluation over the United States and the evaluation may or may not take place in South Carolina.

MOTION

Mr. Bradham moved the Board approve to participate in the Department of Health and Human Service's evaluation and vote to say yea or nay. Mr. Hook seconded the motion. After a brief discussion the motion carried unanimously.

4. Compliance and Inspectors Report

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

- Formal Complaints
Case #: 2006-33
Case #: 2007-38
Case #: 2007-40
Case #: 2007-46
Case #: 2007-52
Case #: 2007-55
Case #: 2007-90
Case #: 2007-102
Case #: 2007-105
Case #: 2007-108
Case #: 2007-121

MOTION

Mr. Bradham made a motion, seconded by Mr. Hook and unanimously carried, the Board accept and approve these cases involving formal complaints.

- Temporary Suspension
Case #: 2007-55
Case #: 2007-134

Mr. Hanks presented the cases involving temporary suspensions to the Board members. He noted these cases were for the Board's information.

- Consent Agreements
Case #: 2006-33
Case #: 2006-58
Case #: 2007-93

Mr. Hanks briefed the members on the above cases involving consent agreements.

MOTION

Mr. Bradham moved the Board accept and approve these cases involving the consent agreements. Dr. Richardson seconded the motion, which carried unanimously.

- Relinquishments
Case #: 2005-55
Case #: 2005-56
Case #: 2006-82
Case #: 2007-22

Case #: 2007-42
Case #: 2007-106

Mr. Hanks briefed the Board on the cases involving relinquishments to the Board.

MOTION

Mr. Hook made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve these cases involving relinquishments.

- Dismissal
Case #: 2006-41
Case #: 2007-87

Mr. Hanks stated case #2007-87 came before the Board by way of application during a prior meeting. He stated case #2006-41 was a methadone clinic that did not have a sink. He went on to say the facility has since closed.

MOTION

Mr. Hook moved the Board approve these cases involving dismissals. Mr. Bushardt seconded the motion, which carried unanimously.

- Cease and Desist
Case #: 2007-136LP
Case #: 2007-136MP
Case #: 2007-136SP
Case #: 2007-137ST
Case #: 2007-137OST

MOTION

Mr. Bradham made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board accept these cases involving the cease and desist orders.

❖ IRC Report

Dismissal – Cease and Desist

MOTION

Mr. Hook moved the Board approve case #2007-101 involving a dismissal and cease and desist order. Mr. Bradham seconded the motion, which carried unanimously.

❖ Request Modification of Routine Disciplinary Sanctions

Mrs. Bundrick stated the Board approved the routine sanctions guidelines during the November 2007 meeting. She further stated the Board had approved a \$500 fine per violation, suspension, immediately stayed, 5 year probation, 5 year RPP contract, and no PIC or permit holder for a first time drug diversion in regard to a pharmacist. She went on to say that staff would like to recommend changes to two of the sanctions. She said staff recommends one year out of practice should be added for pharmacy technicians and a five-year probation and five year RPP contract for pharmacy technicians to the first time drug diversion sanction.

MOTION

Mr. Mobley made a motion the Board accept the revisions to the proposed routine sanctions. Mr. Hook seconded the motion, which carried unanimously.

A. Request Modification of Order – James Hubbard, Jr.

When Mr. Hubbard moved to South Carolina he was currently licensed in Kentucky, Georgia and Alabama. His Alabama license was subject to an order dated November 8, 2005 setting probationary terms for a period of five years. Mr. Hubbard voluntarily surrendered his license to the Alabama Board of Pharmacy in August 2005 and entered a drug treatment program which he successfully completed in October 2005. He also enrolled in the Alabama Impaired Pharmacists Program where he remained in good standing until he moved to South Carolina. Mr. Hubbard appeared before the Board during the November 15, 2006 meeting for approval of licensure by reciprocity. In a Board order dated November 16, 2006, Mr. Hubbard's license was placed on probation for five years; however, if he failed to abide by the terms of the order his license would be immediately suspended temporarily until further order of the Board.

During the approximate period of January to February 2007 James Hubbard, Jr. diverted and ingested Hydrocodone without a prescription from an authorized practitioner from CVS Pharmacy in Anderson. Mr. Hubbard entered into a consent agreement approved by the Board in June 2007. The consent agreement, in part, states Mr. Hubbard's license shall be reinstated on March 19, 2008 and continue in a probationary status for five years. The consent agreement further states that Mr. Hubbard shall not serve as a pharmacist-in-charge (PIC) or as permit holder during his probationary status.

On November 29, 2007 the Board received a letter from Mr. Hubbard stating he wished to appear before the Board during the January 2008 meeting to ask the Board to allow him to serve as PIC.

James E. Hubbard, Jr., Julie Surles, of RPP, and Himanshu Desai, of CVS Pharmacy, appeared before the Board at this time and offered the following testimony.

Mr. Hubbard's license has been reinstated in Alabama and South Carolina and he has complied with everything asked of him in Alabama as well as in South Carolina. He has been serving as a regional support pharmacist for his employer.

Mr. Desai stated he believes Mr. Hubbard is now ready and worthy to become a PIC.

Ms. Surles stated began Mr. Hubbard joined RPP on September 22, 2006. He was with the Alabama recovering program prior to joining RPP. He attends at least two AA meetings a week and his drug screenings have come back negative.

Mr. Rose informed Mr. Hubbard that the Board would take his testimony under advisement and would take action on this matter at a later time in the meeting.

B. Request Release from Order – Donald Webster

In 2001 Donald Webster failed to notify the Board of his change of employment as a pharmacist-in-charge (PIC) and of the permanent closing and change of ownership of Gatlin's Pharmacy in a timely manner. Mr. Webster entered a consent agreement approved by the

Board on January 24, 2002. The consent agreement stayed suspension of his license and placed that license in a probationary status for five years.

On December 4, 2007 the Board received a faxed letter from Mr. Webster seeking an appearance before the Board to seek the Board's approval to release him from the January 2002 consent agreement.

Donald Webster and Larry Griffin of RPP appeared before the Board at this time and offered the following testimony.

Mr. Webster returned to work as pharmacist on January 28, 2003 and is currently employed with Rite-Aid. His agreement was signed on December 12, 2002. He thanked the Board for the formation of RPP. He completed a two-month in-patient treatment program with the Ridgeview Institute in Atlanta, Georgia. He attended AA and NA group meetings.

Mr. Griffin stated Mr. Webster waited an extra year prior to appearing before the Board to seek the Board's approval of removing him from probation. He has been compliant with all aspects of his RPP contract.

Mr. Rose informed Mr. Webster that the Board would take his testimony under advisement and would take action on this matter at a later time in the meeting.

C. Request Modification of Order – Christopher Steele

Between approximately July 2006 and November 2006 Christopher Steele diverted and ingested without a prescription from an authorized practitioner a quantity of Ultram from the Providence Hospital (NE) Pharmacy. Mr. Steele entered a consent agreement approved by the Board on September 20, 2007. The consent agreement placed Mr. Steele's license in a probationary status for five years and until further order of the board and stated, in part, that he shall not serve as a pharmacist-in-charge (PIC) or as a permit holder during the probationary period.

Mr. Steele appeared before the Board during the September 2007 meeting seeking the Board's approval to modify his order and allow him to serve as a pharmacist-in-charge (PIC) for Sunrise Medications Pharmacy. The Board denied Mr. Steele's request at that time.

On November 30, 2007 the Board received an e-mail from Mr. Steele asking to be placed on the agenda for the January 2008 meeting to seek the Board's approval of modification of the consent agreement which would allow him to serve as a pharmacist-in-charge (PIC) for Sunrise Medications Pharmacy.

Christopher Steele, Mike Keener, and Jon Davidson of RPP appeared before the Board at this time and offered the following testimony.

Mr. Steele stated he is seeking approval to modify his consent order of June 7, 2007 so he may serve as a PIC for Sunrise Medications Pharmacy at this location only. He further stated the pharmacy is mail order dealing exclusively with respiratory care. He noted the pharmacy compounds physician samples only and complies with USP Chapters 795 and 797.

Mr. Davidson noted Mr. Steele enrolled with RPP on December 11, 2006. He further stated Mr. Steele continues to be compliance with all aspects of his RPP contract.

Mr. Mobley questioned Mr. Steele in regard to compounding. Mr. Steele stated he had received extensive sterile compounding training under his previous employer. He is aware of the direction the Board is taking in regard to 795 and 797 involving maintenance, employee training and documentation. He would be prepared to provide the Board with the documentation in these aspects if he is approved as PIC. There would be two pharmacists and two pharmacy technicians employed with this pharmacy. Neither Mr. Steele nor his employer would object to the re-inspection of the facility prior the Board making a decision in this matter.

Mr. Keener stated the pharmacy is owned by Medical Services of America and he serves as the director. He is not a pharmacist. He further stated the pharmacy is pleased to offer the opportunity to Mr. Steele.

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

Recess

The Board recessed at 10:21 a.m. and returned to public session at 10:40 a.m.

Return to Public Session

5. Old Business

There was no old business for discussion.

6. New Business

D. Request Approval of Intern Hours – Kayode Odediran

In a letter dated December 10, 2007 Kayode Odediran states she served as a pharmacist intern under two different pharmacists-in-charge at two different Rite-Aid stores. His letter further states he was unaware that he was to inform the Board of his hours nor did the PICs inform him of what to do. He is asking the Board to approve his intern hours he earned at Rite-Aid.

Kayode Odediran appeared before the Board at this time and offered the following testimony.

Aaron Kropf stated Mr. Odediran transferred locations and failed to register that preceptor with the Board at that time. Mr. Odediran began working with Mr. Kropf in January 2007 and, as of today, currently has 2,035 hours.

Staff has accepted 800 intern hours received between January 2007 and June 2007 on record at the office. Staff does not have hours from January 4, 2007 to March 22, 2007 and July 3, 2007 to October 12, 2007. The hours in question were earned between July 3, 2007 to October 12, 2007 and amounts to 544.2 hours

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

E. Request Approval of Certified Pharmacy Technicians Bar Code Scanning in Long Term Care Facility – Ed Vess, R.Ph.

On November 12, 2007 the Board received a request from Ed Vess, R.Ph., of Omnicare to make a presentation to the Board in reference to bar code scanning in their three long term care facilities in South Carolina.

Ed Vess is seeking the Board's approval of a certified technician to complete the final medication verification with a process involving a bar code scan under the direct supervision of a pharmacist. He made a presentation in regard to bar coding medications in a long term care facility. He noted that any medication that did not scan must go to a pharmacist and any medication that does not contain a bar code would not move through this process. There are no other restrictions on the technicians in the other states in which this process has been approved.

Mrs. Dantzler stated Mr. Vess is asking for a waiver from a statutory provision. She further stated the Board cannot change the statute and unless there is another section in the statute that authorizes this type of practice the Board should be talking about changing the statute to accommodate new technology.

Mr. Rose informed Mr. Vess the Board would refer this matter to the Technology Committee to develop language for a legislative change. He said another alternative would be for Mr. Vess' consultant group to develop language for this change.

Mr. Vess asked that he be allowed to work with the Technology Committee in this matter.

F. Request Approval of Pharmacist Application – Ronald Propst

On November 20, 2007 the Board received a reciprocity pharmacist application and a letter from Ronald Propst. In August 2005 Mr. Propst took a verbal prescription and filled for himself two ounces of a prescription cough syrup. He left the prescription for another pharmacist to see if she would have a question. When the other pharmacist called the physician to verify the prescription, the physician denied speaking with Mr. Propst and did not validate the prescription. The North Carolina Board of Pharmacy demanded the surrender of his pharmacist license and presented him with a Board Order outlining what he was to complete in order to have his license reinstated. He completed all of the items the Board requested with the exception of taking and passing the North Carolina jurisprudence exam within the given six months. Mr. Propst's letter stated his younger sister died suddenly during the time he was completing the Board's Order and he went through a difficult time. He realizes it was irresponsible for him not to fulfill all of the items as requested by the North Carolina of Pharmacy; however, the Board would not allow him to retake the exam.

Ronald Propst appeared before the Board at this time and offered the following testimony.

Mr. Propst stated he is seeking approval for initial licensure in South Carolina. He surrendered his license in North Carolina for filling a prescription for himself. He appeared before the Board and received an order that included successful passage of the jurisprudence exam within six months; however, he failed the exam with a score of 74. He appeared before the Board again seeking modification of the order to extend time to take the exam. The Board refused to modify the order. The Board's order also stated that he must complete a recovery program. He found a Board approved program and completed three months of counseling. Once the Board refused to allow him to take the jurisprudence exam he discontinued the program, which would require random drug screenings. He has spoken with Mrs. Sally Green who suggested he seek the

Board's approval to take the jurisprudence exam for initial licensure in South Carolina. He was initially licensed as a pharmacist in North Carolina and is currently licensed in California.

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

G. Request Approval of Reciprocity Application – Thomas Henry

On September 20, 2007 the Board received a reciprocity pharmacist application from Thomas Henry. Mr. Henry 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?" and 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 offense) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" In April 1983 Mr. Henry was convicted of two misdemeanor counts of obstructing government administration and official misconduct relative to his elected position of Mayor of the City of Rensselaer, New York. He was then contacted by the New York State Board of Professional Conduct which recommended disciplinary action against his pharmacist license. He appealed the decision to the New York State Board of Regents and appeared before a Panel of Regents. The panel recommended to the full Board of Regents that no disciplinary action be taken against his pharmacist license. The full Board of Regents concurred with the Panel's decision.

Thomas Henry appeared before the Board at this time and offered the following testimony.

Mr. Henry stated he has not served as an elected official since the 1983 incident. The New York Board of Regents took no action against his pharmacist license since the incident did not involve his licensure. He remains licensed in New York, Massachusetts, North Carolina and Virginia; however, he did not renew his Massachusetts license. He has since completed a 35 year career in the Air Force reserve and maintains a top secret security clearance.

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

H. Request Approval of Reciprocity Application – Wendy Carter

On October 29, 2007 the Board received a reciprocity pharmacist application from Wendy Carter. On January 4, 2008 the Board received a letter from Ms. Carter stating she was unsure of the Board's letter stating it had received a 'notification of disciplinary action.' She did receive a reprimand from the Massachusetts Board of Pharmacy in 1991 for a medication error. She apologized for omitting this action on her reciprocity application and stated it was not her intent to mislead or misinform the Board. She enclosed, with her letter, a copy of her statement to the Massachusetts Board of Pharmacy and a copy of the letter of reprimand.

Wendy Carter appeared before the Board at this time and offered the following testimony.

Ms. Carter is not licensed in any state other than Massachusetts. She moved to South Carolina in 2007.

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

- I. Delegate for NABP 104th Annual Meeting, May 17-20, 2008 in Baltimore, MD

MOTION

Mr. Hook moved the Board elect Mr. Rose as the delegate for the NABP annual meeting. Mr. Bushardt seconded the motion. Mr. Bradham amended the motion to state Mr. Hook serve as the alternate delegate. The motion carried unanimously.

Executive Session

MOTION

Mr. Bradham made a motion, seconded by Mr. Mobley and unanimously carried, that the Board enter executive session to seek legal advice.

LUNCH

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

Return to Public Session

Mr. Banks arrived at the meeting at this time.

MOTION

Mr. Mobley moved the Board return to public session. Mr. Bradham seconded the motion, which carried unanimously.

Mr. Rose noted for the record that no motions were offered or made and no votes were taken while the Board was in executive session.

Request Modification of Order – James Hubbard, Jr.

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Mobley made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board allow the modification of the order as Mr. Hubbard requested.

Request Release from Order – Donald Webster

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Toole moved the Board release Mr. Webster from his Board Order. Dr. Richardson seconded the motion, which carried unanimously.

Request Modification of Order – Christopher Steele

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Bradham made a motion, seconded by Mr. Mobley and unanimously carried, that the Board deny this request.

Request Approval of Intern Hours - Kayode Odediran

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Bushardt made a motion, seconded by Mr. Bradham and unanimously carried, that the Board deny this request.

Request Approval of Pharmacists Application - Ronald Propst

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Hook moved the Board deny Mr. Propst's application. Dr. Richardson seconded the motion, which carried unanimously.

Request Approval of Reciprocity Application - Thomas Henry

Mr. Banks recused himself from voting in this matter.

MOTION

Dr. Richardson made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board grant reciprocity licensure to Mr. Henry.

Request Approval of Reciprocity Application - Wendy Carter

Mr. Banks recused himself from voting in this matter.

MOTION

Dr. Richardson moved the Board grant Ms. Carter licensure by reciprocity. Mr. Hook seconded the motion, which carried unanimously.

7. Committee Reports

- Immunization Task Force – Davis Hook, R.Ph., David Banks, R.Ph., Dan Bushardt, R.Ph., Leo Richardson, PhD., Joe Mullinax, R.Ph.

Mr. Hook stated the committee met on December 7, 2007. The committee hopes the legislation will pass during this legislative session.

Mr. Rose asked that any motions coming from committees be made following the committee reports.

- Pharmacy Technology Committee – Al Toole, R.Ph., Hugh Mobley, R.Ph., Bobby Bradham, R.Ph., Dock H. Rose, R.Ph., Joe Mullinax, R.Ph., Joe Newton, R.Ph., Joe Mullinax, R.Ph.

Mr. Toole stated the committee met on January 8, 2008 and discussed issues from Wal-Mart and Walgreens. He went on to say the committee agreed to allow work flow balance for both stores as pilot programs, however, the committee denied Wal-Mart's request for a vending machine.

- Recovering Professional Program Committee – Leo Richardson, PhD., Davis Hook, R.Ph., Dan Bushardt, R.Ph., David Banks, R.Ph.

Dr. Richardson stated the RPP committee has not met since the November 2007 meeting. The Board's RPP committee met on December 7, 2007.

Mr. Hook stated the Board has granted admission to RPP for pharmacy technicians. He further stated the agency has agreed to fund the program for the first six months; however, the technicians will be responsible for paying the fee beginning with the 2008 renewal period. He further stated Mr. Sheheen is to notify the Board of the fee to be associated for the technicians. He said it would be approximately \$5 or \$6.

- Compounding Task Force – Hugh Mobley, R.Ph., Al Toole, R.Ph., Bobby Bradham, R.Ph., Dock H. Rose, R.Ph., Sara Braga, PharmD, James Greene, R.Ph.

Mr. Mobley stated the committee met on January 8, 2008. He further stated there will be two motions to present at the appropriate time. He said the committee discussed the placement of the permit, the type of compounding, USP 795 and 797, education requirements for employees and evidence of employee training. He noted the next newsletter will contain an article in regard to the types of compounding. He also stated the committee is attempting to coordinate a continuing education course on compounding. He said the committee would like to add evidence of employee training and policies and procedures regarding compounding to the inspection forms. He went on to say the committee is requesting the Board ask the Colleges of Pharmacy to include information or a course in regard to compounding. He further stated ACA has disseminated a survey the Committee will distribute prior to inspection.

Mr. Bradham stated the committee also discussed documentation via fax or e-mail is required for large corporations having one central helpdesk.

- Nuclear Pharmacy – Bobby Bradham, R.Ph., Dock H. Rose, R.Ph., Hugh Mobley, R.Ph., Al Toole, R.Ph.

Mr. Bradham stated the committee met on January 8, 2008 and was well attended by the nuclear pharmacy profession. The nuclear pharmacy profession will be meeting in February 2008 at the Association to develop guidelines to be presented to the Board. The nuclear pharmacists will include in their discussion policies and procedures for USP 795 and 797 as they relate to nuclear pharmacy.

- Pharmacy Technician Committee –David Banks, R.Ph., Dan Bushardt, R.Ph., Davis Hook, R.Ph., Leo Richardson, PhD.

Mr. Banks stated the committee met on December 7, 2007 and a motion will be made at the appropriate time.

- Legislative Committee – Bobby Bradham, R.Ph., Hugh Mobley, R.Ph., Al Toole, R.Ph., Dock H. Rose, R.Ph.

Mr. Bradham stated the committee met on January 8, 2008. He further stated the meeting was well attended. Discussion included federal legislation as well as state legislation to be introduced.

- Medication Errors – David Banks, R.Ph., Dan Bushardt, R.Ph., Davis Hook, R.Ph., Leo Richardson, PhD

Mr. Banks stated the committee met on December 7, 2007; however, the committee had no report at this time.

- Pharmacy Benefit Management (PBM) –Davis Hook, R.Ph., David Banks, R.Ph., Dan Bushardt, R.Ph., Leo Richardson, PhD., Joe Mullinax, R.Ph.

Mr. Hook stated the legislative process is rolling in regard to the PBMs. He noted the PBM bill is being opposed by strong opponents. The committee does not know how the bill will end up after this session.

- Federally Qualified Health Clinics – Bobby Bradham, R.Ph., Al Toole, R.Ph., Hugh Mobley, R.Ph., Dock H. Rose, R.Ph.

Mr. Bradham stated the committee met on January 8, 2008. He further stated issues with the legislative document as it was presented; however, the document is being dealt with. He went on to say the federally qualified health clinics were to get their changes to the association. He received a copy of those changes and he responded to the changes on January 14, 2008.

- VAWD Committee – Dan Bushardt, R.Ph., David Hook, R.Ph., David Banks, R.Ph., Leo Richardson, PhD

Mr. Bushardt stated the committee met on January 16, 2008 and determined it would review legislation from other states. He further stated the committee hopes one of its members would be able to attend a meeting to be held in Philadelphia, Pennsylvania where VAWD would be discussed in depth.

- Methadone Committee – Dock H Rose, R.Ph., Al Toole, R.Ph., Hugh Mobley, R.Ph., Bobby Bradham, R.Ph.

This committee will meet at 9:30 a.m., February 1, 2008.

- Practice Act Revisions Task Force – Dock H. Rose, R.Ph., Bobby Bradham, R.Ph., Hugh Mobley, R.Ph., Al Toole, R.Ph.

Mr. Rose stated this committee met on January 8, 2008 and reviewed and answered a number of questions which will appear on the Board's website. He would like for the committee to review the practice act to see what can be done to aid the practice of pharmacy and what would be best for South Carolina citizens.

- Inspection Report Committee – Dan Bushardt, R. Ph., David Hook, R.Ph., David Banks, R.Ph., Leo Richardson, PhD

Mr. Bushardt stated this committee met on December 7, 2007 and referred the compounding inspection reports to the Compounding Committee.

❖ Technology Committee

MOTION

The committee moved to allow Wal-Mart and Walgreen's to have work flow balance, that the work flow balance be confined to the primary and secondary facilities permitted in South Carolina with South Carolina licensed/registered personnel; however, the motion does not include the central fill aspect. The committee will work with staff to set parameters. Since the motion came from committee no second was needed. The motion carried unanimously.

MOTION

The committee moved to deny Wal-Mart's vending machine. Since the motion came from committee no second was needed. The motion carried unanimously.

❖ Compounding Task Force

MOTION

The committee moved the Board recommend using 795 or 797 as references for standard of practice for new permitted facilities and any permitted facilities renewed after June 2008 and any new exceptions to the standards should be substantiated by some type of internal validation or documentation of professional judgment. No second was needed since the motion came from committee. The motion carried unanimously.

MOTION

The committee made a motion to require entities or facilities involved in compounding to have had six hours of initial training documented and to have annual continuing education or training of four hours in a documented checklist in employee files. Since the motion came from committee no second was needed. The motion carried unanimously.

❖ Technician Committee

MOTION

This committee made a motion to allow a pharmacist to technician ratio of 3:1 with 1 state certified technician, 4:1 with 2 state certified technicians and that the Board maintain two categories of technicians, registered and state certified. Furthermore, these ratios are not employment ratios.

Mr. Banks stated the motion passed through committee on a 6 to 1 vote.

Mr. Bradham spoke against the motion. He stated the Board set up specified training required for state certification and statistics from 2007 show that 43.2 percent of all working technicians in South Carolina were state certified. In 2008 the statistics show that 50 percent of all working technicians were state certified and that was time enough for two programs to have their entities accredited by ASHP to have an impact on the statistics. The Board has worked closely with the technical colleges to now have an on-line program that is already ASHP accredited.

Mr. Rose read into record the following letter from Dale Masten and Jim Quackenbush in regard to this motion.

Ms. Bundrick:

According to the agenda for the upcoming Board Meeting the Board plans to discuss the technician certification issue and the recommendation of the Technician Committee.

The SCADS and NACDS currently have no position on the committee's recommendation. After the Board of Pharmacy meets, and if a vote is taken on a proposal, we will be happy to discuss the proposal with our membership.

Thank you for your attention to this matter.

Mr. Hook called for the vote. Mr. Bradham seconded the motion to close the vote. Mr. Banks, Mr. Mobley, Mr. Toole and Mr. Hook voted in favor of the motion. Mr. Bushardt, Mr. Bradham and Dr. Richardson voted against the motion. The motion carried with a majority vote.

❖ VAWD Committee
MOTION

The committee made a motion to recommend the Board begin the process of writing legislation for verified-accredited wholesale distributors. No second was needed since the motion came from committee. The motion carried unanimously.

❖ FQHC Committee

Mr. Bradham stated the Federally Qualified Health Clinics committee is working with the association to develop language to make changes to Section 40-43-70 in regard to what the clinics had to have to be in compliance with the Pharmacy Practice Act.

Mr. Bradham noted the changes made to which the clinics and the committee have agreed. One change states that the clinics without a retail pharmacy 'shall designate a pharmacist duly licensed and in good standing by the' Board. He further stated the committee did not agree to the clinics with a retail pharmacy being exempt from the provision under Section 40-43-84 requiring:

- (1) A pharmacist to serve as a pharmacist-in-charge for only one pharmacy at a time.
- (2) A pharmacist to be physically present in the health center delivery site in order to serve as the pharmacist-in-charge.

Mr. Bradham stated the committee did agree to allow the clinics to conduct monthly inspections and the consulting pharmacist must be in the clinic at least quarterly.

MOTION

The committee is presenting this draft legislation as a motion to eliminate the proviso and to forward to the legislature as a unified body as a compromise. The motion needed no second as it came from committee. The motion carried with a majority vote. Dr. Richardson voted nay.

Mr. Mobley stated in the discussion that the matter of disciplinary cases was addressed in the committee meeting. It was suggested that any pharmacist with disciplinary issues who is directed not to serve as PIC or permit holder in an order of the Board should also not serve as a consultant pharmacist.

8. Discussion Topics

There were no discussion topics for this meeting.

Public Comments

Mr. Rose reminded the members to submit their Statement of Economic Interest Forms to the State Ethics Commission.

Mr. Rose stated the Apothecare Pharmacy permit application has been withdrawn and that the Paula Abbott matter has been postponed to the next meeting.

Adjournment

MOTION

Mr. Bradham moved the meeting be adjourned.

The Board of Pharmacy recessed the January 16, 2008 meeting at 3:30 p.m.

South Carolina Board of Pharmacy

MINUTES

9:00 a.m., January 16-17, 2008
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 201-03
Columbia, South Carolina

Thursday, January 17, 2008

Meeting Called to Order

Dock Henry Rose, R.Ph., of Greer, called the regular meeting of the SC Board of Pharmacy to order at 9:00 a.m. Other Board members participating in the meeting included: Davis Hook, R.Ph., vice chairman, of West Columbia; Bobby Bradham, R.Ph., of Charleston; Dan Bushardt, R.Ph., of Lake City; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

David Banks, R.Ph., of Simpsonville, was granted an excused absence.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Ron Cook, Investigator; Eddie Durant, R.Ph., Temporary Investigator; Beverly Gould, Administrative Assistant; Diana Harder, Administrative Assistant; Joe Newton, R.Ph., Investigator; Tom Porter, R.Ph., Pharmacist Investigator; and Clelia Sanders, R.Ph., Pharmacist Investigator. LLR employees participating during the meeting included: Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, LLR-Office of General Counsel; and Eddy Lane, Hearing Advisor.

Members of the public attending the meeting included: Stacy Cook, Kitty Lindler, P. J. Little, Gene Matthews, Mike Stevenson, and Solon Symeonidis.

Mr. Rose 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.

Chairman's Remarks – Dock H. Rose, R.Ph.

Mr. Rose made no remarks at this time.

9. HEARINGS

Pharmacy Permit Application Hearing

In the matter of, ApothecareRX Compounding Pharmacy, Charles Shively, R.Ph. This permit application was withdrawn and was not heard by the Board during this meeting.

In the matter of, Solon Symeonidis
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, H. D. Smith Wholesale Drug Company, PY5560
In the matter of, H. D. Smith Wholesale Drug Company, PY9525
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 Paula Abbott
This matter was postponed to a later meeting.

MOTION

Mr. Hook made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board enter executive session to seek legal advice.

MOTION

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

Mr. Rose noted for the record that no motions were offered or made nor were any votes taken while the Board was in executive session.

In the matter of, H. D. Smith Wholesale Drug Company, PY5560
In the matter of, H. D. Smith Wholesale Drug Company, PY9525

MOTION

Mr. Bradham made a motion, seconded by Mr. Bushardt and unanimously carried, that the Board notify H. D. Smith Wholesale that they will not be allowed to do business in South Carolina unless products in the entire chain of distribution are from a VAWD certified facility and that the two entities be fined \$500 each.

In the matter of, Solon Symeonidis

MOTION

Mr. Mobley moved Mr. Symeonidis' license remain suspended for one year from the date of his temporary suspension, that he be allowed to re-petition the Board upon passing of the MPJE and completion of a course in medication error offered by the SC Pharmacy Association, and that he be fined \$500. Mr. Toole seconded the motion, which carried unanimously.

Adjournment

The January 17, 2008 meeting of the SC Board of Pharmacy adjourned at 11:25 a.m.