

South Carolina Board of Pharmacy

Board Meeting

8:30 a.m., June 18-19, 2008

Crowne Plaza Resort

The Caravelle Room

Hilton Head, South Carolina

MINUTES

Wednesday, June 18, 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 8:30 a.m. Other Board members participating in the meeting included: Davis Hook, R.Ph., vice chairman, of West Columbia; David Banks, R.Ph., of Simpsonville; Bobby Bradham, R.Ph., of Charleston; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, Ph.D., of Columbia; and Allen Toole, R.Ph., of Liberty.

Dan Bushardt, R.Ph., of Lake City; was granted an excused absence for the June 18, 2008 meeting.

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

Members of the public attending the meeting included: Ryan Alexander, Eleni Anagostiadis, Jessica Beasley, Brigid Boehm, Hugh Bryan, Paul Bush, Marcus Carson, Carmelo Cinqueonce, Ivy Coleman, Mike DeLoski, Robert Eadie, Kirk Easton, Stephen Epstein, Liz Gallenagh, Jerry Gillick, Stephen Grabowski, John Hoelscher, Amy Holroyd, Frank Kolovrat, Jr., Robert Levy, Reynold McClain, Tammy McDowell, Elizabeth Miller, Joe Mullinax, Deepakkumar Patel, Stephanie Payne, Christy Pettit, Thomas Phillips, Brad Pine, Steven Renfer, Katrina Richmond, Eric Ridings, Joel Sheckley, Frank Sheheen, Carolyn Smith, and Ed Vess.

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 and the Crowne Plaza Resort, Hilton Head, South Carolina.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Bradham delivered the invocation.

Introduction of Board Members and all other persons attending

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

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

Mr. Rose stated the Board was created to protect the health and welfare of the public.

1. Approval of Minutes for the March 11, 2008 Meeting

MOTION

Mr. Bradham made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the minutes of the March 11, 2008 meeting.

2. Approval of Reciprocity Candidates for Licensure:

Dates: March 6, 10, 14, 18, 20, 21, April 7, 8, 11, 14, 15, 16, 18, 22, 26, 30, May 7, 8, 12, 14, 21, 22, 27, 2008

MOTION

Mr. Hook made a motion, seconded by Mr. Mobley and unanimously carried, that the Board approve the reciprocity candidates.

Mr. Bradham thanked Mrs. Green for her assistance in reciprocity interviews.

Mr. Mobley stated he has asked applicants about their experience with licensure process and stated the applicants have been complimentary of Mrs. Green. He thanked Mrs. Green for her graciousness to the applicants.

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

Mrs. Bundrick stated staff mailed out pharmacist renewal notices with passwords and pin numbers for the online renewals for all licensed pharmacists at their last known address on March 1, 2008. Staff mailed approximately 5,958 renewal notices. Ninety-one percent of the pharmacists renewed online. She believes eighty-nine percent of the pharmacists renewed online last year.

Staff mailed pharmacy technician renewal notices with passwords and pin numbers for the online renewals to all registered and state certified pharmacy technicians at their last known address in mid-April. Staff mailed approximately 6,916 renewal notices. Staff has had some major problems with the renewal process with numerous licensees and registrants stating they did not receive renewal notices. Hopefully, the next renewal season will be a much smoother process. So far, staff has had twenty-eight percent of the pharmacy technicians to renew online. Only forty-one percent of the pharmacy technicians have renewed at this time. Pharmacy technicians can renew through June 30th.

Staff mailed facility renewal notices to all facilities at their last known address on or about April 1, 2008. Staff mailed approximately 3,366 renewals. To date staff has renewed 2,696 facilities. Thirty-three percent of those have renewed online so far. A note to the Board members, all out-of-state facilities must renew by paper due to the additional inspection report, state licenses, state and federal substance control registration and providing staff with a pharmacy label.

Staff mailed final notices to 179 South Carolina pharmacies which did not renew their permits after the week of June 9, 2008 per the Board's request from last year.

As of this report the Board has approximately 2,325 active state-certified pharmacy technicians and 4,959 active registered pharmacy technicians, 6,160 active licensed pharmacists 3,455 permitted facilities, and three routing companies.

The Board has issued 964 pharmacy intern certificates since July 2005.

The pharmacist inspectors have conducted 235 inspections since the last Board meeting

The Board has 38 current pending investigations. Of these two are major and the rest fall within the resolution guidelines previously approved by the Board. Twenty-five investigations have been opened since the last Board meeting.

Fifteen citations have been issued since the last Board meeting.

Twenty-five pharmacist renewal applications with yes answers have been investigated.

Mr. Carmelo Cinqueonce has offered the Board the opportunity to have a booth at the upcoming Team Rx convention. She asked the members to stop by the booth on Saturday. Mrs. Bundrick thanked Mr. Cinqueonce in advance for partnering with the Board in an effort to improve public awareness of the Board and its duties and responsibilities.

Mrs. Bundrick and/or staff have participated in the following meetings since the last Board meeting. Mrs. Bundrick attended an Administrator's meeting with LLR on March 18th, staff attended a Freedom of Information Training on March 18th. The Board and the South Carolina Pharmacy Association conducted a continuing education program on the recent USP 795 and 797 changes and how it will affect the inspections of these facilities in South Carolina on March 30, 2008. Representatives from PCCA and Board staff presented the new information. Mrs. Cle Sanders and Mrs. Bundrick met with Dr. Paul Bush at MUSC in regard to their upcoming MOU. Mr. Porter and Mrs. Bundrick met with Dr. Scott Sutton in regard to compliance issues at USC's Sports Medicine. Mr. Ron Cook, Mr. Randy Bryant, Mr. Pleas Faglie, and Mrs. Bundrick met in regard to OIE and Pharmacy issues on April 21st. Supervisory staff attended training on physician descriptions on April 22nd. Mrs. Cle Sanders and Mrs. Bundrick met with the University Medical Associates Institutional Compliance and HIPPA Council at MUSC with Dr. Paul Bush on May 5, 2008 about the MUSC MOU. A telephone IRC conference call was held with Mr. "C" Turner on May 5th and May 27, 2008. Staff attended ReLAES training on May 12th. Mr. Henry Rose, Mr. Davis Hook, Mr. Bobby Bradham, Dr. Richardson and Mrs. Bundrick attended the NABP 104th annual meeting in Baltimore, Maryland May 17-20, 2008. The Pharmacy Technology Committee met on May 23rd. Mr. Henry Rose and Mr. Hugh Mobley attended as Board members. The Pharmacy Practice Committee met on May 23rd and Mr. Henry Rose and Mr. Hugh Mobley attended as Board members. A compliance meeting was held on citations, panel hearings and yes answers on renewals on June 3rd. Mrs. Cle Sanders, Mrs. Sharon Dantzler, and Mrs. Bundrick met on June 5, 2008 on the MUSC MOU to be presented to the Board during this meeting. Mrs. Bundrick participated in and attended numerous meetings and calls with the Pharmacy Association, NAPBS, the SC Drug Chain Stores, Senator Cromer, Representative Spires, and Mr. Richard Davis and the legislature in regard to the central fill bill, the pharmacy technician bill and the intern bill. Staff has attended agency staff, board staff, and compliance staff and legal counsel meetings. The Board continues to serve as a site for pharmacy students on clinical rotations from the SC College of Pharmacy USC Campus. Ms. Amanda Harding worked with staff during the month of April.

The deadline for the third quarter Board of Pharmacy newsletter/NABP is quickly approaching. Mrs. Bundrick asked the Board members to let her know if they had any suggestions for articles. Staff has been sending the draft newsletter to the members for their review and comments. Mrs. Bundrick asked that the members contact her if they are having trouble receiving the articles.

Mrs. Bundrick has finalized the documentation and forwarded it to Human Resources to hire applicants for three FTE positions for sterile compounding pharmacist inspectors. Once these positions are filled staff can then post any vacancies staff may have. Staff's goal is to have three full time pharmacist inspectors and three full time compounding pharmacist inspectors.

Mrs. Bundrick presented the members with several handouts for their information. These handouts included the Board's letter to the FDA in regard to compounding and how it should stay in the hands of the state and not in the federal government, NACVS sent information in regard to their pharmacy technology conference, and a letter from NACVS with attached correspondence from DEA regarding a policy on the take back of prescription disposal programs as they are related to controlled substances, and the latest budget information.

Mrs. Bundrick reminded the members that all travel documentation is due in the office by Wednesday, June 25, 2008 so the members would be reimbursed for travel in this fiscal year. She stated it is important to have the travel documents in the office by that date since staff does not have a long time to get the information to the Budget and Control Board for processing. If Mrs. Crouch does not receive this information in a timely manner the members would not be reimbursed because it was not submitted in this fiscal year.

Mrs. Bundrick thanked the Board for their support of her and the rest of the staff in the office. Staff appreciates the support and encouragement the Board members give the staff.

4. Compliance and Inspectors Report

IRC Recommendations for dismissals and dismissals with non-disciplinary letters of concern. Review of proposed Consent Agreements, Temporary Suspensions, and Voluntary Surrenders from the Investigative Review Committee, (IRC)

- Formal Complaints:

Case # 2007-109	Case # 2008-24	Case # 2008-28
Case # 2008-30	Case # 2008-34	

MOTION

Mr. Bradham made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the above referenced cases for formal complaints.

- Temporary Suspension

Case # 2008-24	Case # 2008-27	Case # 2008-28
Case # 2008-30	Case # 2008-34	

These cases were presented to the Board for their information.

- Agreement to Relinquish

Case # 2005-102	Case # 2007-16	Case # 2007-51	Case # 2007-99
Case # 2007-139	Case # 2008-18	Case # 2008-25	Case # 2008-28

MOTION

Mr. Bradham made a motion, seconded by Mr. Mobley and unanimously carried, that the Board approve the cases involving Agreement to Relinquish.

- Consent Agreements

Case #2006-25 and Case #2007-102

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the consent agreement involving case #2006-25 and case #2007-102.

Case #2007-40

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that the Board approve the consent agreement involving case #2007-40.

Case # 2007-58

MOTION

Mr. Banks made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve the consent agreement involving case #2007-58

Case # 2007-75

MOTION

Mr. Banks made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve the consent agreement involving case #2007-75.

Case # 2007-83

MOTION

Mr. Banks made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve the consent agreement involving case #2007-83.

Case # 2007-90

MOTION

Mr. Hook made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve the consent agreement involving case #2007-90.

Case # 2007-109

MOTION

Mr. Bradham made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the consent agreement involving case #2007-109.

Case # 2007-135

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the consent agreement involving case #2007-135.

Case # 2008-24

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve the consent agreement involving case #2008-24.

- Cease and Desist

- In the matter of, Josie Lane Curry

This matter was presented for the Board's information.

Mrs. Bundrick stated a Cease and Desist Order was issued on June 17, 2008 on an unlicensed facility acting as a pharmacy; however, the documentation was not available for presentation to the Board members at this time.

- Agreement # 7137

MOTION

Mr. Banks made a motion, seconded by Mr. Bradham and unanimously carried, that the Board approve Agreement #7137.

- Proposed Additions to Resolution Guidelines for Failure to notify Board of Change of Address

Mrs. Bundrick stated after discussion with Mr. Turner staff and the IRC would like to offer additional resolution guidelines for failure to notify the Board of change of address. She further stated staff is spending a lot of time trying to locate several technicians. The proposed changes involving failure to notify the Board of employment changes are herewith attached to the permanent copy of the agenda documentation located at the Board's office.

Dr. Richardson asked that the Board discuss this matter in executive session.

- Report from Board of Pharmacy Resolution Guideline

Mrs. Bundrick presented the members with the report of the resolution of cases in accordance with the guidelines previously approved by the Board. Mrs. Bundrick stated no vote was needed on these matters.

- IRC Report

MOTION

Mr. Hook made a motion, seconded by Mr. Mobley and carried with a majority vote, that the Board approve the IRCs recommendation regarding case #2008-48. Dr. Richardson abstained from voting in this matter.

Release from Order – Shannon Davis Carter

On March 23, 2007 Shannon Davis Carter entered into a consent agreement in which her registration was placed in probationary status for one year contingent upon her compliance with terms and conditions of the agreement. Ms. Carter is seeking the Board's approval to release her from the agreement.

Ms. Carter did not appear at this meeting.

MOTION

Mr. Bradham made a motion, seconded by Mr. Hook and unanimously carried, that the Board defer this matter until such time as Ms. Carter appears before the Board.

Request for Reinstatement – Hugh Bryan

On September 24, 2004 Mr. Bryan entered a consent agreement in which he consented that his license be revoked effective as of the date of entry of the agreement. The revocation was a

result of disciplinary action taken by the Vermont Board of Pharmacy. In a letter dated January 31, 2008 Mr. Bryan is requesting reinstatement of his pharmacist license. Staff notified Mr. Bryan in writing that the Board would review his request for reinstatement during this meeting and requested he appear to answer questions from the Board.

Mr. Bryan is actively licensed in New York although he is not currently working as a pharmacist. He has also been licensed in Vermont. He currently lives in New York and is currently seeking reinstatement of his pharmacist license in Vermont as well as in South Carolina. He plans to work as a pharmacist on a part time basis. The original incident occurred in 2001 and in 2003 Vermont took action against his license as a result of the 2001 incident. He took a life and home health insurance course, became a licensed insurance agent and has been selling insurance for Aflac. He has been placed on the federal list of non-accepted professionals for Medicare and Medicaid since the revocations in Vermont and South Carolina. He has applied for a position with the New York Department of Corrections; however, the Governor of New York has issued a hiring freeze.

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

Request for Reinstatement – Robert Eadie

Robert Eadie was admitted to the Ridgeview Addiction Center in 1980. He was arrested in 1981 for calling in his own narcotic prescriptions. In 1984 he was admitted to the Charlotte Treatment Center for detoxification and placed on Methadone. He entered USC, still on Methadone, on January 21, 1985. He took Vicodin and Tylenol #3 from the Middleburg Pharmacy in 1985. He was arrested in April 1987 after having prescriptions for controlled substances filled at eight different pharmacies from 13 different physicians. He was arrested in 1988 for possession of controlled substances and was admitted to the Lexington/Richland Alcohol and Drug Abuse Center that same year. He completed pharmacy school in December 1988. A year later, in December 1989 the Board granted Mr. Eadie licensure and placed his license on probation. He was arrested in March 1990 for DUI and possession of controlled substances with the intent to distribute. He was admitted to the Perspectives Health Program in June 1990, but relapsed during the program. He was arrested for possession of controlled substances in 1990 and surrendered his license in September 1991. In March 1992 his license was revoked. The courts remanded the case back to the Board for reconsideration for reinstatement in February 1993. He entered a consent agreement in April 1993 in which his license was suspended for three years, which was stayed and his license was placed in probationary status. His license was reinstated in November 1994 following completion of continuing education and supervised work experience. He requested the probation be lifted in October 1995. In November 1995 the Board received a letter from Mr. Eadie stating he had not completed continuing education coursed for renewal due to back surgery. The Board denied the request to lift restrictions during the Board meeting in November 1995. Mr. Eadie did not receive a license between February 1995 and July 1976 due to failure to renew and no continuing education courses. His license was issued in July 1996.in November 2002 a miss filled TPN was reported to the Board following the death of an eight year old child at the Greenville Hospital where Mr. Eadie was the pharmacist. The family did not want to file charges so a letter of concern was placed in Mr. Eadie's file. He was arrested in Tennessee in September 2003 for driving with a suspended license and possession of controlled substances including an empty vial of Versed. He surrendered his license in September 2003 and enrolled in RPP in October 2003. He was discharged from RPP for noncompliance in June 2005. He re-enrolled in RPP in September 2005 and was again discharged from RPP for noncompliance in

January 2006. He re-enrolled in RPP in March 2006. In a letter dated November 30, 2006 Mr. Eadie was requesting the Board reinstate his license.

Robert H. Eadie, Jr. and Tia Cooper, of RPP, appeared before the Board during the March 2007 meeting. During that meeting Mr. Eadie requested that his license be reinstated; however, the Board denied the request at that time.

On May 27, 2008 Mr. Eadie sent an e-mail to Tia Cooper, Mr. Rose and Mrs. Bundrick asking that he be allowed to appear before the Board during this meeting to seek reinstatement of his license. Staff notified Mr. Eadie in writing that his request for reinstatement would be reviewed by the Board during this meeting and requested he appear to answer questions from the Board.

Mr. Eadie stated he is seeking reinstatement of his license. He reiterated he is in a better place than he was one to two years ago. It is his sincere wish that in the next twenty years he becomes a better person through compliance. He believes he has learned a lot in his experiences. He is licensed in South Carolina only and has never been licensed in any other state. He was bed ridden for three years as a result of a back injury. He has been speaking with a representative from the Indian Hospital in Cherokee, North Carolina as well as the VA Hospital, although it would be sometime before he reciprocates his license to North Carolina. He would prefer to have a local job, would apply to hospitals in a local area and would be willing to move if necessary. He plans on remaining with RPP following his five year contract.

Mr. Frank Sheheen of RPP stated Mr. Eadie has been in full compliance with his RPP contract. He has not missed any testing and has tested negative on all drug screens with the exception of his prescription drugs.

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

Request to Modify Order – Reynold McClain

Between 2001 and 2003 Reynold McClain generated fraudulent prescriptions for drugs which he took as well as provided drugs from these prescriptions to a friend who was a patient. Mr. McClain retained money which should have been paid to the pharmacy. In a consent agreement signed by the Board chairman on September 23, 2004 Reynold McClain consented to his license being placed on probation for five years and that he must follow terms and conditions of the agreement which included a five year contract with RPP and random drug testing. On June 5, 2008 the Board received a letter from Reynold McClain in which he asks the Board to release him from his consent agreement on September 3, 2008. The letter states he was issued a consent agreement on September 12, 2004 which would be one year longer than his required testing and contract with RPP.

Mr. Banks recused himself from participating in this matter.

Mr. McClain stated he is seeking the Board's approval to modify his order and allow him to become a pharmacist-in-charge (PIC). He further states his contract with RPP would be fulfilled on September 23, 2008. He has completed the five years of compliance, drug testing, and attended meetings.

Mr. Sheheen stated Mr. McClain has been in full compliance with his RPP contract.

Mr. Banks stated Mr. McClain works with him at CVS and is a model pharmacist. He further stated Mr. McClain does everything he can for his patients.

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

5. Old Business

MUSC MOA – Paul Bush, PharmD

Mr. Paul Bush, PharmD, of MUSC and Mrs. Clelia Sanders appeared before the Board and briefed the members on the MOA.

Mrs. Dantzler stated the original MOA was a settlement agreement and noted the new document is a Memorandum of Understanding (MOU).

Mr. Rose stated paragraph three on page two states the employees would wear 'appropriate identifying name tags or have a wallet card'. Mrs. Sanders stated the word 'or' would be stricken and replaced with the word 'and' in that paragraph. She noted the employees' wall licenses would be in one location which is why the employees must carry their wallet cards and wear name tags.

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the MUSC Memorandum of Understanding.

6. New Business

Request Approval of Reciprocity Application – Kirk Easton

The Board received a pharmacist reciprocity application from Kirk Easton which is dated February 2, 2008. Mr. Easton 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 agency?" Mr. Easton's license was placed on probation by the Minnesota Board of Pharmacy from August 10, 1994 to October 1, 1998 for failing to renew his license in a timely manner. Staff notified Mr. Easton in a letter dated March 26, 2008 that the Board would review his application during this meeting and requested he appear to answer any questions from the members.

Mr. Easton was living in Minneapolis, Minnesota and moved to Charleston, South Carolina in December 2006. He has not been actively seeking employment since he moved to South Carolina. He failed to complete his continuing education and did not renew his license prior to the required deadline. He is licensed in Minnesota only and does not plan to become licensed in any other state. He has maintained his continuing education and plans to work on a full time basis.

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

Request Approval of Non-Resident Wholesale Distributor and/or Manufacturer Application – Air Liquide Healthcare America Corp. – Stephanie Payne, Vice President and General Counsel

On February 4, 2008 the Board received a non-resident wholesale distributor and/or manufacturer application from Air Liquide Healthcare America Corporation located in

Plumsteadville, Pennsylvania. A Florida Department of Health final order dated April 19, 2007 required Air Liquide to pay a fine of \$100,000.00. A consent order from the Louisiana Board of Wholesale Drug Distributors required Air Liquide to pay a \$5,000.00 fine for failure to keep copies of current licenses for all customers that are sold or shipped products. In a letter dated February 4, 2008 staff notified Air Liquide that a representative of the company must appear before the Board to answer questions from the members in regard to the application.

Ms. Payne stated three issues arose which resulted in the consent order from Louisiana. She further stated the pharmacy makes medical gases and delivers the gases to hospitals or a fill plant where it is transferred into cylinders used to transport patients. She went on to say it is a three step process. She said the fill plant did not have a copy of the current permit for each customer on record prior to delivering the product to the customer. She stated the permits are kept electronically at the company's headquarters in Houston, Texas. She also said the license coordinators failed to follow a procedure, which is to contact a customer thirty to ninety days prior to the expiration of the permit to ensure the customer gives the company a copy of the permit. She noted the license coordinators failed to remove the old permit and electronically paste in the new permit.

Ms. Payne stated the company is 105 years old and has been doing business in Florida for decades. She further stated the home office, located in Paris, France, determined it would reorganize and rename the United States company. She went on to say the company was unaware it was to give the Florida Board of Pharmacy sixty days advance notice of a name change. The distribution center, the ASU, and the fill plant relocated to one property in Orlando which, in the opinion of the Florida Board of Pharmacy, were operating without a valid permit. The Florida Board of Pharmacy cited the ASU for delivering to the depot, cited the depot for delivering to the fill plant, and cited the fill plant for delivering to a customer. She went on to say the company was also cited for not showing the company's permit number as well as the customer's permit number on every shipping document. She noted the company's Information Technology office has reworked the shipping labels to include the permit numbers.

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

Request Approval of Non-Resident Pharmacy Application – College Pharmacy, Jerry Gillick, R.Ph, Pharmacy Manager

On January 14, 2008 the Board received a non-resident pharmacy permit application from College Pharmacy located in Colorado Springs, Colorado. A former owner resigned and sold the company and the company is renewing its South Carolina permit. An Order of Dismissal was granted in regard to the Summary Suspension from October 2007. The Colorado Board of Pharmacy has granted a license to the facility since the ownership transfer that was completed on January 15, 2008. The facility has been inspected by the Colorado Board of Pharmacy since the ownership transfer. Staff notified Mr. Gillick in an email sent on June 2, 2008 that the Board would review the application during this meeting and requested he appear to answer questions from the members.

Jerry Gillick stated a former company owner resigned and the company was sold to an employee share option plan. He is now the company's manger, PIC and director of the company. The company is licensed in South Carolina and is seeking approval of the permit renewal. The company's customers include physicians' offices and patients. He went on to say the company also ships the products internationally. He went on to say Colorado has stipulated the company cannot ship more than ten percent of the company's business. He noted the

company has to follow the Colorado's Board order to submit quarterly reports in regard to growth hormones, which must be completed for seven years. He presented the members with changes made in the facility's policies regarding the pharmacist-in-charge and the finalization of sale. The facility does not work with Schedule II medications. Colorado is in the process of rewriting the statute regarding compounding.

Mrs. Bundrick stated a South Carolina policy for compounding pharmacies selling compounded products to a physician or licensed practitioner recommends a contract between the pharmacist and the physician for administration and asked Mr. Gillick if the facility has such a policy. Mr. Gillick replied negatively, however, the company does question the physician on prescriptions. The Colorado Board of Pharmacy does not have special requirements regarding continuing education for compounding pharmacies.

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

Request Approval of Examination Application – Ryan Alexander

On May 20, 2008 the Board received an examination application from Ryan Alexander. Mr. Alexander stated on his application that he was arrested in 2004 for having an open container in a vehicle. In a letter dated June 10, 2008 Mr. Alexander states he was visiting friends in Central, South Carolina and walked into the apartment complex parking lot with an open container. A patrol car entered the parking lot at that time and the officer issued him a citation for the open container. He later paid a fine and the matter was resolved. He contacted the city police department and the county sheriff's department on May 27, 2008 to acquire documentation involving this incident and learned there was no record that the incident occurred. He attached a criminal history report which reflects no arrests and his driver's record, which reflects no points have been taken from his license, to the letter he mailed to the Board.

Ryan Alexander appeared before the Board at this time and stated he contacted law enforcement officials but could not find any documentation regarding this incident.

Mrs. Dantzler stated the statement from the county officials assures the Board that it was at best a misdemeanor and it was more likely a violation of a city ordinance that did not make it into major databases.

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

Request Approval of Examination Application – Brigid Boehm

On May 20, 2008 the Board received an examination application from Brigid Boehm. Ms. Boehm stated on her application that she received a citation for underage drinking when she was 18 years old or 19 years old. She paid a fine and attended an alcohol and drug awareness class. She had been informed that if she completed these two items the citation would not appear on her permanent record.

Brigid Boehm appeared before the Board at this time. She recently graduated from MUSC. During her freshman year in college she was charged for underage drinking, attended an alcohol and drug awareness class and her record has been expunged. She is scheduled to take the MPJE on June 23, 2008 and has received an employment offer.

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

Request Approval of Examination Application – Steven Renfer

On May 7, 2008 the Board received an examination application from Steven Renfer. Mr. Renfer stated on his application that he was charged with driving under the influence on February 24, 2008. He was eligible and accepted into the Pennsylvania “ARD” program as a first time offender of any crime. He has not yet been sentenced in the case, but expects to be sentenced to suspension of his license and treatment groups. Staff notified Mr. Renfer that the Board would be reviewing his application during this meeting and requested his presence at the meeting to answer questions from the members.

Steven Renfer plans to practice pharmacy in South Carolina and has received an offer of employment. He has passed both the NAPLEX and MPJE exams. His license has been suspended for sixty days, he is on probation for one year, and must complete alcohol and highway safety classes.

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

Request Approval of Intern Hours – Deepakkumar Patel

The effective dates of Deepakkumar Patel’s intern certificate are November 29, 2007 through October 24, 2013. On May 22, 2008 the Board received a letter from Deepakkumar Patel seeking the Board’s approval of his intern hours.

Deepakkumar Patel has completed the FPGEC. He completed pharmacy school in India in 1993, was issued a pharmacist license, remained licensed there for nine years but worked in sales and marketing. He lived in Canada although he did not become a licensed pharmacist in that country. He did not complete and submit the initial intern application; however, he completed and submitted his ending intern hours. He moved to the United States in October 2007. He is currently working at Walgreens in Spartanburg and is requesting the Board approve the 346 hours he worked in November 2007 and December 2007 at the Walgreens located in Boiling Springs. He plans to take the NAPLEX and the MPJE in late June 2008.

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

Request Approval of Reciprocity Application – Robert Levy

On December 18, 2007 the Board received a reciprocity pharmacist application from Robert Levy. Mr. Levy 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?” Following an inspection on his pharmacy Mr. Levy was disciplined by the Florida Board of Pharmacy and fined for an improper pharmacist/technician ratio, having outdated pharmaceuticals, certified daily logs not being properly maintained, and medication bottles without safety caps. He also answered ‘yes’ to the question asking, “Have you every had any application for initial licensure, renewal licensure, or licensure by transfer denied by any licensing authority whether in pharmacy or any other profession?” The North Carolina Board of Pharmacy denied reciprocity licensure to Mr. Levy for failure to notify that Board of the fine issued by the Florida Board of Pharmacy. Staff notified Mr. Levy by letter dated April 4, 2008

that the Board would be reviewing his application during this meeting and requested that he be present to answer questions from the members.

Mr. Levy stated the technician ratio in Florida is 3:1. His Florida license is currently in good standing. The company in which he was employed at the time of the violation is no longer in business and he is now employed with Walgreens. He is licensed in New York, New Jersey, Florida and Georgia.

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

Executive Session

MOTION

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

LUNCH

The Board recessed for lunch at 12:30 and resumed public session at 2:20 p.m.

Return to Public Session

MOTION

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

Mr. Rose noted for the record that no official action was taken during executive session.

Request for Reinstatement – Hugh Bryan

MOTION

Mr. Mobley made a motion, seconded by Mr. Toole and unanimously carried, the Board offer Mr. Bryan reinstatement if and when the firm order is resolved.

Request for Reinstatement – Robert Eadie

Mr. Hook recused himself from voting in this matter.

MOTION

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

Request to Modify Order – Reynold McClain

MOTION

Dr. Richardson made a motion, seconded by Mr. Hook and unanimously carried, that the Board grant Mr. McClain's request to modify his order.

Mr. Banks was not present at the time this vote was taken.

Request Approval of Non-Resident Wholesale Distributor and/or Manufacturer Application – Air Liquide Healthcare America Corp. – Stephanie Payne, VP and General Counsel

MOTION

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

Request Approval of Non- Resident Pharmacy Application – College Pharmacy, Jerry Gillick, R.Ph, Pharmacy Manager

MOTION

Mr. Mobley made a motion, seconded by Mr. Hook and unanimously carried, that the Board offer approval of College Pharmacy's renewal pending receipt of the complete terms of the Colorado prohibition and subject to the same terms as the Colorado order.

Request Approval of Examination Application – Ryan Alexander

MOTION

Mr. Bradham made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve Mr. Alexander's request to take the NAPLEX exam.

Request Approval of Examination Application – Brigid Boehm

MOTION

Mr. Hook made a motion, seconded by Dr. Richardson and unanimously carried, that the Board approve Mr. Boehm's request.

Request Approval of Examination Application – Steven Renfer

MOTION

Mr. Toole made a motion, seconded by Mr. Bradham and unanimously carried, that the Board grant approval of Mr. Renfer's application.

Request Approval of Intern Hours – Deepakkumar Patel

MOTION

Mr. Hook made a motion, seconded by Mr. Bradham and unanimously carried, that the Board deny Mr. Patel's request.

Request Approval of Reciprocity Application – Robert Levy

MOTION

Dr. Richardson made a motion, seconded by Mr. Toole and unanimously carried, that the Board approve Mr. Levy's reciprocity application.

Request Approval of Reciprocity Application – Kirk Easton

MOTION

Mr. Mobley made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve the application in conjunction with the requirements of Section 40-43-110 of the Board's practice act.

New Business (Continued)

VAWD Update – Eleni Anagostiadis, R.Ph., Associate Executive Director, NABP

This matter was deferred to the June 19, 2008 meeting.

Request Approval of Pharmacist Renewal Application – Stephen Epstein

On June 8, 2008 the Board received a pharmacist renewal application from Stephen Epstein. Mr. Epstein 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?" In a letter dated August 30, 2007 addressed to the SC Board of Pharmacy Mr. Epstein stated he was arrested in Florida in 1991 for possession of a controlled substance. The

Florida Department of Professional Regulations, Board of Pharmacy, ordered him to enter the Physicians Recovery Network (PRN) for a period of five years and was placed on two years probation by the court system. His pharmacy license was never suspended or revoked. Mr. Epstein is now seeking reinstatement of his South Carolina pharmacist license.

Stephen Epstein allowed his South Carolina license to lapse as he did not think he would return to this state; however, he is thinking of returning to South Carolina to be near his mother. His Georgia license is no longer current. Since he graduated from pharmacy school in 1974 he has worked continuously in pharmacy except for a three month period in 1991. He has lived in Florida since 1989. The Florida Board of Pharmacy never suspended or revoked his license but required him to enter a five year contract with the Physicians Recovery Network which is equivalent to RPP. Florida requires 30 hours of continuing education, with six of those hours being live, every two years or 15 hours a year. Florida does not require that the continuing education be ACPE required and does not require a law component for continuing education.

Mr. Banks returned to the meeting during this discussion.

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

Request Approval of Reciprocity Application – Marcus Carson

On May 19, 2008 the Board received a reciprocity pharmacist application from Marcus Carson. Mr. Carson 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 agency?" He also 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?" Mr. Carson was arrested and charged with two felony offenses on September 2, 1982. He was never convicted and on February 7, 1983 he was given probation before judgment. All charges involved in this incident have been expunged and no record of these charges exists. As a result of the September 2, 1981 arrest the Maryland Board of Pharmacy placed his pharmacist license on probation from April 17, 1985 to April 2, 1987. Staff notified Mr. Carson in a letter dated April 9, 2008 that the Board would review his application during this meeting and requested he appear to answer any questions from the members.

Marcus Carson appeared before the Board at this time. He is currently licensed as a pharmacist in Washington, DC and Maryland. He was originally licensed as a pharmacist in Washington, DC and has been a licensed pharmacist since 1970. In 1986 there was a misunderstanding concerning a patient who was taking his medication incorrectly. The medication in question is no longer being manufactured. He has been working for Rite Aid and has been offered employment and a transfer to Sumter, South Carolina.

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

Request Approval of Reciprocity Application – John Hoelscher

On March 13, 2008 the Board received a pharmacist reciprocity application from John Hoelscher. Mr. Hoelscher 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 agency?" Mr. Hoelscher voluntarily surrendered his pharmacist license to the Maryland Board of Pharmacy in June 1995. The Maryland Board of Pharmacy reinstated his license and placed his license in probationary status from 1995-1999 as a result of an admitted substance abuse. His license was also placed in probationary status again from 2001 to 2004 for an unrelated job performance issue (a subordinate theft of CDS). In April 2001 the Maryland Board of Pharmacy suspended Mr. Hoelscher's license indefinitely following an audit of the pharmacy where he was manager which reflected large shortages of medications. His license was reinstated in September 2004 with conditions. Pennsylvania and West Virginia have also disciplined Mr. Hoelscher's license. Staff notified Mr. Hoelscher in a letter dated April 1, 2008 that the Board would review his application during this meeting and requested he appear to answer any questions from the members.

John Hoelscher appeared before the Board at this time. He moved to South Carolina in June 2007 from Maryland. He is currently working as a graduate intern at Walgreens. His Maryland license is current and in good standing. Between 2003 and July 2004 his license was suspended and he was unable to find permanent employment. There was a lapse of employment in 2007 as he went to the Philippines to marry his wife and to get her into the United States. He has now resolved his substance abuse problem with alcohol and Darvocet. He also held licenses in Pennsylvania and West Virginia; however, he allowed those licenses to lapse. In 2003 Pennsylvania chose to suspend his license until such time his suspension was resolved in Maryland. Pennsylvania did not accept the continuing education hours he took in nuclear pharmacy whereas Maryland and West Virginia did accept those hours. He has recovered from the foot injury and now wears inserts. He worked as an intern in Charlotte, North Carolina for a time and began working as an intern at Walgreens in Fort Mill in February 2008. He is not currently in a recovery program.

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

Request Approval of Reciprocity Application – Frank Kolovrat, Jr.

On March 12, 2007 the Board received a pharmacist reciprocity application from Frank Kolovrat, Jr. Mr. Kolovrat answered 'yes' to the question asking, "Have you ever had any application for initial licensure, renewal licensure, or licensure by transfer denied?" Mr. Kolovrat's explanation for the answer to this question states misleading information submitted to the Ohio Board of Medicine which resulted in the permanent denial of initial licensure as a PA. The Pennsylvania Board of Pharmacy disciplined his license for submitting a renewal application with an incorrect answer. Staff notified Mr. Kolovrat in a letter dated March 19, 2008 that the Board would review his application during this meeting and requested he appear to answer any questions from the members.

Frank Kolovrat is currently licensed in Arizona and Ohio. He is worked as a civilian at a facility at Fort Bragg, North Carolina. He attended a technical school in Akron, Ohio then attended pharmacy school in Pennsylvania. He was licensed as a Physician Assistant (PA) in Illinois, Pennsylvania, and Florida; however, he no longer holds those licenses. He was shadowing an orthopedic surgeon while he was waiting to take the PA exam. The surgeon began asking him to do things he could not do since he did not yet have privileges. The surgeon contacted a Board member and Mr. Kolovrat was denied initial licensure in Ohio. He has been working as a pharmacist in Georgia and Florida and has worked as a pharmacist at a CVS in Tempe,

Arizona. He obtained licensure as a pharmacist in Arizona on November 15, 2007, which was after he submitted his application to the South Carolina Board of Pharmacy.

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

Request Clarification of Section 40-43-8 – Kevin Hope, R.Ph.

In a letter dated May 19, 2008 Kevin Hope is asking the Board for clarification of Section 40-43-8. The letter states nuclear pharmacists have served as preceptors for students who have used nuclear pharmacy hours to meet the required 500 hour pharmacy experience as referenced in Section 40-43-8. It also states a faculty member contacted Mrs. Bundrick who offered an interpretation he believes severely limits the options of students pursuing nuclear pharmacy. There are currently two nuclear pharmacy sites housed within a hospital while the majority of nuclear pharmacies are freestanding facilities. A new nuclear pharmacy track will be launched on both campuses of the South Carolina College of Pharmacy in the fall. Mr. Hope feels that the students serving rotations at freestanding nuclear pharmacy sites should not be placed at a disadvantage by an interpretation of the law.

Kevin Hope, R.Ph, appeared before the Board at this time. He stated the request is being made for those students who are taking the nuclear track and the problem lies with the introduction of the new program. In both schools the students are being required to work in retail stores or in institutions during the summers instead of being able to work in nuclear pharmacies. He noted there are not that many nuclear pharmacies. He believes what he does in a nuclear pharmacy is institutional with the exception that it does not fall in a hospital setting.

Mrs. Dantzler stated the Board would have to determine Mr. Hope's facility is retail or institutional, which is defined by the statute. She noted Mr. Hope's facility would be a non-traditional facility and until such time the statute is changed the Board would have to take these matters on a case by case basis.

Mr. Bradham noted that the students taking the nuclear track must take more classes than other students and feels the students taking the nuclear track are being discriminated against.

MOTION

Mr. Hook made a motion, seconded by Mr. Bradham and unanimously carried, that the Board designate this facility as retail for student rotation only.

Election of 2008-2009 Board Officers

NOMINATION

Mr. Bradham nominated Mr. Hook as chairman and Mr. Toole as vice chairman for 2008-2009. Mr. Rose seconded the nomination, which carried unanimously.

Election of 2008-2009 IRC Chairman

NOMINATION

Mr. Hook nominated Mr. 'C' Turner as the IRC chairman for 2008-2009. Mr. Bradham seconded the nomination, which carried unanimously.

Election of 2008-2009 Hearing Panel Officers

NOMINATION

Mr. Hook nominated Mr. Marvin Hyatt and Mr. Joe Mullinax as Hearing Panel Officers for 2008-2009. Mr. Bradham seconded the nomination, which carried unanimously.

Report of NABP's 104th Annual Meeting, May 17-20, 2008, Baltimore, MD – Dock H. Rose, R.Ph.

Mr. Rose briefed the Board in regard to the NABP annual meeting. He noted one of the best programs of the meeting involved teen drug addiction with prescription medications which was held just prior to the beginning of the meeting. He went on to say the main program involved drug abuse awareness sponsored by a Nevada pharmacy school.

Elect Delegate for District III NABP/AACP Meeting, August 17-19, 2008, Sandestin, FL

NOMINATION

Mr. Bradham nominated Mr. Hook as the delegate to the NABP/AACP meeting and Mr. Toole as the alternate. Mr. Banks seconded the nomination, which carried unanimously.

Representative for MALTAGON, October 2008, Tunica Mississippi

Mrs. Bundrick stated the MALTAGON meeting is usually held the first weekend in October, which would be approximately October 4 – 7, 2008.

After a brief discussion, the Board deferred this matter to the June 19, 2008 meeting.

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

Discussion ensued on the professors at both schools being licensed pharmacists in South Carolina and pharmacy education.

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board approve all three schools for accreditation.

June 2009 Board Meeting Date, June 24-25, 2009 – Lee Ann Bundrick, R.Ph.

Mrs. Bundrick stated the Board approved June 17-18, 2009 as the meeting dates for the June 2009 Board meeting in 2007; however, the SC Pharmacy Association would not be holding its annual meeting during that week.

Mr. Cinqueonce stated the 2009 association's meeting would be held June 25-28, 2009 at the Sheraton Convention Center in Myrtle Beach, SC.

MOTION

Mr. Bradham made a motion, seconded by Mr. Mobley and unanimously carried, that the Board move the June Board meeting to June 24-25, 2009 to coincide with the SC Pharmacy Association's annual meeting.

Pilot Project Program to Advance Healthcare – David Banks, R.Ph.

Mr. Banks stated the Board has addressed pilot projects in the past. Virginia and North Carolina have statutes that allow for certain pilot projects with the Board's guidance. He suggested the Board create an initial policy until language is drafted and approved by the legislature to allow the Board to create pilot projects for a number of matters. He said the projects could include robotics dispensing medications in hospitals to allowing stipulations for different things in different pharmacies. He noted other states have such language and it allows those states to progress their health care for their systems quicker than South Carolina.

Mr. Mobley suggested gathering bullet points for discussion in this matter during the next Board meeting.

Mrs. Dantzler stated statutory authority regarding pilot projects would improve the Board's legal position.

The Board referred this matter to the Legislative Committee.

Informational Top 10 List for Pharmacists – David Banks, R.Ph.

Mr. Banks stated he has received information from pharmacists, inspectors and from conducting audits in stores that some of the pharmacists are forgetting certain statutes. He suggested some of these matters may need to be addressed in the newsletter.

Mrs. Sanders stated some of this information would be in the upcoming newsletter.

MOTION

Mr. Mobley made a motion, seconded by Mr. Hook and unanimously carried, that the Board send a letter to the agency standing in support of any electronic means of communicating with permitted facilities, registered technicians, licensed pharmacists for the purpose of education and compliance.

CQI Programs versus tech ratios – David Banks, R.Ph.

Mr. Banks stated the technician bill stumbled quite a bit this legislative session and until someone proves that trained qualified technicians are causing health risks there are things that can be done to improve the situation. He further stated the monitoring of pharmacy errors may be one of those matters placed in a pilot project.

Mrs. Bundrick stated the complaints involving matters the district managers could not handle. She went on to say the Board does not receive complaints regarding trivial matters.

➤ Biennial Licensure – Lee Ann F. Bundrick, R.Ph.

Mrs. Bundrick stated some of the boards within the agency are already in biennial licensure and that the engine act gives the agency director the authority to move the Board's licensure in this direction. She recommended if the Board determines it would like to move toward biennial licensure that the pharmacies and the pharmacists be permitted/licensed one year and technicians be renewed during the next year.

Mrs. Dantzler stated some boards moved in this direction approximately ten years ago and there have been no down sides in this experience.

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that staff research biennial licensure for pharmacists, registration for technicians, and permitted facilities as what would work best for staff and that staff submit a report to the Board for a vote during the September meeting.

MOTION

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

MOTION

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

Mr. Rose noted for the record that no official action taken during executive session.

Request Approval of Pharmacist Renewal Application – Stephen Epstein

MOTION

Mr. Mobley made a motion, seconded by Mr. Hook and unanimously carried, that the Board allow approval of pharmacist renewal application for Steven Epstein pending verification by Pharmacy Board staff that Mr. Epstein has fulfilled the requirements of the Board's statute for lapsed licensure.

Request Approval of Reciprocity Application – Marcus Carson

MOTION

Mr. Bradham made a motion, seconded by Dr. Richardson and unanimously carried, that the Board approve Mr. Carson's application.

Request Approval of Reciprocity Application – John Hoelshcer

MOTION

Mr. Hook made a motion, seconded by Mr. Banks and unanimously carried, that the Board approve Mr. Hoelshcer's application based on the condition that Mr. Hoelshcer contact RPP for evaluation as far as any need for further monitoring by that agency and that he fulfill the recommendations by RPP.

Request Approval of Reciprocity Application – Frank Kolovrat, Jr.

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that the Board approve Mr. Kolovrat's reciprocity application.

7. Committee Reports

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

Mr. Rose stated this committee met in conjunction with the Pharmacy Technology Committee. He further stated since the central fill legislation stalled because of an amendment the committee is recommending the draft legislation become regulation. The Board voted unanimously on this matter.

Mrs. Dantzler she would publish the Notice of Intent to Draft for the July Register. She went on to state the proposed language would have to be converted to regulation and the language would then have to be published for comment. She further stated if negative comments are received from more than 25 individuals the matter would have to go to the Administrative Law Division and heard by the legislature. She said March 1, 2009 would be the earliest possible date for the regulation to be finalized.

The committee is also recommending the Board approve a proposed policy and procedure on remote order entry.

In the site where the remote order entry occurs by a licensed pharmacist, the site must be permitted by the South Carolina Board of Pharmacy as a pharmacy or a

non-resident pharmacy. If the site is a non-resident pharmacy, the pharmacist-in-charge must be licensed as a pharmacist in the State of South Carolina.

The Board voted unanimously to approve this policy and procedure.

The committee also discussed a letter from the Optometry Board regarding contact lenses that have antihistamine and decongestant in them. The Board approved sending a letter to the Optometry Board regarding this matter.

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

This committee had no report

- 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.

During the May 23, 2008 meeting the committee heard from Dr. Graham Lawrence of the Spartanburg Regional Healthcare Systems regarding the GE Centricity Fax Server. After discussion on the matter the committee voted to bring the information to the full Board for approval. The committee also discussed placing the faxed and electronic transmission prescription information in the Board newsletter and to contact the SC Pharmacy Association in regard to having an article the *Small Doses* monthly newsletter.

Mr. Mobley chaired this committee on behalf of Mr. Toole. Mr. Rose also attended the meeting.

Mr. Mobley briefed the members on a matter brought to the committee by Dr. Graham Lawrence of Spartanburg Regional Health Care System. He further stated the Spartanburg Regional Health Care System owns several physicians offices and maintains a central server to fax prescriptions to pharmacies. The physicians within this system inputs the prescription into its database, the database transmits the prescription to the central server which in turns transmits the prescription to the pharmacy of the patient's choice. The committee is recommending that Dr. Lawrence be allowed to move forward with this process. The motion carried unanimously.

Mr. Mobley stated the committee is asking that educational information be disseminated to the pharmacists and permitted facilities regarding assistance with faxed electronic transmissions and controlled substances. He further stated the committee is asking that the SC Pharmacy Association partner with the Board in placing an article in the *Small Doses* monthly newsletter.

Mr. Mobley presented Medicaid e-prescribing information for the Board's information.

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

Dr. Richardson attended the last RPP meeting and asked Mr. Sheheen to update the Board on RPP.

Mr. Sheheen stated RPP has enrolled 160 clients since January 1, 2008 bringing the total number of clients to 520. He further stated 50 pharmacists and five technicians have enrolled

with RPP this year. Dr. Gil Freeman joined staff as a part time medical consultant upon Dr. Hugh Coleman's retirement in June 2007.

Mr. Sheheen presented the Board with a six year survey RPP had completed on those clients who had been discharged from the program. He went on to say RPP now updating the survey.

- Compounding Committee – Hugh Mobley, R.Ph., Al Toole, R.Ph., Bobby Bradham, R.Ph., Dock H. Rose, R.Ph., Sarah Braga, PharmD, Varner Richards, PharmD

Mr. Mobley stated the continuing education program conducted in regard to USP <795> and <797> education in conjunction with the association was well attended. He further stated staff continues to work forward on that issue. He went on to say the committee had discussed sending a questionnaire to compounding pharmacies; however, the questionnaire would be made available under the FOIA law and the committee has determined it would not mail the questionnaire.

Mr. Mobley presented the members with copies of the North Carolina Board of Pharmacy newsletter. He stated 2160 discusses compounding OTC products. He believes it would be a good idea for the Board to mirror this document. He further stated the Board currently has a policy in regard to this matter and asked the members to review the policy for any possible changes similar to North Carolina's document.

Mr. Mobley stated the newsletter also discusses Internet veterinary pharmacies. He stated when a pharmacy applies for a North Carolina permit the owner/permit holder must appear before the Board to answer questions. He went on to say if the Board issues a permit then discovers that a pharmacy has submitted a falsified application the Board will revoke the permit retroactive to the date the owner/permit holder appeared before the Board. He went on to say the Board would then notify the third party payers or insurance companies who in turn pursue the owner/permit holder for recoupment of monies.

Note: A copy of the North Carolina Board of Pharmacy newsletter is attached to the permanent record of this meeting located at the Board's office.

Mr. Mobley asked the Board if it wanted to take a position on Estriol. He stated the FDA has taken a position on this product on the encouragement of a pharmaceutical manufacturer which markets a product containing Estriol overseas, but does not want the product promoted in the United States. His personal opinion is that the Board should not stand in the way of products containing Estriol if the pharmacies obtain the chemicals from verified sources for patient specific orders.

Mr. Mobley asked for clarification on FDAs involvement in pharmacies. Mrs. Bundrick stated the FDA will only go into South Carolina pharmacies if a pharmacist inspector is in attendance.

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

This committee had no report.

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

This committee had no report.

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

The South Carolina State Legislature passed Proviso 65.9 I in the 2008/2009 budget. The proviso states:

(LLR: Board of Pharmacy-Pharmacy Technician Certification Requirements) Of During Fiscal Year 2008-09, of the funds appropriated to the Department of Labor, Licensing and Regulation for Professional & Occupational Licensing, a one-time certification process must be implemented for the certification of Pharmacy Technicians who have met the academic and supervised practice requirements as of ~~November of~~ June 30, 2004, but not all of the required information was submitted in accordance with the Board's submission requirements. These individuals must have met all the requirements of Section 40-43-82 (A), (B), (C).

Mrs. Bundrick stated an article has already been drafted for the newsletter. She notified Mr. Bryant that the Board would be in the same situation as it was previously since all technicians will be notified the same way as they were previously. She further stated she has already drafted an article on the proviso for the newsletter. She noted the proviso is good from July 1, 2008 through June 30, 2009.

Mrs. Bundrick stated this was an LLR proviso; however, Gilda Cobb Hunter may have had a lot to do with proviso since she contacted the agency in regard to one of her constituents who fell in this category. She said the proviso was a bill during the 2007 legislative session.

The State Legislature also passed proviso 22.51 which states:

22.51. (DHEC: Pharmacist Permits) For the current fiscal year, provision requiring that all department facilities distributing or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are suspended. Each Department of Health and Environmental Control Health District shall be required to have a permit to distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge to serve more than one health district. Only pharmacists, nurses, or physicians are allowed to dispense the following medication at department facilities: hormonal medications, antibiotics for tuberculosis, and antibiotics for sexually transmitted diseases. In the event of a public health emergency or upon activation of the strategic national stockpile, other medications could be dispensed as necessary.

Mrs. Bundrick stated this proviso has been a proviso for years; however, it was probably not one of the provisos that was made into law because of the language Senator Cromer inserted regarding the specific medications that could be dispensed. She further stated the medications which could be dispensed was previously open ended.

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

This committee had no report.

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

This committee had no report.

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

This committee had no report.

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

This committee report was deferred to the June 19, 2008 meeting.

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

This committee had no report.

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

This committee had no report.

8. Discussion Topics

- Patient Assistance Medications – Clelia Sanders, R.Ph.

Mr. Rose asked Mrs. Sanders if the Board could discuss this matter during the June 19, 2008 meeting.

- Internet Veterinarian Pharmacy – Hugh Mobley, R.Ph.

Mr. Mobley stated this matter had been discussed earlier in the meeting.

- Physicians and other Treating Practioners Who are Enrolled Medicare DMEPOS Suppliers- Hugh Mobley, R.Ph.

Mr. Mobley stated this matter is for the members' information only. He further stated Medicare has said that as of September 1, 2009 pharmacies cannot provide durable medical equipment (DME) to Medicare recipients unless the pharmacy has been through an accreditation program. He went on to say Medicare is allowing physicians to dispense durable medical equipment without the submittal of bids or follow any requirements.

Public Comments

There were no public comments made during the June 18, 2008 meeting.

Adjournment

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the meeting be adjourned.

The June 18, 2008 meeting of the SC Board of Pharmacy adjourned at 5:45 p.m.

South Carolina Board of Pharmacy

Board Meeting

8:30 a.m., June 19, 2008
Crowne Plaza Resort
The Carvelle Room
Hilton Head, South Carolina

MINUTES

Thursday, June 19, 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; David Banks, R.Ph., of Simpsonville; 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.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator; Sally Green, Program 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; Paula McGargle, Attorney; and Shirley Robinson, Hearing Advice Attorney.

Members of the public attending the meeting included: Eleni Anagostiadis, Carmello Cinqueonce, Joe Mullinax, Richard Redden, Eric Ridings, Frank Sheheen, Ed Vess, and Thomas Wingard.

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 and the Crowne Plaza Resort, Hilton Head, South Carolina.

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

Mr. Rose made no remarks at this time.

VAWD Update – Eleni Anagostiadis, R.Ph., Associate Executive Director, NABP
Policy and Procedure # 145 states: "In order to obtain a Non-Resident Wholesale/Distributor and/or Manufacturer permit in the State of South Carolina you must have VAWD accreditation or meet the standards established by NABP for its VAWD accreditation. The Board considers VAWD to be the appropriate professional standard."

Eleni Anagostiadis, R.Ph, Associate Executive Director of NABP, has asked that she be allowed to give the Board an update on VAWD.

Ms. Anagostiadis briefed the Board on VAWD and counterfeit drugs.

9. MOA Hearings In the Matter of, Thomas Wingard

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

MOTION

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

MOTION

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

Mr. Rose noted no official action was taken during executive session.

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that the Board suspend Mr. Wingard's license for three years, that the suspension be immediately stayed and the license placed in probationary status, and that he pay a \$1,000.00 fine within one year.

In the Matter of, Richard Redden

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

MOTION

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

MOTION

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

Mr. Rose noted no official action was taken during executive session.

MOTION

Mr. Mobley made a motion, seconded by Mr. Banks and unanimously carried, that the Board suspend Mr. Redden's license for five years, that the suspension be immediately stayed and his license be placed in probationary status for five years, that he maintain a five year contract with RPP, that prior to his release from RPP he reappear before the Board, that he not serve as PIC or permit holder during his probation, and that he pay a \$500.00 fine within a period of twelve months.

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

Mr. Bushardt stated at its last meeting the committee determined it would wait to see if legislation regarding pedigrees would introduced on a federal level. He went on to say since no federal legislation has been introduced the committee would begin formulating wording for legislation in regard to VAWD or pedigree during the next meeting.

10. Review of Policies & Procedures

The Board reviewed the policies and procedures.

Mr. Mobley stated policy and procedure #066 discusses stamped signatures and electronic signatures. He went on to say the Board may need to revisit later since it may not be valid in an electronic world.

Mr. Mobley stated policy and procedure #087 is in line with policy and procedure #143. Policy and procedure #087 requires pharmacies to have reference books regarding generic substitution in the pharmacy and policy and procedure #143 allows pharmacies to utilize online versions of these reference books.

Mrs. Bundrick stated the Board may combine these two policies if the members wished to do so.

Mr. Hook asked that these two policies and procedures remain as two separate policies and procedures.

Mr. Mobley stated policy and procedure #118 discusses assistant pharmacists. Mrs. Bundrick stated an assistant pharmacist may continue to practice as a pharmacist, however, if the assistant pharmacist allows his/her license to lapse he/she cannot get that license back.

Mr. Mobley stated he reviewed the policies and procedures regarding compounding and feels they are consistent. He further stated he did not know if the Board wanted to revise policy and procedure #133, which discusses the compounding of OTCs. The Board referred policy and procedure #133 to the Compounding Committee.

Mr. Mobley stated policy and procedure #134 discusses pharmacist and technician continuing education. He asked if the policy and procedure needs to be changed since the courses have been split. Mrs. Bundrick stated if a pharmacy technician is actively registered with the Board, is attending pre-pharmacy classes and can provide a transcript he/she is exempt from taking continuing education classes.

Mr. Bradham stated ACPE is saying that South Carolina is the only state that mandates that the technician ACPE can only be accepted if it has a 'T' or a 'PT' distinction after the course number. He further stated ACPE has also stated other states have extended the grace period indefinitely whereas South Carolina has mandated the differences in courses effective January 1, 2008.

Mr. Bradham discussed some of the policies and asked staff to obtain reports from NABP in regard to policy and procedure #140 and #142. He would like a comparison on how the 38 states which have statues regarding pharmacy technician requirements compare in regard to what pharmacy technicians can and cannot do. He said there are six states proposing legislation regarding pharmacy technicians. He would like a report regarding the stages of the proposed legislation in those six states. He would also like a report on ACPE courses which is discussed in policy and procedure #134. In regard to policy and procedures #123 and #128 he would like a comparison what South Carolina does with RPP and their equivalent in other states regarding first time and repeat offenders.

MOTION

Mr. Banks made a motion, seconded by Dr. Richardson and unanimously carried, that the Board approve the policies and procedures.

- Patient Assistance Medications – Clelia Sanders, R.Ph.

Mrs. Sanders stated she was not prepared to discuss this matter at this time.

- Proposed Additions to Resolution Guidelines for Failure to notify Board of Change of Address

Discussion on this matter ensued as staff briefed the Board on the fines.

MOTION

Mr. Banks made a motion, seconded by Mr. Mobley and unanimously carried, that the Board encourage the agency to use the Pharmacy program as a pilot project in regard to updating address changes and employment changes on ReLAES.

MOTION

Mr. Banks made a motion, seconded by Mr. Hook and unanimously carried, that the Board table this matter until the Board learns what it can do.

Mr. Cinqueonce welcomed the members to the association's conference. He further stated the Leadership Dinner would held this evening and that the association staff looks forward to seeing the members over the weekend.

Representative for MALTAGON, October 2008, Tunica, Mississippi

Mr. Bradham made a motion, seconded by Mr. Mobley and unanimously carried, that the chairman or the vice chairman attend the MALTAGON meeting and if either one of them is unable to attend the meeting then Mrs. Bundrick attend the meeting.

MOTION

Mr. Mobley made a motion, seconded by Mr. Bradham and unanimously carried, that the Board enter executive session to discuss a personnel issue.

MOTION

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

Mr. Rose noted for the record that no official action was taken during executive session.

Adjournment

There being no further business to be discussed at this time, Mr. Mobley made a motion the meeting be adjourned. Mr. Banks seconded the motion, which carried unanimously.

The June 19, 2008 meeting of the SC Board of Pharmacy adjourned at 11:55 a.m.