

# South Carolina Board of Pharmacy

## MINUTES

Board Meeting

9:00 a.m., January 21-22, 2009

SC Pharmacy Association

1350 Browning Road

Columbia, South Carolina

**January 21-22, 2009**

### **Meeting Called to Order**

Davis Hook, R.Ph., chairman, of West Columbia, called the regular meeting of the SC Board of Pharmacy to order at 9:04 a.m. Other Board members participating in the meeting included: Allen Toole, R.Ph., vice chairman, of Liberty; 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, and Dock Henry Rose, R.Ph., of Greer.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant; Eddie Durant, R.Ph., Temporary Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Investigator; Tom Porter, R.Ph., Pharmacist Investigator; Clelia Sanders, R.Ph., Pharmacist Investigator and Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Sharon Dantzer, Deputy General Counsel, Office of General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, Office of General Counsel.

Members of the public attending the meeting included: Drew Arnold, Jessica Beasley, Todd Bennett, Paulette Bentley, Fred Bender, Carmelo Cinqueonce, Ivy Coleman, Emily Dietrich, Jon Davidson, Kevin Floyd, Candice Geiger, Windy Griffin, Travis Hilka, Bill Hillam, Bob Hinson, Ahmed Mahgoub, Amanda Moore, Joe Mullinax, Christy Pettit, Thomas Phillips, Eric Ridings, Ted Ritaz, Robert Spires, Ed Vess, Rick Wilson, Davis Wingard and Mary Elizabeth Wood.

Mr. Hook announced this meeting was being held in accordance with Section 30-4-80 of the SC Freedom of Information Act by notice sent 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 main entrance of the SC Pharmacy Association Building.

### **Invocation**

Mr. Bushardt delivered the invocation.

### **Pledge of Allegiance**

All present recited the Pledge of Allegiance.

### **Chairman's Remarks – Davis Hook, R.Ph.**

Mr. Hook thanked the association and its board for allowing the Board to meet at this building. He also thanked the staff for arranging to meet at this facility.

Mr. Hook stated in the economic conditions the pharmaceutical health is the responsibility of the Board. He thanked the committee chairmen for their work in attempting to deal with issues in facilitating a healthier South Carolina based on the pharmaceutical health which is offered.

### **Introduction of Board Members and all other persons attending**

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

Mr. Hook stated Dr. Leo Richardson, of Columbia, was not present. He noted none of the Board members or staff had heard from him.

**1. Approval of Minutes for the November 19, 2008 Meeting**

**MOTION**

Mr. Banks made a motion the Board approve the minutes of the November 19, 2008 meeting as written. Mr. Rose seconded the motion, which carried unanimously.

**2. Approval of Reciprocity Interview Candidates for Licensure:**

Dates: June 18, September 17, October 1, 3, 7, 9, 13, 16, 17, 21, 23, 24, 29, 30, November 5, 6, 11, 13, 14, 17, 19, 26, December 5, 8, 17, 2008

**MOTION**

Mr. Bradham made a motion to approve the reciprocity candidates interviewed on the above dates. Mr. Rose seconded the motion, which carried unanimously.

Mr. Bradham thanked Mr. Joe Mullinax for assisting him with the reciprocity interviews.

Mr. Mobley requested a sheet be included with the interview packet to include the interviewer's name and signature to show that the process has been completed and the interviewer approves the reciprocity candidate.

Mr. Hook suggested the head of the licensing department attend a meeting with the Board.

**MOTION**

Mr. Mobley made a motion in the interview packets the Board members receive that a signature statement that the interviewee has completed the process and to the best of the member's knowledge that information is complete and that the director of the licensing department, Mr. David Christian, be available to meet with the Board at an upcoming meeting to improve communication between the Board, the pharmacy community and the licensing department. Mr. Bradham seconded the motion. Mr. Bradham suggested the form include a list of documents, such as birth certificate the applicant must provide. The motion carried unanimously.

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

- I would like to introduce and welcome Ms. Rosemary Boguski, Mr. Ernie Shuler and Mr. Larry Grant to our staff as pharmacist inspectors. Ms. Boguski and Mr. Shuler started work with us on December 17, 2008. Mr. Grant started work with us on January 2, 2009. They have been training with Ms. Sanders. Hopefully, they will independently be in the field soon. The state has been divided into thirds for routine and new inspections. The current pharmacist inspectors will be handling the compounding inspections.
- As a handout you have a Statement of Economic Interest form. Electronic accounts have been set up for you. Please contact the State Ethics Commission to receive your username As a reminder, the deadline for the form to be completed and received is April 15, 2009 or you will be assessed late-filing penalties starting at \$100. Ms. Crouch has made copies for you.
- The Ballots for the Second Congressional District election were mailed on January 12, 2009, to all pharmacists residing in the second congressional district according to their

- The Office of Licensure and Compliance mailed out CE Audit Letters to the randomly selected pharmacists and PIC's on December 15, 2008 with a deadline for submission by January 9, 2009.
- The Office of Licensure and Compliance's Medically Related Renewal Division will be handling pharmacist renewals. Notices will be mailed out by the first of March 2009. We will be starting a two year cycle with the pharmacist and facilities this year. The pharmacy technicians will start a two year cycle upon renewals in 2010.
- As of this report we have approximately 2,491 active state-certified pharmacy technicians and 4,765 active registered pharmacy technicians. We have 6,400 active licensed pharmacists and 3,509 permitted facilities and 3 Electronic Prescribing Routing Companies.
- The Pharmacist Inspectors have conducted 98 inspections since the last Board Meeting.
  - Ms. Cle Sanders inspected 18 facilities
  - Mr. Tom Porter inspected 41 facilities
  - Mr. Joe Newton inspected 38 facilities
  - Mr. Ernie Shuler inspected 1 facility
- The SC Society of Health System Pharmacists has offered us an opportunity to have an exhibit booth at their upcoming annual Convention in March. This will be an excellent opportunity for the Board staff to improve public awareness of the Board and its duties and responsibilities. It will be in Myrtle Beach at the Marriot Grand Dunes on Thursday, March 12, 2009 through Saturday, March 14, 2009.
- As a reminder the next Board of Pharmacy meeting will be in Myrtle Beach on Thursday, March 12, 2009.
- The NABP's 105<sup>th</sup> Annual Meeting is being held May 16-19, 2009 in Miami, Florida. The Board needs to select an official delegate and alternate delegate. NABP is offering the Travel Grant Program for the voting delegate at the meeting. If this individual is interested in applying for the grant there is an application to be filled out.
- My staff and/or I have participated in the following meetings since the November meeting:
  - Mr. Bryant and I attended a Legislative Meeting with Senator Ronnie Cromer on November 20, 2008
  - Legislative meeting with representatives from the NACDS and SCCDA on December 2, 2008
  - Disciplinary Procedures Meeting with Mr. Bryant, Legal and OIE-December 3, 2008

- Pharmacy Practice Committee – December 11, 2008
- Ms. Sanders and I attended a meeting to Coordinate Inspector Training for the new pharmacist inspectors with Mr. Bryant on December 16, 2008
- Ms. Sanders started training the new pharmacist inspectors mid December 2008.
- Pharmacy Technician Committee- January 9,2009
- Legislative Committee- January 9, 2009
- I attended an agency Legislative Workshop on January 12, 2009.
- IRC Committee- January 13, 2009.
  
- Pharmacy Technology Committee – January 20, 2009
  
- Staff has attended agency, board staff, compliance staff and legal counsel meetings.
  
- Handouts for your review that are under the Administrators Tab on your laptop that may be of interest to you include: A memo from NABP regarding the Official Delegate and Travel Grant Program for the 105<sup>th</sup> Annual Meeting, A memo from NABP requesting that Recognition Resolutions must be submitted by March 5, 2009, A memo from NABP requesting Proposed Amendments to NABP’s Constitution and Bylaws must be submitted by April 2, 2009, a memo from NABP regarding the launch of their Vet-VIPPS Program, and the budget information is also included for your review.
  
- Mr. Bryant apologizes for not being here today. He wanted me to update the Board and let you know that upon your request, he asked Ms. Youmans about the Pharmacy Board being moved to the Medically Related Boards instead of the Office of Building and Business. Ms. Youmans declined your request. Mr. Bryant will be glad to answer any questions you might have. As always, he is available by phone.
  
- I would like to thank the Board for their continued support of me and the rest of the staff in the office. We always appreciate the encouragement and support you give us.
  
- I will respectfully answer any questions you may have.

**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:

- Consent Agreements  
Case #: 2008-48

**MOTION**

Mr. Banks made a motion the Board approve the consent agreement involving case #2008-48. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2008-106

**MOTION**

Mr. Banks made a motion the Board approve the consent agreement involving case #2008-106. Mr. Bushardt seconded the motion, which carried unanimously.

- Agreement

#27108

**MOTION**

Mr. Banks made a motion the Board accept the agreement regarding registration #27108. Mr. Rose seconded the motion, which carried unanimously.

- Agreement To Relinquish  
Case #: 2008-41

Mrs. Bundrick stated this case was approved by the Board during the September 2008 meeting.

Case #: 2008-82  
Case #: 2008-99  
Case #: 2008-103  
Case #: 2008-108  
Case #: 2008-111  
Case #: 2008-113  
Case #: 2008-115  
Case #: 2008-116  
Case #: 2008-120  
Case #: 2008-122  
Case #: 2008-125

**MOTION**

Mr. Banks made a motion the department include a statement summarizing the charges of misconduct on the agreements to relinquish. Mr. Bradham seconded the motion, which carried unanimously.

**MOTION**

Mr. Mobley made a motion the Board approve the cases for Agreement to Relinquish. Mr. Banks seconded the motion, which carried unanimously.

IRC Report – January 13, 2009

*Dismissals*

**MOTION**

Mr. Toole made a motion the Board accept the IRCs recommendations regarding the three cases for dismissal. Mr. Bradham seconded the motion, which carried unanimously.

*Formal Complaints*

**MOTION**

Mr. Bradham made a motion the Board approve the IRCs recommendations regarding the two cases for formal complaints. Mr. Bushardt seconded the motion, which carried unanimously.

Resolutions Guidelines Report

*Dismissals*

**MOTION**

Mr. Bradham made a motion the Board accept the four cases for dismissals. Mr. Bushardt seconded the motion, which carried unanimously.

*Dismissals with Letters of Concern*

**MOTION**

Mr. Bradham made a motion the Board accept the five cases regarding the dismissals with the letter of concern. Mr. Bushardt seconded the motion, which carried unanimously.

**A. Request for Reinstatement – Bobby Hinson**

Mr. Hinson appeared before the Board during the January 24, 2007 meeting. After hearing testimony from Mr. Hinson and Paulette Bentley of RPP the Board voted to grant Mr. Hinson reinstatement of his license based upon the following conditions: he must be completely compliant with RPP requirements and drug free for two years from the date of the January 2007 meeting; he must successfully pass the MPJE; must have 1,500 hours of internship in South Carolina; he must have 60 hours of continuing education which the statute requires plus 15 hours for each of the two additional years for a total of 90 hours of continuing education and he cannot appear before this Board until after January 2009, all of which must be met before his reinstatement.

Bob Hinson, Paulette Bentley and Travis Hilka, Esquire, appeared before the Board at this time and offered the following testimony.

Mr. Hilka stated Mr. Hinson has been completing the items from the January 2007 Order, which was the last time Mr. Hinson appeared before the Board. He went on to say the Order contained four elements which Mr. Hinson had to complete prior to reappearing before the Board. He further stated Mr. Hinson is now asking for reinstatement of his license.

Mr. Hinson stated he has been attending AA meeting on a routine basis, is involved with the SCRIPPS program and Caduceus.

Mrs. Bentley stated Mr. Hinson attends all regularly scheduled meetings. She noted it would continue per the Board's order.

Mr. Hinson stated he was spending time with his grandchildren March 28, April 3, and April 8, in Tennessee and he missed a couple of calls, which has been addressed with RPP. He is the program coordinator with the Greenville Caduceus Club. Mr. Hinson's work goals include working in a retail store as he has been offered a position. The Caduceas is a close knit group and works hard to keep up the routine. He does not see himself going backwards and feels he has dealt with his adversities well. He completed his intern hours with Rite Aid and Cash and Carry.

Mr. Hook informed Mr. Hinson the Board would take the testimony under advisement and would render a decision later in the meeting.

**5. Old Business**

**B. Biennial Licenses – Lee Ann F. Bundrick, R.Ph.**

During the June 2008 meeting Mrs. Bundrick informed the Board the Engine Act gives the agency director the authority to move the Board's licensure toward biennial licensure. At that time 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 that the technicians be renewed the following year.

Mrs. Bundrick stated based on statistics staff determined it would be better to renew pharmacists and facilities on the same two year renewal and the pharmacy technicians the opposite renewal year. She noted random audits would be conducted every two years.

Mr. Hook questioned Mrs. Bundrick regarding reciprocity candidates. Mrs. Bundrick stated the candidates would be issued a license until April 1<sup>st</sup> followed by a two-year renewal. These pharmacists would need to obtain 30 hours of continuing education during the two-year renewal.

New graduates and reciprocity applicants would need to report 15 hours of continuing education during the initial year. Pharmacists and facilities would renew in odd numbered years and pharmacy technicians would renew in even numbered year.

Mrs. Dantzler recommended the Board's legislative committee or continuing education committee work toward having language placed in regulation in regard to this matter.

Mr. Hook referred this matter to the legislative committee.

## **6. New Business**

### **Request Approval of Pharmacist Application - John Hall**

On February 7, 2008 the Board received a reciprocity pharmacist application from John Hall. Mr. Hall answered yes to the question asking, "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" He was charged with possession of alcohol in 1967.

In 1967 his roommate was arrested for having an open container in a vehicle. He went to the police station to learn the amount of the bail money and then collected bail money. When he and his roommate went to court in regard to the charge he learned that half of the bail money was his. Approximately fifteen years ago he applied for a gun permit for his sister. The police chief, whom he knows, asked if he had ever been arrested to which he replied negatively. The police chief contacted him approximately four days later and informed him he had been arrested. When he completed his pharmacist application for South Carolina he answered yes to the question and contacted the Clarksburg, Virginia office of the FBI which sent documentation reflecting he had no arrest record.

### **MOTION**

Mr. Banks made a motion the Board accept Mr. Hall's application. Mr. Bushardt seconded the motion, which carried unanimously.

### **D. Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer – C T International, Drew Arnold**

On April 16, 2008 the Board received a non-resident wholesale/distributor and/or manufacturer application from C T International. The applicant answered yes to the following questions.

"To the best of your knowledge, has the applicant(s) ever: (1) Had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?"

"Have you ever (b) had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug facility where you were employed by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?" and

"Have you ever violated the drug laws, rules, statutes and/or regulations of South Carolina, or any other state or country or the United States?"

C T International entered into a Stipulated Settlement and Disciplinary Order as to Respondents with the California Board of Pharmacy dated December 8, 2006.

Drew Arnold, Vice President of Pharmaceutical Purchasing, appeared before the Board and offered the following testimony.

C T International's permit is currently under a stipulated agreement with the California Board of Pharmacy which ends March 1, 2009. Mr. Arnold provided the Board with a copy of the last inspection reports, dated December 2007 and December 2008, which reflects the company has met all conditions with the California Board of Pharmacy. The company is not VAWD accredited; however, the company is moving through the process.

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

**E. Request Approval of Pharmacist Application – Ahmed Mahgoub**

On October 13, 2008 the Board received a pharmacist reciprocity application from Ahmed Mahgoub. Mr. Mahgoub is licensed in North Carolina and answered no to all questions on the application; however, NABP provided information to the Board which indicates the applicant's license was disciplined by the North Carolina Board of Pharmacy for a medication error in April 2004 for which he received a letter of warning. Staff notified Mr. Mahgoub by letter dated November 18, 2008 that the Board would review his application during this meeting and asked that he be present to answer questions from the members.

Ahmed Mahgoub appeared before the Board and offered the following testimony.

In an incident in 2004 he filled a prescription for hydro drops at a higher dosage than for what the prescription called. It was his mistake and he accepts responsibility, although there was no harm done. Mr. Mahgoub passed the MPJE in November 2008.

**MOTION**

Mr. Mobley made a motion the Board approve his request for application in this State, that for the record and for the purposes of future renewals the Board would accept anything prior to this licensure as no answer, anything which happens after this licensure will be considered a yes answer. Mr. Rose seconded the motion, which carried unanimously.

**F. Request Approval of Pharmacist Application – Windy Griffin**

On September 19, 2008 the Board received a pharmacist application from Windy Griffin. Ms. Griffin is currently licensed in North Carolina. She answered yes to the question asking if there have been no charges involving a felony or any of the laws relating to controlled substances, intoxicating liquors or the unlawful sales of dangerous drugs brought against me, nor are any now pending. Ms. Griffin states that in August 1991 she was charged with selling/giving malt/wine to a minor and was convicted of a misdemeanor for selling/giving malt/wine to a minor in November 1991. Staff notified Ms. Griffin by letter dated November 7, 2008 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Windy Griffin appeared before the Board and offered the following testimony.

In 1991 Ms. Griffin was working in a grocery and was caught selling malt/wine to a minor during a sting operation. She was notified six months later; however, she does not recall the incident and does not believe she actually sold malt/wine to a minor. She passed the MPJE in October 2008.



**MOTION**

Mr. Mobley made a motion the Board approve Ms. Griffin's application. Mr. Banks seconded the motion, which carried unanimously.

**G. Proposed Pharmacy Technician Legislative Language for Information Only – Robert Spires, R.Ph.**

Robert Spires of the Society of Health System Pharmacists met with the Technician Committee on January 9, 2009 regarding proposed pharmacy technician legislative language. He also met with the association and is attempting to set a meeting with the chain pharmacy association. He presented the members with proposed language, which is attached to the permanent record of this meeting located at the Board's office. July 1, 2012 has been set as the date which would require technicians to graduate from an accredited program. He briefed the members on the proposed legislation.

The SC Pharmacy Association's Board of Directors is scheduled to meet on February 10, 2009. The proposed pharmacy technician language is the main agenda topic.

Mr. Hook referred this matter to the Pharmacy Technician Committee.

**H. Report of NABP Symposium, December 4-5, 2008, Tucson, AZ – Dock H. Rose, R.Ph.**

Mr. Rose briefed the Board on the NABP Symposium which was held in Tucson, Arizona on December 4-5, 2008.

**I. Delegate for NABP 105<sup>th</sup> Annual Meeting, May 16-19, 2009 in Miami, FL**

**MOTION**

Mr. Bradham nominated the chairman as the delegate, the vice chairman as the alternate and if neither officer can attend the next senior member of the Board will serve as the delegate. Mr. Banks seconded the motion, which carried unanimously.

**Executive Session**

**MOTION**

Mr. Banks made a motion the Board enter executive session to seek legal advice. Mr. Mobley seconded the motion, which carried unanimously.

**LUNCH**

The Board recessed for lunch at 12:15 p.m. and resumed public session at 1:30 p.m.

**Return to Public Session**

**MOTION**

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

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

Request for Reinstatement – Bobby Hinson

**MOTION**

Mr. Bradham made a motion the Board grant Mr. Hinson the ability to practice as a pharmacist with the following stipulations: upon granting of the license he continue in RPP for five years, he cannot serve as PIC or permit holder during the five years, and at the end of the five years he

must reappear before the Board to have the stipulations removed. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Non-Resident Wholesale Distributor and/or Manufacturer – C T International

**MOTION**

Mr. Rose made a motion the Board grant approval of licensure contingent upon of VAWD approval. Mr. Banks seconded the motion, which carried unanimously.

**7. Committee Reports**

- Pharmacy Technician – David Banks, R.Ph., Al Toole, R.Ph., Dan Bushardt, R.Ph., Davis Hook, R.Ph.

Mr. Banks stated the Committee met on January 9, 2009 at which time it heard from the Society of Health System Pharmacists in regard to the proposed pharmacy technician language. He highlighted the major changes in the proposed legislation. He noted the next committee meeting is scheduled for 10:00 a.m., February 27, 2009. He encouraged all Board members to attend this meeting.

Mr. Hook stated the committee requested the Society of Health System Pharmacists meet with all other entities prior to the next committee meeting.

- Legislative – Al Toole, R.Ph., Bobby Bradham, R.Ph., Dr. Richardson, Hugh Mobley, R.Ph.

Mr. Hook stated under the Abuse Fraud Division of Part D Medicare there would be training in place for all pharmacists except in Medicare Part D. He further stated there is a section which requires storage restrictions and guidelines. He found it odd that the retail component is being held to those storage requirements; however, the mail order pharmacies are not being held to the requirements. He also stated the committee members also found it odd and that the members would research the matter prior to the next committee meeting. He said following the next meeting the committee may request NABP look into the matter on a national level.

Mr. Hook stated the central fill legislation was also discussed. The legislation has appeared once in the State Register and must appear in the Register one more time.

Mrs. Dantzler stated the proposed central fill regulations should appear in the next edition of the Register. She further stated the 30 day time period for comments should be completed around March 1, 2009.

Mr. Cinqueonce stated the association has drafted legislation in regard to pharmacists administering vaccines with protocols from both the Board of Pharmacy and the Medical Board. He hopes the legislation would be introduced soon and hopes the association will be placed on the February 2009 agenda of the Medical Board to present their initiative.

Mr. Cinqueonce stated the PBM legislation has been filed and is in the House Labor, Commerce and Industry (LCI) Committee. The association met with Representative Sandifer, chairman of the LCI committee. Representative Sandifer asked that the registration fee be increased to \$500 as well as increasing penalties for violations of non-registration with the Division of Insurance to between \$5,000 and \$10,000 per day for every day the PBM does not register.

Senator Cromer will be filing the FQHC language, which has been approved by the Board.

Mr. Cinqueonce stated the federal legislation regarding pharmacy technicians must be re-filed since a new congress in session. He further stated the association would be following Congress to see if a bill is submitted with Congress.

- Medication Errors – Dan Bushardt, R.Ph., Davis Hook, R.Ph., Dr. Richardson

Mr. Bushardt had no report.

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

Mr. Rose stated the committee would hold a meeting in May.

- Pharmacy Practice – Dock H. Rose, R.Ph., David Banks, R.Ph., Hugh Mobley, R.Ph.

Mr. Rose stated the Pharmacy Practice Committee met in December 2008 to discuss Policy & Procedure 146.

### C. Draft Policy & Procedure 146, Pharmacists' Lunch Breaks

During the November 2008 meeting the Board discussed Policy & Procedure 146, which deals with pharmacists' lunch breaks. Following discussion on the matter the Board referred the policy and procedure to the Pharmacy Practice Committee.

The following draft policy and procedure has been drafted for the Board's review.

If a permitted facility allows their pharmacist to participate in a 30 minute meal break the following guidelines must be in place.

1. Policies and Procedures must be present which define the approval and eligibility, and procedures on how to handle before, during and after the 30 minute meal break.
2. Pharmacist must be in the permitted facility and have a sign posted that the pharmacist is on break.
3. The permitted facility should attempt to have the break occur at a consistent time each day and proper notice given to the public.
4. In permitted facilities with overlapping pharmacists, breaks should be taken while other pharmacist coverage is available.
5. Pharmacist must be available to handle any emergency situations which may arise.
6. Pursuant to the Board of Pharmacy, technicians may perform the following during while a pharmacist is on break:
  - Assemble prescriptions to be checked by the pharmacist when the break is over.
  - Provide prescriptions to the patients for pick up that have been previously prepared and checked by a pharmacist. A log must be completed for all transactions; new prescriptions and refills that occur while the pharmacist is on break.
  - Receive and assemble prescriptions. The pharmacist must check any prescriptions before it goes to the patient pursuant to the Board's practice act.

Note: Any Drug Utilization Review Messages must be reviewed and resolved by the pharmacist.

7. When requested by the patient the pharmacist must call within a reasonable timeframe after the prescription is picked up to review any counseling issues that may be appropriate for any prescriptions sold in the absence of a pharmacist.

There should be adequate training of all pharmacy personnel on how to handle 30 minute meal break coverage.

### **MOTION**

Mr. Bradham made a motion the wording in #7 be changed to state *When requested by the patient the pharmacist must call within a reasonable timeframe after the prescription is picked up to review any counseling issues that may be appropriate for any prescriptions sold in the absence of a pharmacist.* Mr. Banks seconded the motion, which carried unanimously.

Leo Richardson, PhD, arrived at the meeting during the discussion on the policy.

- Pharmacy Technology—Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., David Banks, R.Ph.

Mr. Bradham stated the Pharmacy Technology Committee met on January 20, 2009. The committee received an update from Wal-Mart regarding their work balance program. Wal-Mart has determined not to begin the project in South Carolina until upgrades have been completed. Walgreen's has begun its program, which has performed better in the last two months.

Mr. Bradham stated the central fill legislation has been filed as a regulation. The proposed regulation must appear in the State Register for another thirty days which will end approximately March 1, 2009. If there are no negative remarks the Board must determine if there should be more changes.

- Recovering Professional Program – Dr. Richardson, Davis Hook, R.Ph.

Dr. Richardson had no report.

- VAWD – Dan Bushardt, R.Ph., Al Toole, R.Ph.

Mr. Bushardt had no report.

### **8. Discussion Topics**

Mrs. Sanders stated there is an over the counter medication card being used in some facilities.

Discussion on this matter ensued and included, but was not limited to, the store's DEA number is being used for billing to the insurance companies, whether or not over the counter products require a prescription, charging sales tax on over the counter medications, and more than one over the counter medication card is being used.

The Board asked that Mrs. Dantzler give a legal opinion to determine if a facility can generate a prescription order based on that card and use those cards for it to be legal as a prescription order.

Mr. Mobley stated holding the meetings at the association creates a more professional atmosphere.

### **Public Comments**

There were no public comments made during the January 21, 2009 meeting.

- Compounding – Hugh Mobley, R.Ph., Bobby Bradham, R.Ph., Davis Hook, R.Ph.

### **Executive Session**

#### **MOTION**

Mr. Mobley made a motion the Board enter executive session to speak with the administrator and the inspectors. Mr. Banks seconded the motion, which carried unanimously.

### **Return to Public Session**

#### **MOTION**

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

Mr. Hook stated no official action was taken during executive session.

### **Adjournment**

#### **MOTION**

Mr. Mobley made a motion the meeting be adjourned. Mr. Banks seconded the motion, which carried unanimously.

The January 21, 2009 meeting of the SC Board of Pharmacy adjourned at 3:15 p.m.

**South Carolina Board of Pharmacy  
MINUTES**

**9:00 a.m., January 22, 2009**

SC Pharmacy Association  
1350 Browning Road  
Columbia, South Carolina

**Thursday, January 22, 2009**

**Meeting Called to Order**

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Members of the public attending the meeting included: Robert Kutch and Joe Mullinax.

Mr. Hook announced this meeting was being held in accordance with Section 30-4-80 of the SC 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 main entrance of the SC Pharmacy Association Building.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Invocation**

Mr. Bradham delivered the invocation.

**Chairman's Remarks – Davis Hook, R.Ph.**

Mr. Hook made no remarks during this meeting.

**9. Request Approval of Pharmacist Application – Robert Kutch**

On October 14, 2008 the Board received a reciprocity pharmacist application from Robert Kutch. Mr. Kutch is currently licensed in New Jersey and 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 drug laws?" Mr. Kutch had submitted proof of 30 hours of continuing education to the New Jersey Board of Pharmacy; however, the Board found five of the hours to be redundant which left 25 hours of continuing education.

Robert Kutch appeared before the Board and offered the following testimony.

Mr. Kutch took thirty hours of continuing education, which he submitted to the Board; however, the Board found five of the credits redundant. The New Jersey Board of Pharmacy fined him \$1,500, but took no action against his license. In 1986 he worked and supervised pharmacists for a supermarket chain in New Jersey. The district manager never changed the name of the pharmacist in charge. The facility paid the fine for that violation. He plans to work at Walgreen's for right now, then conduct research and then teach.

The Board informed him that would be his responsibility to notify the Board of a PIC change.

**MOTION**

Mr. Banks made a motion the Board accept Mr. Kutch's request. Mr. Bushardt seconded the motion, which carried unanimously.

Mrs. Bundrick distributed copies of the resolution guidelines to the Board. Mr. Bradham asked that the Board review and discuss the resolution guidelines in committee. He suggested the Pharmacy Practice Committee review the guidelines and give report during the March 12th meeting. Mr. Mobley asked staff to research statistics regarding the cases involved in the guidelines.

**MOTION**

Mr. Banks made a motion the inspectors attend the committee meetings. Mr. Mobley seconded the motion, which carried unanimously.

The Board set the following dates for committee meetings.

February 19, 2009  
Compounding Committee  
Legislative Committee

February 27, 2009  
Pharmacy Technician Committee  
Pharmacy Practice Committee

**MOTION**

Mr. Banks made a motion the inspectors attend the Board meetings. Mr. Rose seconded the motion, which carried unanimously.

Mrs. Bundrick stated the Board had asked if Mr. Christian could meet with the Board during today's meeting to discuss procedures regarding reciprocity and licensure procedures and the Board's concerns. She further stated he was unable to meet with the Board today due to a Senior Staff meeting to discuss budget cuts. She recommended one member meet with her, Mr. Bryant, and an individual from the Office of Licensure and Compliance to review the reciprocity process in accordance with the statute and develop how the Board wants the procedure handled from the Board's prospective.

Mr. Hook and Mr. Mobley volunteered to attend the meeting.

Mr. Banks stated during the January 21<sup>st</sup> meeting a pharmacist stated 50% of the pharmacy technicians in South Carolina were state certified. He researched this matter and found that there are 2,491 **active** state certified pharmacy technicians and 4,765 **active** registered pharmacy technicians, which totals 7,256 pharmacy technicians. He noted that equals 34% of the pharmacy technicians are state certified. He further stated there are 843 retail establishments and 145 hospital facilities, which totals 988 prime spots for pharmacy technicians. Neither Mr. Banks nor Mrs. Bundrick knows if the number of hospitals includes

long term care facilities. He said that would be only 2.5% state certified pharmacy technicians in those two settings.

**MOTION**

Mr. Banks made a motion the pharmacy technician renewal application include questions asking if the individual is state certified, and, if so, did the individual attend an ASHP employer in-house program, attended an ASHP technical school or was grandfathered. Mr. Rose seconded the motion, which carried unanimously.

Mr. Cinqueonce stated Senator Massey has filed a bill to increase the number of the Board from eight to nine and that the position would be a pharmacy technician at large. The bill has not gone before a committee at this time. He noted the association has not taken a position on the bill at this time.

Mr. Hook stated an individual in the industry would like to add a position to include a pharmacist from the chain drug stores.

Mrs. Bundrick stated the agency is also looking at the make up of the Board. She noted the agency would like to include another public member and have an odd number on the Board.

**Adjournment**

**MOTION**

Mr. Banks made a motion the meeting be adjourned. Mr. Bushardt seconded the motion, which carried unanimously.

Mr. Banks rescinded his motion and Mr. Bushardt rescinded his second to adjourn to allow the Board to enter executive session.

**Executive Session**

**MOTION**

Mr. Banks made a motion the Board enter executive session. Mr. Bushardt seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

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

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

**Adjournment**

**MOTION**

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

The January 22, 2009 meeting of the SC Board of Pharmacy adjourned at 10:40 a.m.