

# South Carolina Board of Pharmacy Board Meeting

9:00 a.m., September 15-16, 2010  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina  
**MINUTES**

**Wednesday, September 15, 2010**

## **Meeting Called to Order**

Bobby Bradham, R.Ph., chairman, of Charleston, called the regular meeting of the SC Board of Pharmacy to order at 9:03 a.m. Other Board members participating in the meeting included: Dan Bushardt, R.Ph., Vice Chairman, of Lake City; Addison Livingston, R.Ph., of Swansea; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, PhD., of Columbia; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty.

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

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant, Eddie Durant, R.Ph., Pharmacist Investigator; Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Roselind Bailey-Glover, Stephanie Calhoun, Administrative Assistant; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Dean Grigg, Hearing Advice Attorney; Pat Hanks, Litigating Attorney; Dwight Hayes, OLC; Tracey McCarley, Education Coordinator; and Sheridan Spoon, Assistant General Counsel.

Members of the public attending the meeting included: Anthony Alarid, Dr. Robert Ball, MD, Sarah Braga, Andrew Byrnes, Pam Cain, Carmelo Cinqueonce, Latitica Cobbs, Jennifer Duncan, Joe Mullinax, Jeff Pappas, Thomas Phillips, Richard Redden, Eric Ridings, Stephanieka Rosemond, Frank Sheheen, Christopher Tidmarsh, Brandt Vickery, Elizabeth Young, and Rick Wilson.

Mr. Bradham 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.

**A video of this meeting can be viewed at [www.llr.state.sc.us/POL/Pharmacy](http://www.llr.state.sc.us/POL/Pharmacy). On the Board's home page, click 'Board Information' and follow the link to the video.**

## **Pledge of Allegiance**

All present recited the Pledge of Allegiance.

## **Invocation**

Mr. Bushardt delivered the invocation.

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

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

**Chairman’s Remarks – Bobby Bradham, R.Ph.**

Mr. Bradham reserved his remarks for later in the meeting.

**Approval of Minutes for June 16-17, 2010**

**MOTION**

Mr. Rose made a motion the Board make the following change on page 18 - change John Wallace, Esq. to Jon Wallace. Mr. Livingston seconded the motion, which carried unanimously.

**MOTION**

Mr. Rose made a motion the Board approve the minutes of the June 16-17, 2010 meeting as amended. Mr. Bushardt seconded the motion, which carried unanimously.

**Approval of Reciprocity Candidates for Licensure:**

Dates: June 30, July 1, 7, 9, 12, 14, 22, 28, August 2, 3, 6, 11, 12, 13, 18, 20, 25, 27, September 1, 7, 8, 2010

**MOTION**

Mr. Mobley made a motion the Board approve the reciprocity candidates for licensure. Mr. Livingston seconded the motion, which carried unanimously.

**Administrator’s Report, Lee Ann F. Bundrick, R.Ph.**

Mrs. Bundrick delivered the following report:

**Good Morning Mr. Chairman and members of the Board**

- I am pleased to announce that the staff had an exhibit booth at the SC Pharmacy Association Annual Convention, June 18-20, 2010 in Hilton Head, SC. This was an excellent opportunity for Ms. Cle Sanders, Mr. Ernie Shuler, Ms. Rosemary Boguski, Mr. Joe Newton and Ms. Lee Ann Bundrick to improve public awareness of the Board and its duties and responsibilities. I would also like to thank Mr. Carmelo Cinquaconchay and his staff at the association for working with us and making this possible.
- As of this report we have approximately 2,867 active state-certified pharmacy technicians and 5,781 active registered pharmacy technicians. We have 6,935 active licensed pharmacists and 3,779 permitted facilities and 3 Electronic Prescribing Routing Companies.
- The Pharmacist Inspectors have conducted 286 inspections since the last Board Meeting.
 

○ Pharmacy Permit Inspections	136
○ Non-Dispensing Drug Outlet Permit Inspections	119
○ EMS Permit Inspections	10
○ Medical Gas/DME Permit Inspections	21
- Of the 286 inspections, 51 New Permits were issued.

No Citations have been issued since the last Board Meeting.

- 39 Reciprocity Interviews have been conducted since the last Board Meeting. 28 of the 39 reciprocity interviews were done by Mr. Eddie Durant, R.Ph., Ms. Rosemary Boguski,

R.Ph., and Ms. Lee Ann Bundrick, R.Ph. I would like to thank Mr. Durant and Ms. Boguski for assisting with this process.

- Since the last Board meeting, 2 Pharmacy Technicians have signed consent agreements for failing the CE Audit.
- The Board of Pharmacy has continued to serve as a site for pharmacy students on clinical rotations from SC College of Pharmacy – USC Campus. During the month of August, Mr. Daniel Lenker was on rotation at the Board office. For the month of September, Ms. Jennifer Duncan is on rotation with us.
- Ms. Cle Sanders, Mr. Wilbur Harling, Mr. Bobby Bradham and I completed the MPJE State Specific Law Review the week of August 2-6, 2010. We reviewed approximately 4000 questions to determine if they were appropriate questions to be in compliance with state and federal laws.
- My staff and/or I have participated in the following meetings since the June meeting:
  - Mr. Bobby Bradham, Mr. Henry Rose, Mr. David Banks and I attended the House of Delegates at the SCPhA Annual Meeting on June 18, 2010.
  - Ms. Cle Sanders and Ms. Lee Ann Bundrick met with the Presbyterian College of Pharmacy regarding the permitting of their labs on June 22, 2010.
  - Staff attended the Administrator’s Meeting for the Office of Board Services on June 29, 2010
  - Legislative Committee met on June 29, 2010, Mr. Al Toole, Mr. Hugh Mobley, Mr. Henry Rose, Dr. Leo Richardson attended as Board members. Ms. Rosemary Boguski, Mr. Larry Grant, Ms. Cle Sanders, Mr. Joe Newton and Ms. Lee Ann Bundrick attended the committee meeting.
  - LLR legal staff, Board members and Board staff met with the SC Hospital Association representatives and hospital representatives to discuss physician practices owned by hospitals on June 29, 2010.
  - Staff worked with Department of Health and Human Services on Investigations on July 8, 2010.
  - Staff worked with Legal and OIE regarding documents sent to complainant and respondent on July 12, 2010.
  - Ms. Bundrick met with SLED @ National Precursor Log Exchange (NPLEX) system on July 15, 2010.
  - Ms. Cle Sanders and Ms. Bundrick inspected Smith Drug Co. on July 21, 2010.

- Staff participated in a conference call with DEA regarding investigations on August 9, 2010.
- Telephone IRC with Mr. Turner on August 10, 2010.
- Staff participated in legal meeting regarding investigations on August 10, 2010
- Mr. Bobby Bradham, Mr. Henry Rose, Dr. Leo Richardson, Mr. Hugh Mobley, Mr. David Banks, Ms. Cle Sanders and Ms. Lee Ann Bundrick attended NABP/AACP District III Annual Meeting in Blowing Rock, NC, August 15-17, 2010.
- Pharmacy Technician Committee on August 24, 2010, Mr. David Banks, Mr. Bobby Bradham, Mr. Henry Rose, Mr. Dan Bushardt, Mr. Addison Livingston and Mr. Hugh Mobley attended as Board Members. Mr. Ernie Shuler, Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders and I attended the committee meeting.
- Finance Committee on August 24, 2010, Mr. Addison Livingston, Mr. Bobby Bradham, Mr. Hugh Mobley, Mr. Dan Bushardt, Mr. David Banks, Mr. Henry Rose attended as Board Members. Mr. Joe Newton, Ms. Cle Sanders, Ms. Rosemary Boguski, Mr. Ernie Shuler and I attended the meeting.
- Pharmacy Practice Committee on August 24, 2010, Mr. Henry Rose, Mr. Hugh Mobley, Mr. Bobby Bradham and Mr. David Banks attended as Board Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders and I attended the committee meeting.
- Pharmacy Technology Committee on August 24, 2010, Mr. Dan Bushardt, Mr. David Banks, and Mr. Bobby Bradham attended as Board Members. Mr. Ernie Shuler, Ms. Rosemary Boguski, Ms. Cle Sanders, and I attended the meeting.
- Medication Integrity Committee on August 24, 2010, Mr. Dan Bushardt, Mr. Addison Livingston, Mr. Hugh Mobley, Mr. Henry Rose, Mr. David Banks, and Mr. Bobby Bradham attended as Board members. Mr. Joe Newton, Ms. Rosemary Boguski, Mr. Ernie Shuler, Ms. Cle Sanders and I attended the committee meeting.
- Legislative Committee on August 24, 2010, Mr. Bobby Bradham, Mr. Hugh Mobley, Mr. Dan Bushardt, Mr. David Banks, Dr. Leo Richardson, Mr. Addison Livingston and Mr. Henry Rose attended as Board members. Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders, Mr. Ernie Shuler and I attended the meeting.
- Continuing Education Committee on August 24, 2010, Mr. David Banks, Mr. Addison Livingston, Mr. Hugh Mobley, and Mr. Henry Rose attended

as Board members. Mr. Ernie Shuler, Ms. Cle Sanders, Ms. Rosemary Boguski and I attended the committee meeting.

- Staff attended an agency FOIA Meeting on August 25, 2010.
  - Staff attended the Administrator's Meeting for the Office of Board Services on August 25, 2010.
  - Ms. Cle Sanders conducted a presentation to Presbyterian College of Pharmacy for the First Year Students on September 1, 2010
  - I met with Chairman Bobby Bradham on September 1, 2010 to discuss the upcoming year.
  - Telephone IRC meeting with Mr. C Turner on September 8, 2010
  - Telephone IRC meeting with Mr. C Turner on September 13, 2010
  - Ms. Cle Sanders presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Greenville, SC on September 14, 2010.
- Staff will be participating in SCPHA Regional Rallies in Columbia, Aiken Charleston, Florence and Anderson during the months of September and October.
  - Staff has attended agency, board staff, compliance staff and legal counsel meetings.
  - The deadline for the 4th quarter Board of Pharmacy Newsletter to NABP is quickly approaching. If you have any suggestions for articles, please let me know. We have been sending these to you for your review and comments. If anyone is having problems receiving them. Please let me know.
  - Handouts for your review that are under the Administrators Tab that may be of interest to you include: The letter to Dr. Costa, President of the Board of Medical Examiners, notifying the Board of Medical Examiners of the two pharmacists the Board of Pharmacy approved to be on the Joint Pharmacist Administered Influenza Committee, An e-mail regarding First Criminal Charges files against SC public body for violating open meetings act, a memo from NABP regarding the ability to display candidate scores on the NABP Web site, a letter to the Southeastern Institute in Columbia and North Charleston and Virginia College updating these institutions on the specific requirements regarding pharmacy technicians, a memo from The Department of Motor Vehicles regarding State Board license plates and the financial report for your review.
  - 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.

And of course, I will respectfully answer any questions you may have.

**Reports from:**

Office of Investigation and Enforcement – PC Faiglie

Mrs. Bundrick presented this report on behalf of Mr. Faglie. She noted Mr. Faglie presented case status information from July 1, 2001 through June 30, 2010 which shows there were a total of 109 cases in the Office of Investigation and Enforcement. She stated Mr. Faglie also provided case statistics for fiscal year 2010 (from July 1, 2010 through September 14, 2010) which shows there are currently 28 open cases in that office).

#### Office of General Counsel – Pat Hanks

Mr. Hanks noted the Office of General believes there are approximately eight open cases plus the cases being presented for approval as formal complaints during this meeting. He noted the Office of General Counsel has five cases pending closure.

#### Office of Information Services

Mrs. Bundrick delivered this report. She noted 848 credentials were issued since the last meeting and 59 credentials were reinstated since the last meeting. She stated there are currently a total of 21,019 active credentials. She further stated the total active credentials includes pharmacists, pharmacy technicians, pharmacy interns, and pharmacies.

Discussion ensued regarding the accuracy of the numbers per the ReLAES report and included topics such as conducting an internal audit of the numbers prior to the next renewal of pharmacy permits.

#### Finance Report – Tracy McCarley

Ms. McCarley stated she work with the agency's education area. She further stated Mr. Bryant has given her the responsibility of meeting with all of the Boards regarding financial reports. She noted she met with Mrs. Bundrick on September 14, 2010 and learned the Board's Finance Committee had determined what information to include in the financial report. She noted state government has moved to a new accounting system which does not provide understandable information for reports.

Mr. Livingston questioned Ms. McCarley regarding several items contained in the financial report provided.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

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

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

### **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)

August 10, 2010 IRC Report  
Dismissals

**MOTION**

Mr. Rose made a motion the Board approve the IRCs recommendation regarding the one case for dismissal. Mr. Mobley seconded the motion, which carried unanimously.

Formal Complaints

**MOTION**

Mr. Livingston made a motion the Board approve the IRCs recommendation regarding the 18 cases for formal complaints. Mr. Bushardt seconded the motion, which carried unanimously.

Letter of Caution

**MOTION**

Mr. Livingston made a motion the Board approve the IRCs recommendation regarding the one case for letter of caution. Mr. Bushardt seconded the motion, which carried unanimously. Mr. Rose voted nay.

Pharmacy Resolution Guidelines

Dismissal

**MOTION**

Mr. Toole made a motion the Board approve the two cases recommended for dismissal. Mr. Bushardt seconded the motion, which carried unanimously.

Dismissal with Letter of Concern

**MOTION**

Mr. Bushardt made a motion the Board approve the one case recommended for dismissal with a letter of concern. Mr. Livingston seconded the motion, which carried unanimously.

- Agreement to Relinquish
  - Case #: 2010-21
  - Case #: 2010-28
  - Case #: 2010-32
  - Case #: 2010-71
  - Case #: 2010-85
  - Case #: 2010-97
  - Case #: 2010-115

**MOTION**

Dr. Richardson made motion the Board approve the agreements to relinquish. Mr. Bushardt seconded the motion, which carried unanimously.

- Voluntary Surrender
  - Case #: 2010-90
  - Case #: 2010-99
  - Case # 2010-100

The Board accepted the voluntary surrenders as information.

- Consent Agreement
  - Case #2008-145

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**MOTION**

Mr. Livingston made a motion the Board accept the consent agreement. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2009-50

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**MOTION**

Dr. Richardson made a motion the Board accept the consent agreement. Mr. Rose seconded the motion, which carried unanimously.

Case #: 2009-51

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**MOTION**

Mr. Rose made a motion the Board approve the consent agreement. Mr. Bushardt seconded the motion, which carried unanimously.

Case #: 2009-86

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**MOTION**

Dr. Richardson made a motion the Board approve the consent agreement. The motion died due to lack of a second.

**MOTION**

Mr. Toole made a motion the Board reject the consent agreement for clarification. Mr. Livingston seconded the motion, which carried with a majority vote. Dr. Richardson voted nay.

Case #: 2010-57

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**MOTION**

Mr. Rose made a motion the Board approve the consent agreement. Mr. Livingston seconded the motion, which carried unanimously.

Case #: 2010-69

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**MOTION**

Mr. Rose made a motion the Board approve the consent agreement. Mr. Bushardt seconded the motion, which carried unanimously.

- **Cease and Desist**

Case #: 2009-71

The cease and desist on case # 2009-71 was presented for the Board's information.



#### Request Modification of Order – Richard Redden

On April 29, 2008 Richard Redden signed a Memorandum of Agreement (MOA) and Stipulations after it was found that he had diverted a quantity of a Schedule III Controlled Substance from two locations and distributed the substance to a third party between January 2007 to May 2007. He appeared before the Board on July 16, 2008 and the Board voted to stay the imposed temporary suspension and his license was reinstated to active practice and placed in probationary status for five years. While Mr. Redden's license is in probation status he is required to comply with terms and conditions, including but not limited to: he is prohibited from serving as a pharmacist in charge (PIC), pay a civil penalty of \$500.00 within one year of receiving the Final Order of the Board, continue to be monitored by the Recovering Professional Program (RPP), and abstain from the consumption of any mood altering substances, except as prescribed by a licensed practitioner for a documented legitimate medical purpose.

A letter from Chris McCoy of RPP states that Mr. Redden enrolled in RPP on August 16, 2007 but was discharged on September 20, 2007 when he did not follow through with his referral for inpatient treatment at that time. After successfully completing an inpatient treatment program he re-enrolled with RPP on March 17, 2008. He has since been in compliance with his RPP contract.

Mr. Redden is now seeking the Board's approval to remove the PIC restriction.

Richard Redden appeared before the Board.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Bradham informed Mr. Redden the Board would render a decision in this matter later in the meeting.

#### Request Modification of Order- Brandt Vickery

On January 20, 2010 Brandt Vickery entered into a Consent Agreement with the Board after it was found that he diverted between 50 to 120 Tramadol tablets between July 2009 and September 2009 while employed as a pharmacist in North Augusta, SC. He self reported the diversion and was referred to RPP on October 2, 2009. He went for an inpatient assessment followed by six weeks on intensive inpatient treatment. He voluntarily surrendered his license on December 30, 2009. The Consent Agreement suspended Mr. Vickery's license for one year after which it was reinstated in probationary status contingent upon his compliance with the terms and conditions of the agreement. The terms and conditions included but were not limited to, not practicing as a PIC or permit holder and abstaining from the consumption of any mood altering substances, except as prescribed by a licensed practitioner for a documented legitimate medical purpose.

On August 26, 2010 the Board received a letter from Mr. Vickery asking the Board to reinstate his license.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Angie Vickery, Brandt Vickery, and Latitica Cobbs appeared before the Board.

Mr. Bradham informed Mr. Vickery the Board would render a decision in this matter later in the meeting.

### **Old Business**

There was no old business for discussion during this meeting.

### **New Business**

#### Request Approval of Pharmacy Technician Application – Jacqueline Elkins

On June 24, 2010 the Board received a pharmacy technician registration application from Jacqueline Elkins. Ms. Elkins answered yes to the questions asking, 'Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)? and 'Is there any legal action pending against you or are you currently on probation for any charges or legal action?' Ms. Elkins' criminal history report shows arrests and convictions for fraudulent checks.

Jacqueline Elkins appeared before the Board.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Bradham informed Ms. Elkins the Board would render a decision in this matter later in the meeting.

#### Request Approval of Pharmacy Technician Application – Javen Bragg

On May 5, 2010 the Board received a pharmacy technician registration application from Javen Bragg. Mr. Bragg answered yes to the questions asking, 'Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)? and 'Is there any legal action pending against you or are you currently on probation for any charges or legal action?' Mr. Bragg's criminal history report reflects arrests and convictions for check fraud. He also had a suspended license charge which has been resolved as well as a charge regarding child support. He has made arrangements regarding the child support issue.

Javen Bragg did not appear during this meeting.

#### Request Approval of Pharmacist Application – Andrew Byrnes

On March 2, 2010 the Board received a pharmacist application from Andrew Byrnes. Mr. Byrnes' application reflects yes answers to the following questions, '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?', '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?', and 'Have you ever had an application for initial licensure, renewal licensure, or licensure by transfer denied by any licensing authority whether in pharmacy or any other profession?' In May 2005 Mr. Byrnes was found guilty of reckless operation and fined \$250.00 plus court costs, a suspended 30 day jail sentence, placed on probation for one year. An order from the Ohio State Board of Pharmacy dated October 6, 2004 shows Mr. Byrnes was arrested in April 1996 for under age drinking after which he made a false statement to the Board regarding the incident in order to become licensed. The order also shows that on August 10, 1999 and July 26, 2000 domestic violence or stalking final protective orders were issued against Mr. Byrnes for having sent a life-threatening e-mail message to a woman from his employer's computer.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Andrew Byrnes appeared before the Board.

Mr. Bradham informed Mr. Byrnes the Board would render a decision in this matter later in the meeting.

Request Approval of Intern Hours – Jeff Pappas

On August 18, 2010 the Board received a letter from Jeff Pappas regarding the approval of intern hours. Mr. Pappas graduated from the LECOM School of Pharmacy in Erie, Pennsylvania on May 31, 2010. At the beginning of April 2010 he accepted a job with Rite Aid in Greenville. He located the appropriate forms on the Board's website, completed and submitted the forms prior to moving to South Carolina. He received a letter from Renee Young, of the agency's Office of Licensure and Compliance (OLC) on April 19, 2010 stating he had to submit his pharmacy school acceptance letter on LECOM's letterhead in order to complete the internship application. He contacted LECOM and had them send the acceptance letter to the agency. He reviewed the agency's website approximately two weeks later and saw that his application had not been updated to include the acceptance letter. He contacted Ms. Young who stated the letter had not been received. She also informed him that intern certificates were not issued to soon- to-be graduates.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mrs. Bundrick noted Mr. Pappas is appearing before the Board to request approval of his intern hours as a result of miscommunication or confusion with the Office of Licensure and Compliance regarding whether he needed a pharmacy technician registration or a pharmacy intern license.

Jeff Pappas appeared before the Board. He noted during his testimony that after completing rotations in Erie, PA he accepted a job in South Carolina. He applied for an internship as he did not have the required 500 extern hours, contacted the agency and was informed he would need a pharmacy technician registration. He began working on June 17, 2010. The agency accepted his NAPLEX score on July 29, 2010 and his MPJE score on August 6, 2010. At the end of July he sent his intern hours from Pennsylvania, which were eventually sent as externship school hours. He was then informed by the agency that he would need to acquire an intern license. He is asking approval of 280 hours which he worked under the pharmacy technician registration.

Staff researched the ReLaes database and confirmed his pharmacy technician registration was issued on June 8, 2010 and his pharmacy intern license was issued on August 5, 2010.

Kristen Grey-Mitchell, district manager for Rite Aid, testified the pharmacy does have records which shows he worked 40 hours per week since June 17, 2010.

**MOTION**

Mr. Livingston made a motion the Board direct staff to accept the hours earned between June 16, 2010 and the date the intern certificate was granted at such time of receipt of an affidavit confirming those hours. Mr. Rose seconded the motion, which carried unanimously.

Request Approval of Pharmacy Technician Application – Ramona Bryant

On May 11, 2010 the Board received a pharmacy technician registration application from Ramona Bryant. Ms. Bryant answered yes to the questions asking, 'Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)? and 'Is there any legal action pending against you or are you currently on probation for any charges or legal action?' Ms. Bryant was charged and convicted of forgery in January 2001 She served 20 days in jail, served probation, and paid restitution.

Ramona Bryant did not appear during this meeting.

**Executive Session**

**MOTION**

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

**LUNCH**

The Board recessed for lunch at 12:30 p.m. and returned to public session at 2:00 p.m.

**Return to Public Session**

**MOTION**

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

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

Request Modification of Order – Richard Redden

**MOTION**

Mr. Mobley made a motion the Board deny the request. Mr. Rose seconded the motion, which carried unanimously.

Request Modification of Order – Brandt Vickery

**MOTION**

Mr. Rose made a motion the Board deny the request. Mr. Livingston seconded the motion, which carried unanimously.

Approval of Pharmacy Technician Application – Jacqueline Elkins

**MOTION**

Mr. Mobley made a motion the Board approve the application. Dr. Richardson seconded the motion, which carried unanimously.

Approval of Pharmacist Application – Andrew Byrnes

**MOTION**

Mr. Toole made a motion the Board approve the application. Mr. Livingston seconded the motion, which carried unanimously.

Approval of Intern Hours – Jeff Pappas

**MOTION**

Mr. Mobley stated the Board has received documentation that reflects Mr. Pappas worked 342 hours during the time in question and made a motion that when the Board is provided with an affidavit of the 342 hours earned signed by the supervising pharmacist that the Board accept the

342 hours toward his intern requirement. Mr. Rose seconded the motion, which carried unanimously.

### **New Business (Continued)**

#### Request Approval of Pharmacy Technician Application – Stephanieka Rosemond

On June 24, 2010 the Board received a pharmacy technician registration application from Stephanieka Rosemond. Ms. Rosemond answered yes to the questions asking, 'Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)? and 'Is there any legal action pending against you or are you currently on probation for any charges or legal action?' Ms. Rosemond was charged and convicted of shoplifting in November 2007. She was ordered to complete 25 hours of public service.

Stephanieka Rosemond appeared before the Board.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Bradham informed Ms. Rosemond the Board would render a decision in this matter later in the meeting.

#### Request Approval of Non-Resident Wholesale/Distributor/Manufacturer – KV Pharmaceutical Company

On August 10, 2010 the Board received a non-resident wholesale/distributor/manufacturer's application from KV Pharmaceutical Company. The application reflects yes answers to the following questions, 'To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws?', 'Been charged convicted, fined, or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor, in South Carolina or any other state, or in a United States court for any offense relating to drugs, narcotics, controlled substances, or alcohol, whether or not a sentence was imposed?', 'Been charged convicted, fined, or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor, in South Carolina or any other state, or in a United States court for any offense for any offense involved in the practice of pharmacy, or relating to acts committed within a pharmacy or drug distributor setting or incident to pharmacy practice, whether or not a sentence was imposed?' 'Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or county?' '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?' The company entered into a consent agreement in March 2009 with the federal government during which time the company was prohibited from manufacturing and distribution of a product until such time the USFDA conducted inspections. Subsequent inspections have been conducted and on September 7, 2010 the company was given approval to resume the manufacture and distribution of the product. KV cannot release an additional product until approval by a third party and an inspection by the USFDA.

Carl Hintmann and Dan Thompson of KV Pharmaceutical Company appeared before the Board.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Bradham informed Mr. Hintmann that the Board would render a decision in this matter later in the meeting.

Request Approval of Pharmacy Intern Application – Anthony Alarid

On July 13, 2010 the Board received a pharmacy intern application from Anthony Alarid. Mr. Alarid answered yes to the questions asking, ‘Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?’ and ‘Is there any legal action pending against you or are you currently on probation for any charges or legal action?’ In 2005 Mr. Alarid was in a house where underage drinking was taking place. He received a citation and was ordered to attend a Victim Impact Panel. He received another citation in 2008 for having an open container in a vehicle to which he pled guilty. In January 2008 he was charged with misdemeanor shoplifting and entered a guilty plea in exchange for a deferred sentence with dismissal of the case after 90 days of unsupervised probation. The case was dismissed after successful completion of the probation.

Anthony Alarid appeared before the Board.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Bradham informed Mr. Alarid the Board would render a decision in this matter later in the meeting.

Pandemic Flu Position – SC Board of Medical Examiners - Robert Ball, Jr., MD

Dr. Ball made a presentation regarding the pandemic flu. He is requesting the Board’s endorsement of a position taken by the Medical Board during its May 2010 meeting. He noted a multidisciplinary task force has developed guidelines regarding the pandemic flu. He further stated the guidelines would serve as crisis standards of care in public health emergencies such as the pandemic flu, natural disasters such as earthquakes in which skilled care would be required and would apply primarily to hospitals, ICUs and ventilators.

**MOTION**

Mr. Livingston made a motion the Board approve the position. Mr. Toole seconded the motion, which carried unanimously.

The South Carolina Board of Pharmacy endorses the need for the South Carolina Pan Flu Ethics Task Force published guidelines, by title, as acceptable crisis procedures in public health emergencies such as pandemic influenza. The Board supports legislation to codify these recommendations.

Report from Joint Pharmacist Administered Influenza Vaccines Committee

- o Policy and Procedure 138

The committee meeting was changed from September 10, 2010 to September 24, 2010 and may be changed once again. This matter was deferred to the November 2010 Board meeting.

Bioterrorism Emergency Act – Dr. Martin

Dr. Martin was not present during this meeting.

Out of State Intern Hours – Bobby Bradham, R.Ph.

Mr. Bradham stated the board met by conference call in May 2010 to discuss the issuance of licenses to interns from out of state.

Mr. Dwight Hayes stated the intern certificates for residents or new graduates have been issued to those individuals who qualify based on the criteria established during the special meeting. He went on to say does not know of any problems.

Mr. Bradham stated a recent out of state intern from Michigan who had been hired at Grand Stand Hospital had difficulty getting intern hours accepted as the Board issues intern licenses prior to acceptance into pharmacy school. He further stated some colleges in other states do not keep documentation of intern hours the students send for rotation that counts as out of state for 1,000 hours of internship. The student chose to return to Michigan to complete his hours. Mr. Hayes stated if a pharmacy graduate did not accumulate enough hours to become a pharmacist in South Carolina the individual would be issued an intern license to complete the required hours. He is not aware of the detail of the situation in which Mr. Bradham referred. He noted OLC has a procedure in which the individual reports those out of state hours and if there is any problem or concern with the hours Ms. Young forwards the documentation to the administrator for approval.

Mr. Bradham in some other states the Board does not issue intern licenses but allows a student to accumulate 500 hours of internship outside of their schooling as a pharmacy technician. He asked Mr. Hayes if there is a problem issuing if the individual can provide documentation of hours earned as a student equivalent to interns. Mr. Hayes stated if the individual needs to acquire more hours OLC will issue an intern certificate. Mr. Bradham stated if there is a problem if student completed all of the required intern hours as a pharmacy technician per another state. Mr. Hayes stated Ms. Young refers any problems with out of state intern hours to Mrs. Bundrick.

Mrs. Bundrick stated she believes there was a question by OLC staff as to what documents were required if there were out of state hours if that college or board did not approve or credit those hours on an affidavit saying the hours are legitimate. She further stated after consulting with Mr. Bradham and Mr. Bryant that she has been requesting the individuals obtain an affidavit from the PIC they worked under showing the hours worked.

Mr. Mobley asked if he could email Mr. Hayes regarding the individual Mr. Bradham alluded to. Mr. Hayes stated if Mr. Mobley emailed the information to him he would research the matter.

Mr. Mobley stated the Board is attempting to ensure the Board and OLC are on the same page regarding the out of state interns.

Mr. Bradham stated it is his understanding that when an intern certificate is issued it is to an individual who will attend a pharmacy school in South Carolina. Mr. Hayes stated the certificate is not restricted to any location.

Mr. Bradham stated if an individual is accepted to either campus of the South Carolina College of Pharmacy or to South University. He further stated if an individual plans to attend the Charleston campus and, for some reason cannot attend that college but must live at home or will attend the Columbia campus the individual would only need to complete a change of address with OLC. Mr. Hayes stated he knows of no problem with this scenario.

Mr. Bradham stated if a student goes through the first year of school and must take a year off for health reasons. He further stated the individual then begins the second year at another college the student would need to provide OLC with an address change. Mr. Hayes stated it

would be nice if OLC knew the individual was changing schools, but he knows of no problem with this scenario.

Mr. Mobley asked Mr. Hayes if OLC attaches the pharmacy technicians to the facility or to the pharmacist in charge. Mr. Hayes stated the pharmacy technicians are attached to the pharmacist in charge but the technician is tied in to the facility.

Mr. Mobley asked Mr. Hayes what OLC does if the pharmacist in charge changes. Mr. Hayes stated the pharmacist in charge is listed as the supervisor on the facility and the pharmacy technicians are listed under the pharmacist in charge on the facility.

Mrs. Bundrick stated when the staff in the pharmacy area were entering pharmacy technicians the technician was linked with the facility. She understands since the licensing and registration has moved to OLC she has heard there have been instances when the pharmacy technicians have been linked to the pharmacist in charge which would show that those pharmacy technicians have moved to another facility. Mr. Hayes stated the OLC does not enter information into a facility file on ReLAES.

Ms. Boguski stated when the inspectors are inspecting a facility the database is rarely accurate. She noted ReLAES will show the pharmacy technicians working in another facility.

#### Pro-rated License, Permits and Registration Fees

Mr. Bradham stated he recently conducted reciprocity interviews on three candidates. He noted two candidates paid \$80.00 and one candidate paid \$160.00. He stated this procedure is not being performed in a consistent manner.

Mr. Hayes stated OLC was just informed of this problem and the office is ensuring the procedure is cross the board. He noted it is partly his fault. He further stated he was under the impression the Board wanted the pharmacist's fee to be prorated.

Mrs. Bundrick read the motion from the March 2010 meeting which states that license and registration fees are to prorated

#### Pharmacist-in-Charge Files

Mr. Bradham stated when the agency began scanning documents and the Board asked the administrator to check the files for those individuals who had asked to become PIC of two separate facilities. He said there is now a problem where the PIC may not be recognized as the PIC of two facilities. He also said if a pharmacist is a PIC at a location which deals with Medicaid and is not receiving the Medicaid payments because the individual has been removed as the PIC, it is very difficult to once again be placed in the Medicaid system.

Mr. Hayes stated he has reviewed several pharmacist files and has found inconsistencies as to whether a document was included or not. He has reviewed all of the minutes listed on the website as well as the scanned documents and has found very few pharmacists who have requested to become PIC of two locations. He noted the statute is very specific that individual must have written permission from the Board. He would hope that staff members who wrote the letters to these individuals still have the letters on their computers.

Mr. Mobley stated the Board received statistical information regarding licensees earlier in the meeting. He noted report reflects 1,622 pharmacists are PICs. He asked Mr. Hayes if the system is able to reflect those pharmacists who are PICs in two locations. Mr. Hayes replied he



is unsure if the system has that capability, although he hopes the system would have that capability.

Mr. Mobley stated the Board really needed to address this matter today if possible.

Intern Certificates – Pam Cain, R.Ph.

The Board received an e-mail from Pam Cain regarding three scenarios for interns. She asked that the Board discuss the scenarios during this meeting.

This matter was handled earlier in the meeting.

Pharmacy School Accreditations

Mrs. Bundrick presented the members with the following information regarding pharmacy school accreditations. The South Carolina College of Pharmacy is ACPE accredited, Presbyterian College is a pre-candidate, advancement to Candidate scheduled during 2010-2011, and South University School of Pharmacy is ACPE accredited as it is a satellite campus which falls under the umbrella of the accreditation of the main campus located in Savannah, Georgia.

**MOTION**

Mr. Livingston made a motion the Board approve the pharmacy school accreditations. Mr. Mobley seconded the motion, which carried unanimously.

Delegate for MALTAGON, October 24-27, Little Rock, AR

No Board member expressed interest in attending this meeting at this time.

Approval of Pharmacist Application – Elizabeth Young

On August 31, 2009 the Board received a pharmacist application from Elizabeth Young. Ms. Young's application included a document regarding. The application states the applicant must enter a statement 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. If there have been charges, please explain.' Ms. Young has been charged and convicted of two DWIs within two years. She has not yet been evaluated by a drug treatment center; however, she has signed a contract with RPP.

Elizabeth Young and John Davidson of RPP appeared before the Board.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Bradham informed Ms. Young the Board would render a decision in this matter later in the meeting.

**Committee Reports**

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

The Committee met on August 24, 2010. approved a pharmacy education credited to technician certificates request from Edward H. Setzer

Mr. Bradham stated several pharmacy technicians have stated August 5, 2010 was their last day in the state certification pharmacy technician program at a technical college; however, these individual will not receive a diploma/degree until the graduation date in December 2010. He noted the granting of state certification will not affect those individuals attended an ASHP

accredited program although it would affect those individuals who attended a state certification program not accredited by ASHP. He said these students who have complete the state certification program through a technical college and have completed all other state certification requirements would have to wait until graduation later in the year to become state certified technicians.

The Board reviewed a letter from Midlands Technical College regarding a certified pharmacy technician graduates. The letter states that the college has approved the graduation application from the Associate in Occupational Technology in General Technology in Pharmacy Technician. It further states the degree, certificate or diploma would be ordered and available in six to eight weeks and would be mailed to the address given by the student. The letter also states the student's graduation is posted on the Midlands Technical College transcript.

### **MOTION**

Mr. Livingston made a motion the Board authorize staff and OLC to accept a letter and a transcript from a technical college or ASHP program that indicates a particular candidate has graduated and completed all requirements for a diploma in addition completing all other state certification requirements to achieve certified technician status and approve registration. Mr. Rose seconded the motion, which carried unanimously.

#### **Compounding – Hugh Mobley, R.Ph., Addison Livingston, PharmD.**

The committee had no report.

#### **Legislative – Bobby Bradham, R.Ph., Dr. Richardson, Hugh Mobley, R.Ph.**

The committee met on August 24, 2010. The committee discussed the central fill legislation. He noted the Board will work with the association in having the bill re-introduced.

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

The committee had no report. Mr. Rose noted the committee will not meet again until December 2010 or January 2011.

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

The committee met on August 24, 2010. The committee discussed a request from a pharmacist located in Florida who wants to do medication therapy services via e-mail, telephone, or fax from Florida. The committee made a motion the Board require the pharmacist be licensed in South Carolina, although more information may be required.

Mrs. Bundrick stated she contacted the pharmacist and informed him he would need a South Carolina license and that he would need to submit policies and procedures to the Board for review. She further stated the individual informed her that he is not interested in pursuing this matter at this time.

The committee briefly discussed the US Senate bill regulating the disposal of prescription medications. The committee also discussed immunizations, authorization of automatic refills on physician ordered medications. The committee recommended Ms. Dantzler write a letter explaining the Practice Act to the nurse practitioner. The committee discussed the Board's interpretation of subpoenas.

Ms. Dantzler stated she has asked that the Board consider restating its position regarding the subpoenas. She further stated the last time the Board considered this matter it concluded that an attorney's subpoena was not sufficient for privacy protection under the Board's statute. She

went on to say since that time very well established rule has risen from HIPPA under a HIPPA compliant subpoena. The courts are now saying that is sufficient privacy protection. For the interest of the Board's licensees she asked the committee at the appropriate time and at the Board's direction to address the Board's position.

Pharmacy Technology – Dan Bushardt, R.Ph., David Banks, R.Ph.

Mr. Bushardt stated Mrs. Sanders researched the PASS Rx Prescription Verification System which the committee took as information. The committee also discussed Talyst automated dispensing for Carolina Center for Occupational Health. The committee moved that Mr. Bushardt serve as chairman on a subcommittee to discuss the Talyst system with staff and a representative of Talyst to further review the system and develop a feasible option. The committee also discussed the central fill legislation

Recovering Professional Program – Dr. Leo Richardson

Dr. Richardson presented the members with the minutes from the last RPP meeting. He noted the pharmacy technicians participate in RPP at no expense.

Medication Integrity Committee – Dan Bushardt, R.Ph., Al Toole, R.Ph., Addison Livingston, PharmD.

The Committee discussed from pharmacy corporations distributing letters to physicians requesting they give pharmacies in their areas blanket authority to dispense non-A rated medication. The committee made a motion the Board send a letter to the company advising the company advising what the Practice Act states regarding this matter and submitting an article in the newsletter. Since the motion came from committee no second was needed. The motion carried unanimously.

The committee also discussed theft of tractor trailers containing medications being stolen and not stored at proper temperatures. Discussion on this matter detailed that the medications are being sold to other countries where they are very expensive and difficult to obtain as well as being sold back to the United States.

The committee discussed requiring surety bonds for non-resident wholesalers which would require a change in legislation.

Finance Committee - Addison Livingston, PharmD, Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Hugh Mobley, R.Ph.

Mr. Livingston stated the committee made a motion the Board request from LLR financial information from the previous five years, the current year's data and that the information include details of inflow and outflow, initial pharmacist licenses and renewals, pharmacy intern certificates, initial technician registrations and renewals, facility initial permits and renewals, broken down into category and reports of quarterly thereafter and IT supplies, and support, OLC administrative charges, the Board's percent of rent, legal fees, travel, car expenses and salaries. Since the motion came from committee no second was needed. The motion carried.

Mr. Livingston stated the committee also discussed having the association publish an article in their newsletter regarding the financial information. The committee made a motion the Board ask the association . Since the motion came from committee no second was included. The motion carried.

Continuing Education Committee

The minutes reflect the committee discussed certified technicians must take continuing education according to PTCB and registered technicians can take technician or pharmacist continuing education. Mr. Mobley asked that clarification regarding this matter be placed in the newsletter.

The Board accepted the minutes of the Continuing Education Committee as information.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

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

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

#### **Approval of Pharmacy Technician Application – Stephanieka Rosemond**

#### **MOTION**

Mr. Mobley made a motion the Board approve registration to Ms. Rosemond. Dr. Richardson seconded the motion, which carried unanimously.

#### **Approval of Non-Resident Wholesale/Distributor/Manufacturer – KV Pharmaceutical Company**

#### **MOTION**

Mr. Rose made a motion the Board deny permitting to all four locations. Mr. Bushardt seconded the motion, which carried unanimously.

#### **Approval of Pharmacy Intern Application – Anthony Alarid**

#### **MOTION**

Mr. Livingston made a motion to grant an intern certificate to Mr. Alarid, that the license be placed under probationary status and that he submit a SLED report annually on or before October 1 of each year. Mr. Rose seconded the motion, which carried unanimously.

#### **Approval of Pharmacist Application – Elizabeth Young**

#### **MOTION**

Mr. Mobley made a motion once Ms. Young completes her evaluation she enter an agreement with RPP and results of the evaluation be sent to Board and that the Board chair in conjunction with the Board Administrator make a decision which will be acceptable. Mr. Rose seconded the motion, which carried unanimously.

### **Discussion Topics**

Mr. Mobley asked that the answer to his question from Mr. Hayes be answered during the September 16, 2010 meeting.

### **Public Comments**

Mr. Robert Spires asked the Board several questions.

### **Executive Session**

**MOTION**

Mr. Livingston made a motion the Board enter executive session to discuss personnel issues. Mr. Rose seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

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

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

**Adjournment**

**MOTION**

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

The September 15, 2010 meeting of the SC Board of Pharmacy adjourned at 5:50 p.m.

**South Carolina Board of Pharmacy  
Board Meeting**

9:00 a.m., September 15-16, 2010  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 204  
Columbia, South Carolina

**MINUTES**

**Thursday, September 16,  
2010**

**Meeting Called to Order**

Bobby Bradham, R.Ph., chairman, of Charleston, called the regular meeting of the SC Board of Pharmacy to order at 9:03 a.m. Other Board members participating in the meeting included:; Dan Bushardt, R.Ph., Vice Chairman, of Lake City; Addison Livingston, R.Ph., of Swansea; Hugh Mobley, R.Ph., of Lancaster; Leo Richardson, PhD., of Columbia; and Dock Henry Rose, R.Ph., of Greer.

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

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant, Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Sandra Dickert, Administrative Assistant; Dean Grigg, Hearing Advice Attorney; and Pat Hanks, Litigating Attorney.

Members of the public attending the meeting included: Sarah Braga, Jennifer Duncan, Joe Mullinax, and Kristi Nettles.

Public Notice

Mr. Bradham 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. This notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Invocation**

Mr. Bushardt delivered the invocation.

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

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

**Chairman's Remarks – Bobby Bradham, R.Ph.**

Mr. Bradham made no remarks at this time.

**MOA**

Kristi Nettles

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**Executive Session**

**MOTION**

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

**Return to Public Session**

**MOTION**

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

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

**MOTION**

Mr. Livingston made a motion Ms. Nettles be publicly reprimanded, that her registration is reinstated on probationary status for five years, that she must remit annually a SLED report on or before October 1<sup>st</sup> of each year, she must complete 40 hours of continuing education in addition to the normal continuing education and remit to the Board staff before the renewal period, and if she seeks to be state certified that she meet the requirements per the statute. Mr. Rose seconded the motion, which carried unanimously.

**Executive Session**

**MOTION**

Mr. Bushardt made a motion the Board enter executive session to discuss personnel issues. Mr. Mobley seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

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

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

Mr. Mobley asked Mr. Bryant regarding the Board's options concerning consent agreements. Mr. Bryant stated the Board may utilize the hearing ad

**MOTION**

Mr. Mobley made a motion the administrator in consultation with the chair of the Board make a decision in this matter prior to the Board meeting. Mr. Livingston seconded the motion, which carried unanimously.

Mr. Mobley stated he had requested Mr. Hayes provide the Board with information regarding a license situation as well as statistical data regarding dual PICs. He further stated he has not heard from Mr. Hayes and he had asked staff to research pharmacists who supervise at more than one facility. He noted staff was able to generate a report which reflects the pharmacists who supervise at more than one facility.

**MOTION**

Mr. Mobley made a motion the Board staff send a letter to those individuals and request a copies of any written documentation the Board may have issued granting them permission to be dual PICs and if they don't have the documentation they send a letter to the Board requesting permission to be dual PICs and the Board approve those at the next Board meeting. Mr. Rose seconded the motion, which carried unanimously.

Mr. Rose made a motion the pharmacists go on an annual renewal period beginning in 2011. The motion died due to lack of a second.

Mr. Bryant stated he would oppose that motion. He noted staff has been very prudent with its funds. He asked that the Board allow him to research this matter.

Mrs. Bundrick stated staff had researched the biennial licensure and had suggested that the pharmacists and pharmacies renewal occur in one year and pharmacy technicians renew in the opposite year to even out the monies. She noted this researched occurred prior to the creation of OLC.

Mr. Bradham asked Mr. Rose to allow the chairman and the administrator to examine the option of renewing in opposite years.

Mr. Bradham stated OLC presented the Board with revised forms. He asked that the Board allow him to meet with the administrator and OLC regarding these forms and report to the Board during the November 2010 meeting.

Mrs. Bundrick stated there are several hearings scheduled for the November 2010 meeting and asked the Board members if they would check their calendars for hearings on Thursday, November 18, 2010 and Friday, November 19, 2010.

The Board determined it would hold the Board meeting on November 16, 2010 and that the hearings would be held on November 17 – 18, 2010.

## **Adjournment**

### **MOTION**

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

The September 16, 2010 meeting of the SC Board of Pharmacy adjourned at 11:34 a.m