MINUTES
South Carolina Board of Pharmacy
Board Meeting
9:00 a.m., January 18, 2011
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Tuesday, January 18, 2011

1. Meeting Called to Order
Bobby Bradham, R.Ph., chairman, of Charleston, called the regular meeting of the SC Board of Pharmacy to order at 9:00 a.m. Other members participating in the meeting included: Dan Bushardt, R.Ph., Vice Chairman, of Lake City; David Banks, R.Ph., of Simpsonville; Addison Livingston, R.Ph. of Swansea; Hugh Mobley, R.Ph., of Lancaster; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty; Leo Richardson, PhD., of Columbia and Rob Hubbard, Board Member Elect, of Clemson who observed the meeting only but did not participate.

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, Clelia Sanders, R.Ph., Pharmacist Inspector, Ernie Shuler, R.Ph., Pharmacist Inspector, Ray Trotter, R. Ph., Part-Time Investigator, Eddie Durant, R.Ph., Part-Time Investigator, and Beverly Gould, Administrative Assistant. LLR employees participating during the meeting included: Pat Hanks, Litigating Attorney, Dean Grigg, Hearing Advice Counsel, Sharon Dantzler, Deputy General Counsel, and Michelle Sims, Administrative Assistant.


a. 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. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

b. Pledge of Allegiance
All present recited the Pledge of Allegiance.

c. Invocation
Mr. Bradham delivered the invocation.

2. Introduction of Board Members and all other persons attending
The Board members, staff and members of the public attending the meeting introduced themselves.

3. Chairman's Remarks – Bobby Bradham, R.Ph.
Mr. Bradham made no remarks at this time and reserved the right to do so later.
4. Approval of Minutes for November 16, 2010

MOTION
Mr. Banks made a motion to approve the minutes of the November 16, 2010 meeting. Mr. Livingston seconded the motion which carried unanimously.

5. Approval of Reciprocity Candidates for Licensure


MOTION
Mr. Livingston made a motion the Board approve the reciprocity candidates. Mr. Rose seconded the motion which carried unanimously.


Mrs. Bundrick delivered the following report:

Good Morning Mr. Chairman and members of the Board

- As a reminder, the Statement of Economic Interest form needs to be completed by each Board member. 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, 2011 or you will be assessed late-filing penalties starting at $100.

- The Ballots for the First Congressional District election were mailed on January 13, 2011, to all pharmacists residing in the first congressional district according to their last renewal application. The candidates running for this district are Mr. David A. Proujan, Ms. Carole Small Russell and Mr. James J. Sterrett. We mailed out 1168 ballots. The ballot count will be on February 25, 2011 at 10:30am in Room 204 of the Kingstree Building in order for us to meet the deadline to notify the governor by March 1, 2011.

- As of this report we have approximately 2,959 active state-certified pharmacy technicians and 6,321 active registered pharmacy technicians. We have 7,026 active licensed pharmacists and 3,887 permitted facilities and 3 Electronic Prescribing Routing Companies.

- The Pharmacist Inspectors have conducted 131 inspections since the last Board Meeting.
  - Pharmacy Permit Inspections 88
  - Non-Dispensing Drug Outlet Permit Inspections 28
  - EMS Permit Inspections 7
  - Medical Gas/DME Permit Inspections 8

- Of the 131 inspections, 88 new permits were issued.

- No Citations have been issued since the last Board Meeting.

- 19 Reciprocity Interviews have been conducted since the last Board Meeting. 14 of the 19 reciprocity interviews have been done by Board staff.
• 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 Hilton Head at the Crowne Plaza on Sunday, March 14, 2011 through Tuesday, March 15, 2011.

• The NABP’s 107th Annual Meeting is being held May 21-24, 2011 in San Antonio, Texas. 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.

• As a reminder, all proposed amendments to the NABP Constitution and Bylaws must be submitted in writing to the Executive Director/Secretary between Monday, February 21, 2011 and Thursday, April 7, 2011 to be considered at the 107th Annual Meeting. Recognition Resolutions should be submitted by March 11, 2011.

• My staff and/or I have participated in the following meetings since the November meeting:

  ▪ Telephone IRC Committee- November 30, 2010
  ▪ Mr. Bobby Bradham, Dr. Leo Richardson, Ms. Cle Sanders, Ms. Rosemary Boguski and I attended the Ribbon Cutting Ceremony for South University School of Pharmacy on December 2, 2010.
  ▪ Mr. Bobby Bradham, Ms. Cle Sanders and I attended a meeting regarding the drafting of proposed legislation regarding controlled substances authority along with various medically related board members and organizations with Senator Knotts and Senator Cromer on December 2, 2010.
  ▪ Mr. Hugh Mobley, Mr. Bob Selman and I participated in the SC Association of Chain Drug Stores Legislative Day on December 8, 2010
  ▪ Ms. Cle Sanders, Ms. Beverly Gould and I met with Ms. Vicki Young regarding the implementation of Act 194 regarding Federally Qualified Health Centers on December 9, 2010.
  ▪ Mr. Addison Livingston and I attended the Immunization Bill Signing with Governor Sanford on December 14, 2010.
  ▪ Mr. Randy Bryan, Mr. Rion Alvey and I attended a meeting regarding the drafting of proposed legislation regarding controlled substance authority with involved parties from DHEC, SLED and Senator Knotts on December 15, 2010.
  ▪ Legislative Committee met on January 4, 2011. Mr. Bobby Bradham, Mr. Dan Bushardt, Mr. Hugh Mobley and Dr. Richardson attended as Board
Members. Mr. Ernie Shuler, Mr. Larry Grant, Mr. Joe Newton, Ms. Cle Sanders and I attended the committee meeting.

- Telephone IRC Committee on January 6, 2011.

- Staff has attended agency, board staff, compliance staff and legal counsel meetings.

- Ms. Cle Sanders and I have interviewed a total of 7 candidates for the vacant Pharmacist Inspector FTE. Upon completion of the interviews, the appropriate paperwork was submitted to Mr. Randy Bryant for signature and was forwarded to Human Resources on December 13, 2010. I contacted Human Resources on January 12, 2011 to find out the status of the Pharmacist Inspector Position.

- The Board of Pharmacy has continued to serve as a site for pharmacy students on clinical rotations from SC College of Pharmacy. Mr. Peter Shull from the USC Campus was on rotation with the BOP for the month of December. For the month of January Ms. Leslie Chambers is on rotation with us.

- Due to the overwhelming success of the first event, DEA is planning a second National Prescription Drug Take Back Day, Saturday, April 30, 2011. This will be an opportunity for those who missed the first event or who have subsequently accumulated unwanted, unused prescription drugs, to safely dispose of them.

Further information about the second National Prescription Drug Take Back Day, including a link to locate a collection site near you, will be available at http://www.deadiversion.usdoj.gov/.

- 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.

7. Reports from

a. Office of Investigation and Enforcement – Lee Ann F. Bundrick

   Mrs. Bundrick delivered the following report

   - Cases handled from January 1, 2010 – December 31, 2010
   - 39 active investigations
   - 2 cases pending board action
   - 2 cases pending board hearing
   - 19 cases pending IRC
   - 7 cases pending OGC action
   - 149 total active cases
   - 123 cases closed
   - 41 cases that were do not open cases
   - 164 cases total for 2010

b. Office of General Counsel – Pat Hanks

   Mr. Hanks delivered the following report.
There are currently 30 open cases in OGC, 5 of which are pending hearings. As of January 2011, OGC closed 31 cases for formal disciplinary action.

c. Office of Information Services – Lee Ann F. Bundrick
There are currently 21,870 active licenses of different designations licensed under the Pharmacy Board.

d. Finance Report – Tracy McCarley
Ms. McCarley was not present for the meeting.

Mr. Bradham deferred the report for later until Ms. McCarley could be located.

8. Compliance and Inspectors Report
   a. Agreement to Relinquish
      i. Case #: 2009-46
      ii. Case #: 2009-89
      iii. Case #: 2009-90
      iv. Case #: 2010-4
      v. Case #: 2010-116
      vi. Case #: 2010-144

Mr. Bushardt recused himself from voting in regards to Case # 2009-89. Furthermore, Case # 2010-116 was excluded from the vote to approve as additional information was required.

**MOTION**
Mr. Rose made a motion the Board approve the Agreements to Relinquish except those noted. Mr. Banks seconded the motion which carried unanimously.

**MOTION**
Mr. Banks made a motion the Board approve the Agreement to Relinquish in regards to Case # 2009-89. Mr. Livingston seconded the motion which carried unanimously.

b. Voluntary Surrender
   i. Case #: 2010-107
   ii. Case #: 2010-47
   iii. Case #: 2010-152
   iv. Case #: 2010-154

The voluntary surrenders were presented to the Board as information only.

**IRC Report**

**MOTION**
Mr. Banks made a motion the Board approve the IRC’s recommendation regarding Case #1 for dismissal. Mr. Rose seconded the motion which carried unanimously.

**MOTION**
Mr. Banks made a motion the Board approve the IRC’s recommendation regarding Case #2 for dismissal. Mr. Bushardt seconded the motion which carried unanimously.

**Formal Complaint**

**MOTION**
Mr. Rose made a motion the Board accept the IRC’s recommendation regarding Cases #3 through #13 for formal complaint. Mr. Banks seconded the motion which carried unanimously.
Letter of Caution

MOTION
Mr. Banks made a motion the Board accept the IRC’s recommendation regarding Case #14 for a letter of caution. Mr. Livingston seconded the motion which carried unanimously.

Reconsideration Dismiss

MOTION
Mr. Rose made a motion the Board accept the IRC’s recommendation regarding Case #15 for a reconsideration of dismissal. Mr. Banks seconded the motion which carried unanimously.

Resolution Guidelines Report
Consent Agreement

MOTION
Mr. Banks made a motion the Board accept the consent agreement for Case #1. Mr. Rose seconded the motion which carried unanimously.

MOTION
Mr. Banks made a motion the Board accept the consent agreement for Case #2. Mr. Bushardt seconded the motion which carried unanimously.

Dismissal

MOTION
Mr. Livingston made a motion the Board accept the one case recommended for dismissal. Mr. Banks seconded the motion which carried unanimously.

Dismissal with Letter of Concern

MOTION
Mr. Banks made a motion the Board accept the one case recommended for dismissal with a letter of concern. Mr. Bushardt seconded the motion which carried unanimously.

c. Request Release from Order – James Hubbard, R.Ph.

On November 15, 2006 James Hubbard appeared before the Board seeking licensure by reciprocity. During that meeting he offered testimony that he voluntarily surrendered his license to the Alabama Board of Pharmacy in August 2005 and that he entered into treatment program at that time. Upon completion of the program in October of that year, he enrolled in the Alabama impaired Pharmacists Program and remained in good standing until he moved to South Carolina in September 2006. He immediately enrolled in the South Carolina Recovering Professionals Program (RPP). A Board order dated November 15, 2006 ordered that Mr. Hubbard’s license to practice pharmacy in South Carolina was granted but must meet certain conditions. The order stated that Mr. Hubbard must remain compliant with all aspects of his contract with RPP until further ordered by the Board. The order further stated that Mr. Hubbard must not serve as a Pharmacist in Charge or permit holder in South Carolina. Furthermore per the order, Mr. Hubbard’s license was placed on probation for a period of five years. In a letter to the Board dated December 1, 2010 Mr. Hubbard is seeking to be released from the order.

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

James Hubbard and Frankie Sheheen of RPP appeared before the Board.
Mr. Bradham informed Mr. Hubbard the Board would take his testimony under advisement and would render a decision later in the meeting.

Mr. Bradham welcomed Catherine Templeton, Director of SC Labor, Licensing, & Regulation and had the Board members to introduce themselves to Mrs. Templeton.

d. Request Release from Order – Terry Nye, R.Ph.

On June 21, 2006 Terry Nye entered into a Consent Agreement with the Board. The Consent Agreement reflects that Mr. Nye diverted narcotics without a prescription from an authorized practitioner and as a result his conduct constituted sufficient grounds for disciplinary action under §§ 40-43-140 and 40-1-120. The Agreement stated that Mr. Nye’s license would be reinstated and would continue in a probationary status for a period of not less than five (5) years. By entering into the Consent Agreement, Mr. Nye agreed to enroll in the RPP program as well as abstaining from practicing as a pharmacist-in-charge (PIC) or permit holder. In a letter to the Board dated December 8, 2010 Mr. Nye is seeking to be released from his order.

The proceeding was recorded by a court report in order to produce a verbatim transcript should one be necessary.

Terry Nye and Tia Cooper of RPP appeared before the Board.

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

Executive Session

MOTION

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

Mr. Bradham noted for the record that no official action was taken during executive session and that Mr. Hubbard did not participate in the discussion but was present for instruction and education only.

Request Release from Order – James Hubbard

MOTION

Mr. Mobley made a motion the Board grant the request. Mr. Banks seconded the motion which carried unanimously.

Request Release from Order – Terry Nye

Mr. Banks recused himself from voting in this matter.

MOTION

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

9. Old Business

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Mrs. Bundrick advised the Board that Mr. Trotter obtained the information that the Board was requesting earlier in regards to Case # 2010-116 for misconduct. Mrs. Bundrick advised that the individual was arrested for diversion of controlled substances.

**MOTION**

Mr. Rose made a motion the Board approve the Agreement to Relinquish in regards to Case # 2010-116. Mr. Banks seconded the motion which carried unanimously.

Mrs. Bundrick advised the Board that the Finance Report should be deferred to the March Board meeting.

Mr. Bradham noted for the record that the Financial Report would be forthcoming at the March 2011 meeting.

Mr. Livingston asked that when the Financial Reports are submitted in March if they could be in a different format as previous versions were difficult to decipher.

10. **Committee Reports**

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

   This committee had no report.

   ii. Compounding – Hugh Mobley, R.Ph., Addison Livingston, PharmD.

   This committee had no report but intend to have a meeting that they wish to discuss under ‘New Business’.

   iii. Legislative – Bobby Bradham, R.Ph., Dr. Leo Richardson, Hugh Mobley, R.Ph.

   Mr. Bradham stated the committee did meet but did so the same day as the past winter storm. Mr. Bradham is attempting to set up a task force for remote order entry and asked that today be the deadline for any suggestions that others would like him to have.


   This committee did not meet but Mr. Rose recommended meeting the first Tuesday in February which would be February 1.


   This committee did not meet but Mr. Rose wanted to comment in regards to a national initiative to add a combination of controlled substances referred to as ‘spice’ to the SC Schedule I list. Spice is a recreational drug that contains different ingredients from designer drugs that are not controlled by the Controlled Substances Act. Mr. Rose expressed his desire to have this drug added as a controlled substance. He also stated that the committee wanted to discuss the Central Fill Bill and the new narcotics bill.


   This committee had no report.

   vii. Recovering Professional Program – Dr. Leo Richardson

   Dr. Richardson stated that a meeting was held but he did not have the correct minutes to distribute to the Board. He shared that pharmacy technicians are not being included with the RPP program.
viii. Medication Integrity Committee – Dan Bushardt, R.Ph., Al Toole, R.Ph., Addison Livingston, PharmD
This committee had no report.

ix. Finance Committee – Addison Livingston, PharmD, Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Hugh Mobley, R.Ph.
This committee had no report.

x. Continuing Education – David Banks, R.Ph., Addison Livingston, PharmD, Hugh Mobley, R.Ph.
This committee had no report.

Dr. Richardson stated that he had a CD that he wanted to share with the Board that contained a segment about RPP.

11. New Business
A. Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer Application – Neighborhood Pharmacy – Ketan Chaudhari
On August 19, 2010 the Board received a request a non-resident wholesale/distributor/manufacturer application from Neighborhood Pharmacy. The application reflects a yes answer to the question asking ‘Does the facility have VAWD (Verified Accredited Wholesale/Distributor) accreditation?’ On September 10, 2010 the Board received confirmation from the National Association of Boards of Pharmacy that Neighborhood Pharmacy did not have VAWD accreditation. On November 30, 2010 a letter was sent to Ketan Chaudhari advising him of this discrepancy and that he would have to appear before the Board. Mr. Chaudhari stated that the discrepancy on the application was a result of his wife filling out the application after giving birth to their child just weeks before.

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

Ketan Chaudhari appeared before the Board and answered questions from the members.

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

B. Proposed Compounding Legislation – Hugh Mobley, R.Ph.
Mr. Mobley stated that during a previous Legislative Committee meeting, compounding regulations were discussed and the NABP’s model was reviewed. During this meeting Mr. Mobley suggested that a committee be formed to review the compounding sterile and non-sterile portions of the practice act. Mr. Mobley requested that this be an action item that the Board act upon and requested that Mr. Livingston and Mr. Spires be a part of that committee. Furthermore, he recommended that the Board discuss non-resident applications for compounding and what the Board will request from the applicant in order to review the application. Discussion followed regarding the compounding committee meetings.

C. Elect Delegate for NABP’s 107th Annual Meeting, May 21-24, 2011, San Antonio, TX
Mr. Bradham asked for those Board members who would be attending to indicate by raising their hand.
MOTION
Mr. Rose made a motion the Board elect Mr. Bradham to serve as delegate. Mr. Banks seconded the motion which carried unanimously.

MOTION
Mr. Bradham made a motion the Board elect Mr. Bushardt to serve as an alternate delegate. Mr. Rose seconded the motion which carried unanimously.

Mr. Rose commented that he would like to see as many Board members as possible attend the 3rd District Meeting that was coming up in the summer.

Executive Session
MOTION
Mr. Rose made a motion the Board enter executive session. Mr. Mobley seconded the motion which carried unanimously.

Return to Public Session
MOTION
Mr. Mobley made a motion the Board return to public session. Mr. Rose seconded the motion which carried unanimously.

Mr. Bradham noted for the record that no official action was taken during executive session and that Mr. Hubbard did not participate in the discussion but was present for instruction and education only.

Request Approval of Non-Resident Wholesale/Distributor and/or Manufacturer
Application – Neighborhood Pharmacy – Keton Chaudhari
MOTION
Mr. Mobley made a motion the Board deny the request. Mr. Banks seconded the motion which carried unanimously.

D. Committee Member Guidelines – Bobby Bradham, R.Ph.
Mr. Bradham recommended that guidelines be created for committee members as there was currently not a guiding principle in place. Mr. Bradham reviewed some of the proposed guidelines for the Board including those guidelines geared towards alternate committee members and unexcused absences.

E. Request to be PIC in Two Places Locations, CVS #5531 and Planned Parenthood – Donna Mills, R.Ph.
Mrs. Bundrick informed the Board that Mrs. Mills was not present.

Mr. Bradham informed the Board that Mrs. Mills had been granted the approval to be a PIC for two locations in a former Board meeting and since that time has moved and is requesting to be PIC for two separate locations again. Mr. Bradham indicated that Mrs. Mills had provided the documentation necessary for the Board to approve her request and that historically; the Board does not require an individual to appear if they are wishing to be a PIC for two locations.

Mr. Mobley questioned the distance between the two locations as one location was in Columbia and the other was in Orangeburg. Mr. Trotter stated that as it was explained to him the only medication that the Planned Parenthood location distributes is birth control pills and that this location has limited business hours. He said that Mrs. Mills was able to work her Planned
Parenthood schedule around her CVS schedule and that her involvement with Planned Parenthood was more of a community service endeavor. Discussion followed as to the hours of Planned Parenthood and the hours that Mrs. Mills would be working at the location. Mr. Bradham commented that he felt as is there was still some unease in granting the request based on the fact that the actual distance between the two locations was unknown. Mr. Mobley recommended that a Memorandum of Understanding be issued that would outline Mrs. Mills parameters of operation for the two locations.

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

MOTION

Mr. Mobley made a motion the Board that a Memorandum of Understanding be drafted before approval is granted. Dr. Richardson seconded the motion which carried unanimously.

12. LUNCH

The Board recessed for lunch at 12:10 p.m. and returned to public session at 2:00 p.m.

13. New Business (Continued)


On August 12, 2010 the Board received a non-resident wholesale/distributor/manufacturer application from MDC Acquisition Co., LLC. The application reflects yes answers to the questions asking, ‘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 country?’, ‘Violated the drug laws, rules, statutes and/or regulations of South Carolina, or any other state or country of the United States?’

On October 21, 2009 MDC Acquisition Co., LLC received communication from the Texas Department of State Health Services that there was an unpaid balance of $300.00 in late fees in connection with their application for an out-of-state wholesale distributor of prescription drugs for their California facility. The fees were paid in full.

On November 9, 2009 MDC Acquisition Co., LLC received communication from the Arkansas State Board of Pharmacy regarding the shipment of prescription drugs into the State of Arkansas in response to the applications for wholesale distributor license permits for its Ohio and California facilities. On January 6, 2010 MDC Acquisition Co., LLC entered into a Consent Agreement with the Arkansas State Board of Pharmacy where they were ordered to pay a fine for shipping prescription drugs from September 17, 2008 through November 11, 2009 to licensed podiatrists located in Arkansas without being duly licensed.

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

Steven Copperman, Jim Woodard, J. Marshall Allen, and Melissa Hazell appeared before the Board and answered questions from the members.

Mr. Bradham informed Mr. Copperman, Mr. Woodard, Mr. Allen, and Mrs. Hazell that the Board would take their testimony under advisement and would render a decision later in the meeting.

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SC Board of Pharmacy
G. Request to be Pharmacist-In-Charge in Two Locations, Boyd Pharmacy and Walgreens # 06686 – Art Kaltounis, R.Ph.
The Board received a request from Art Kaltounis seeking the Board’s approval to become PIC in two locations. His request states that Boyd Pharmacy currently fills five to ten prescriptions per month and has filled 52 prescriptions since receiving the pharmacy permit in March 2010. The request also states that Walgreens is his primary place of employment.

Mr. Kaltounis’ request was brought before the Board at the November 16, 2010 meeting but the Board deferred action on this matter until Mr. Kaltounis could appear before the Board.

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

Art Kaltounis appeared before the Board and answered questions from the members.

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

H. Request Approval of Non-Resident Pharmacy Permit Application – Triad Isotopes, Inc. – Bill McCormick

On August 4, 2010 the Board received a non-resident pharmacy application from Triad Isotopes, Inc. The application reflects yes answers to the questions asking, ‘To the best of your knowledge, has the applicant ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?’ and ‘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 country?’

On July 16, 2008 Triad Isotopes entered into a consent agreement with the State of Georgia as a result of a self-reported increased radiation exposure incident on August 23, 2007. The company agreed to pay a $5,000.00 fine, implement certain new policies and re-train its staff regarding equipment failures. A July 17, 2008 Notice of Violation from the State of Florida resulted from a pharmacy inspection. The pharmacy was cited for inadequate RSO oversight of the employee’s personal dosimetry results. The RSO was re-trained and his performance is audited on a regular basis. The pharmacy was also assessed a fine of $750.00. On August 14, 2008 Notice of Violation from the State of Florida resulted from a pharmacy inspection. The pharmacy was also assessed a fine of $900.00. On January 22, 2009 the pharmacy received a proposed consent agreement as a result of a staff pharmacist’s failure to renew licensure in Alabama. The proposed consent agreement was revised and completed by the company on February 9, 2009. The company was fined $500.00 for employing the pharmacist. The pharmacist was issued a renewed license after paying an administrative fine of $1,000.00. The PIC was also issued an administrative fine of $500.00. The staff pharmacist who failed to renew licensure subsequently resigned from the company.

Mr. McCormick’s request was brought before the Board at the November 16, 2010 meeting but the Board deferred action on this matter until Mr. McCormick could appear before the Board.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.
Bill McCormick appeared before the Board and answered questions from the members.

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

I. Request Approval of Pharmacy Technician Registration Application – Shameka Wise

On December 14, 2010 the Board received a pharmacy technician registration application from Shameka Wise. The application reflects yes answers to the questions asking, ‘Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)? Is there any legal action pending against you or are you currently on probation for any charges or legal action?’

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

Shameka Wise appeared before the Board and answered questions from the members.

MOTION

Mr. Mobley made a motion to approve Ms. Wise’s application. Mr. Livingston seconded the motion which carried unanimously.

Executive Session

MOTION

Mr. Banks made a motion the Board enter executive session. Mr. Mobley 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.


MOTION

Mr. Livingston made a motion the Board accept the request with the provision that they provide the Board with their VAWD accreditation at the next renewal period. Mr. Mobley seconded the motion which carried unanimously.

Request Approval of Non-Resident Pharmacy Permit Application – Triad Isotopes, Inc. – Bill McCormick

MOTION

Mr. Rose made a motion the Board accept the request. Mr. Bushhardt seconded the motion which carried unanimously.

13. New Business (continued)

J. FQHC Permits
Mr. Bradham discussed his appointment as chairman of a task force with regards to Federally Qualified Health Clinics (FQHC) that resulted in Act 194, Section 40-43-70 of the practice act. Mr. Bradham made a motion that the Board of Pharmacy staff design three documents: a FQHC Drug Initial Drug Outlet Application, a FQHC Drug Outlet Permit, and a FQHC Drug Outlet Renewal. These three items were needed in order to comply with Act 194 as well as what the legislature tasked the Board to do. Mrs. Dantzler will work with staff to create these documents.

**MOTION**

Since Mr. Bradham’s recommendation came from a task force of which he is the Chairman of, his motion did not require a second. The Board voted and the motion carried unanimously.

Mr. Bradham further discussed the legislation surrounding FQHC. Mrs. Bundrick asked if Mr. Bradham would like to review the documents prior to the March Board meeting and he confirmed that in fact he would like to have the documents before then.

Request to be Pharmacist-In-Charge in Two Locations, Boyd Pharmacy and Walgreens # 06686 – Art Kaltsoonis, R.Ph.
Mr. Kaltsoonis could not be located as the Board had additional questions for him and needed clarification.

The Board did not take action on this matter until further clarification from Mr. Kaltsoonis could be obtained.

**MOTION**

Mr. Mobley made a motion to request a copy of the transcripts of Mr. Kaltsoonis’ testimony that would be attached to his application and request so that if Mr. Kaltsoonis appeared at a later date, the Board would have that information available to them. Mr. Livingston seconded the motion and it carried unanimously.

14. Discussion Topics
Mrs. Bundrick addressed a question that Mr. Mobley had posed earlier in the meeting regarding the vacant pharmacist FTE (full-time employee) position. Mrs. Bundrick checked with Human Resources and stated that Lynn Rivers, Director of Human Resources, is waiting to review the vacant position with the new agency Director, Catherine Templeton.

Mr. Mobley asked that a time be set to schedule the various committee meetings. Discussion followed as to when members would be available to attend committee meetings.

15. Public Comments
No public comments were made during this meeting.

16. Adjournment
**MOTION**

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

The January 18, 2011 meeting of the SC Board of Pharmacy adjourned at 3:20 p.m.