

South Carolina Board of Pharmacy
Board Meeting
9:00 a.m. March 15, 2017
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Wednesday, March 15, 2017

Meeting Called to Order

1. Approval of January 18-19, 2017 and February 23, 2017 Emergency Conference Call Minutes

Motion-Mr. Hyatt made a motion to approve the minutes. Mr. Livingston seconded the motion, which carried unanimously.

2. Approval of Reciprocity Candidate for Licensure

Dates: January 13, 2017 and February 10, 2017

Motion-Mr. Hyatt made a motion to accept the reciprocity candidates for licensure. Mr. Livingston second the motion, which carried unanimously.

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

Report given.

4. Inspectors' Report

Report given

5. Reports

Finance Report –Lee Ann Bundrick, R.Ph.

Report given

Office of Disciplinary Council– Pat Hanks

Report given

Office of Investigations and Enforcement– Mark Sanders

Report given

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

IRC Report – Mark Sanders

Motion- Mr. Blackmon made a motion to approved dismissals and dismissals with non-disciplinary letters of concern. Mr. Livingston seconded the motion, which carried unanimously.

Motion-Mr. Livingston made a motion to approve the formal complaints. Mr. Blackmon seconded the motion, which carried unanimously. Mr. Hyatt made a motion to approve the letter of caution. Mr. Blackmon seconded the motion, which carried unanimously.

Resolution Guidelines Report – Mark Sanders

Motion-Mr. Livingston made a motion to approve the formal complaints. Mr. Morris second the motion, which carried unanimously.

Consent Agreements

Case # 2013-25

Motion-Mr. Livingston made a motion to approve the consent agreement. Ms. Gillespie seconded the motion which carried unanimously.

Case # 2015-105

Motion-Ms. Gillespie made a motion to approve the consent agreement. Mr. Hyatt seconded the motion, which carried unanimously.

Voluntary Surrenders

Case # 2016-133 Christina J Carlton AKA: Christina Knopp

Case # 2016-156 Marjorie Seabrooke Sistrunk

Case # 2017-2 Kaylon Nicole Keenon

Case # 2017-3 Nancy Louise Mackenzie

Case # 2017-20 Sarah Alley Peebles

Case # 2017-31 Kristina Playe

For information only

A. Request Release from Order - Greg Boone

Motion-Mr. Livingston made a motion to release Greg Boone from his Board order. Mr. Hyatt seconded the motion, which carried unanimously.

7. New Business

B. Request Approval of Pharmacist Examination Application – Raymond Jackson

Motion-Mr. Hubbard made a motion to approve Mr. Jackson's application by examination. Mr. Morris seconded the motion, which carried unanimously.

C. Request Approval of Pharmacy Technician Registration Application – Jessie Stewart

Motion-Mr. Blackmon made a motion to defer the request for Pharmacy Technician Registration Application approval until such time Jesse Stewart can appear before the Board. Mr. Morris seconded the motion, which carried unanimously.

D. Request Approval of Pharmacy Technician Registration Application – Sondra Bare

Motion-Mr. Livingston made a motion to approve the Pharmacy Technician Registration Application for Sondra Bare. Mr. Morris seconded the motion, which carried unanimously.

E. Petition to Resume Shipping Compounded Products – Cantrell Drug Company

Motion-Mr. Morris made a motion to accept the Memorandum of Agreement. The Board finds that Cantrell Drug is in violation of the South Carolina Pharmacy Practice Act. Cantrell Drug Company's non-resident wholesale permit is reinstated in a probationary status for a minimum of two years contingent upon submission and approval of an Arkansas Board of Pharmacy inspection receipt of a FDA End of Inspection Report with no further disciplinary action. While under this probationary status, Cantrell Drugs must report any further correspondence with the FDA to the South Carolina Board of Pharmacy and the respondent must appear before the Board in order for the probation to be lifted. Mr. Blackmon seconded the motion, which carried unanimously.

F. Request Approval of MUSC's MOU – Heather Easterling, PharmD, MBA

Motion-Mr. Livingston made a motion to terminate the MOU the Board has with MUSC and that this Board not enter into the MOU that's been proposed. It is not necessary at this time. Mr. Morris seconded the motion, which carried unanimously.

G. Request Approval for a Staff from the Office of General Counsel to attend NABP's Annual Meeting

Motion-Mr. Blackmon made a motion to approve Staff and Office of General Counsel to attend the NABP Annual Meeting. Mr. Morris seconded the motion, which carried unanimously.

H. Request a Volunteer for Law Class on Board Meetings at SC College of Pharmacy and MUSC Campus, April 20, 2017 – Lee Ann Bundrick, R.Ph.

Ms. Gillespie agreed to volunteer for Law Class on Board Meetings at SC College of Pharmacy and MUSC Campus.

I. Review of Inspection Forms – Traci Collier, PharmD

Motion-Mr. Livingston made a motion to accept the inspection form that is left behind in pharmacies and that staff can proceed with updating this form at the end of the legislative session, if no bills are passed that will affect the Practice Act. Mr. Hyatt seconded the motion, which carried unanimously.

J. Clarification on Intracompany Transfer – Alison Gratton, R.Ph.

Motion-Mr. Livingston made a motion to make an exception in Section 40-43- 52A does not apply where either entity is not permitted by the Board of Pharmacy in some manner. Both parties have to be permitted in order for the exception to apply in the statute. Mr. Blackmon seconded the motion, which carried unanimously.

New Business Continued

K. Request to Waive Late Renewal Fee – MUSC, Children’s Day Treatment Program- Kirk Meekins, MD

Motion-Mr. Blackmon made a motion to deny the request to waive the daily late fee, but in light of their budgetary restraints, the board will impose a \$200 fine in addition to the \$200 application fee that is due and the \$250 late fees that are due for a total of \$500 to MUSC. Mr. Hyatt second the motion, which carried unanimously.

L. Request Approval of Memorandum of Agreement – Lincare, Inc, Michael Young
Deferred until June.

M. Petition for Reinstatement 2015-45

Motion-Mr. Morris made a motion to reinstate Mr. Hanna’s license on the condition that he submit quarterly reports from his pain management physician, Dr. Zitello. The quarterly reports must state his fitness to practice as a pharmacist to the Board administrator for a period of one year. Mr. Hyatt seconded the motion, which carried unanimously.

N. Clarification of Inpatient Compounds

It was recommended that entities having questions regarding inpatient compounding to appear before the Board. It is also recommended that the entity contact their legal counsel for advice. This practice may be in conflict with the current interpretation of the Practice Act. The Board will be discussing this topic further at the June Board meeting.

O. Approval of an Additional Board Meeting Day, November 16, 2017.

Motion-Mr. Strauss made a motion to approve an additional Board meeting for November 16, 2017. Mr. Blackmon second the motion, which carried unanimously.

8. Committee Reports

Pharmacy Technician – Rebecca Gillespie, PharmD, R.Ph.

No meeting to report.

- Pharmacy Technician Ratio Draft Language

Legislation was introduced to increase the tech ratio from 3 to 1 to 4 to 1. There is language in the legislation to expand the duties of state certified technicians. It also includes language to exempt a technician from CE requirements for the first renewal cycle.

Compounding – Addison Livingston, R.Ph.

The committee met to discuss issues with compounding regulations. A motion was made to recommend to the board, to look for another senate sponsor for 3349 and seek a house sponsor.

Legislative – Addison Livingston, PharmD, R.Ph.

The committee met January 27, 2017 to discuss a number of different bills that were introduced this year.

Nuclear Pharmacy – Spencer Morris, PharmD, R.Ph.

No meeting to report.

Pharmacy Practice & Technology – Terry Blackmon, R.Ph.

The committee met on February 23, 2017. Agape requested to have the Talyst machines be used in their hospice facility. The committee made a motion to approve a pilot project to be performed in accordance with the guidelines as ordered by the Board of Pharmacy dated August 15, 2013, to be located in one of the hospice facilities with follow-up as outlined in said order prior to the rollout of a second facility first made for the Talyst machine in the Agape facility. A motion from the committee does not require a second. It passed unanimously.

The committee also met on February 23, 2017 to discuss Pharmacist Working Conditions. Motion-Mr. Amsden made a motion that the committee recommend to the board to form a working group to solicit feedback from all interested parties on workplace safety and it have at least one committee member. A motion from the committee does not require a second. It passed unanimously.

Recovering Professional Program – Leo Richardson, PhD
Dr. Richardson reported that RPP is now national. They are working in conjunction with eleven other states. He presented a chart that provided statics on number of Pharmacists, Pharmacy Technicians in the program for 2016. The Board took the chart as information.

Healthcare Collaborative Committee – Carole Russell, R.Ph.
No meeting to report.

Expungement Process – Eric Strauss, PharmD
The committee met to discuss the development of a procedure to allow a licensee who has been issued public reprimand to petition the Board for expungement of the reprimand from the licensee's record. The below recommendations for expungement was presented to the Board.

Individual Licensees:

Multiple controlled substance offences, non-controlled and controlled substance diversion with distribution, unlicensed practice, practicing while impaired.

Permit Holders:

Shipping into South Carolina without a permit (non-resident facilities), permit holders with non-reciprocal and non-related offences, offences involving distribution of misbranded and/or adulterated drugs

The Board requested that the committee strike shipping into South Carolina without a permit as non-eligible. The committee will look at the recommendations again at its next meeting.

Non-Resident Application Review Committee Recommendations

RECOMMEND APPROVAL - 14

Optimum Health Pharmacy	MediNatura, Inc.
Safeway, Inc.	Taro Pharmaceuticals SA, Inc.
Hemophilia Preferred Care of Memphis, Inc.	Ipha-mega Pharmacy, LLC
RxRemote Solutions	Infiniti Pharmacy & Infusion Services, Inc.
Heritage Biologics, Inc.	PipelineRx
PharmacarePlus	Meditech Laboratories, Inc.
BSO, LLC	BSO dba Belmar Select Outsourcing

A motion came from a committee does not require a second. It passed unanimously.

CONDITIONAL APPROVAL - 3

The Hilsinger Company – recommend approval conditioned upon payment of \$25,000 fine for shipping into South Carolina without a permit

Time-Cap Laboratories – recommend approval conditioned upon payment of \$10,000 fine for shipping into South Carolina without a permit

Eye Care and Cure Corporation – recommend approval conditioned upon providing a notarized statement of compliance with VAWD standards

A motion coming from a committee does not require a second. It passed unanimously.

DEFERRED - 7

Sincerus Florida LLC – defer action until an appearance before the full Board at the June board meeting

Healthsource Distributors LLC – defer until appearance before the committee

Advanced Inventory Management - defer until appearance before the committee

Accredo Health Group, Inc. - defer until appearance before the committee Smart

Pharmacy 2 - defer until appearance before the committee

SPRX, Inc. - defer until appearance before the committee

Pioneer Pharmaceuticals LLC - defer until appearance before the committee

A motion coming from a committee does not require a second. It passed unanimously.

DENIED – 2

Qualgen - recommend denial of the Outsourcing Facility application and Wholesale/Distributor/Manufacturer application based on the FDA Warning Letter issued June 3, 2016. May reapply after one year and resolution of issues identified in the FDA Warning Letter.

A motion coming from a committee does not require a second. It passed unanimously.

Sincerus Florida, LLC-Non-Resident Wholesale/Distributor/Manufacturer and Outsourcing Facility Permits, Jamie Spray and Lynn Swanson

Sincerus Florida, LLR appeared before the Board to request to ship products into South Carolina.

Motion-Dr. Richardson made a motion to table the discussion pending the Board coming up with clear guidance on what information is required to be able to approve the application. Mr. Hyatt seconded the motion, which carried unanimously.

The Board went into executive session to discuss the matter of the application. After the Board returned from executive session, Ms. Swanson stated that she will withdraw the application. The Board did not take a vote. The application was considered withdrawn.

Adjourn

Mr. Livingston made a motion to adjourn the meeting. Ms. Gillespie second the motion, which carried unanimously.