

South Carolina Department of Labor, Licensing and
Regulation

Before the South Carolina Board of Pharmacy

September 15, 2011

BOARD MINUTES

This meeting is being held in accordance with Section 30-4-80 of the South Carolina 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, Columbia, South Carolina.

Board Members:

Dan Bushardt, Chairman
Dock Henry Rose, Vice Chairman
J. Addison Livingston
Dr. Leo Richardson
Robert C. "Rob" Hubbard
Carole Russell
Rebecca Long

Lee Ann Bundrick, Administrator

Dean Grigg, Advising Counsel

HEARING REPORTED BY KATHRYN J. LINDLER

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1 MR. BUSHARDT: This meeting is being held in
2 accordance with Section 30-4-80 of the South Carolina
3 Freedom of information Act by notice mailed to the State
4 Newspaper, Associated Press, WIS-TV and all other
5 requesting persons, organizations or news media. The
6 notice was posted on the bulletin boards on the two main
7 entrances of the Kingstree Building. Before we have our
8 introductions, let's open with a quick prayer. If we could
9 pray please.

10 Mr. Bushardt opens the hearing with prayer.

11 MR. BUSHARDT: Let's introduce ourselves.

12 DR. RICHARDSON: Leo Richardson, the lay member
13 of the board and member at large and I'm from Columbia.

14 MR. HUBBARD: I'm Ron Hubbard. I'm from Clemson.
15 I represent the Third Congressional District.

16 MR. ROSE: Dock Rose, I'm from Greer, South
17 Carolina and I represent the Fourth Congressional District.

18 MR. BUSHARDT: Dan Bushardt. I'm the chairman
19 and I represent the Fifth Congressional District.

20 MR. GRIGG: Dean Grigg, advice counsel.

21 MR. LIVINGSTON: I'm Addison Livingston from
22 Swansea and I represent the Second Congressional District.

23 MS. RUSSELL: Carole Russell from Charleston and
24 I represent the First Congressional District.

25 MS. LONG: Rebecca Long from Columbia and I'm a

1 member at large appointed by Governor Nikki Haley.

2 ATTENDEES: Kitty Lindler, court reporter. Pat
3 Hanks, Office of General Counsel. Joe Newton, Board of
4 Pharmacy inspector. Rick Wilson, RPP. Cle Sanders, Board
5 of Pharmacy staff. Ernie Shuler, Board of Pharmacy staff.
6 Marilyn Crouch, Board of Pharmacy staff. Lee Ann Bundrick,
7 Administrator, Board of Pharmacy. Rosemary Boguski, Board
8 of Pharmacy inspector. Jennifer Boggs, pharmacist. Larry
9 Griffin, RPP. Christy Pettit, Target Pharmacy. Waletha
10 Short, applicant. Charlie McCants, Walmart. Jessica
11 Brunson, pharmacy student. Elizabeth Probst, pharmacy
12 student. Ashley Stewart, pharmacy student. John
13 Penastrom, pharmacy student. Ken Carter, pharmacist.

14 MR. BUSHARDT: I would like to welcome all of you
15 to our meeting and you're always welcome and we really
16 appreciate the young pharmacy students coming here to see
17 what the other side of pharmacy is all about. We are going
18 to start off this morning with one that we had left over
19 from yesterday.

20 Request approval of pharmacy technician
21 registration application Waletha Short. If you would come
22 up and be sworn in please.

23 Thereupon,

24 WALETHA SHORT,
25 being first duly sworn to tell the truth, the whole truth

1 and nothing but the truth, as hereinafter certified,
2 testified as follows:

3 MR. BUSHARDT: Ms. Short, if you would like to
4 explain why you are here today and tell us what you would
5 like for us to do please.

6 MS. SHORT: I was a pharmacist technician,
7 certified pharmacist technician, first in California and I
8 relocated to Texas where I worked in a CVS pharmacy retail
9 and I also worked in Walmart pharmacy retail.
10 Unfortunately I was at Walmart pharmacy retail and my past,
11 my ex-husband, came back to haunt me. A gentleman came in
12 and pretty much was, it was like a threat between my family
13 and myself. I didn't know anybody at the time. I tried to
14 inform the lady, the young lady that was in charge, Ms.
15 Regina Bell, I tried to inform her what was going on, but
16 there was so many things going on at the time. So my own I
17 guess safety, which was not a good excuse, I had taken one
18 or two bottles of some of the medicine out of the pharmacy,
19 but I went to -- after it was done, I went to the people in
20 charge, my store manager, everyone else, I went to the back
21 and I explained to them what was going on and I turned my
22 license into them and told them everything that happened.
23 So they had me write out a statement and I was just
24 escorted out of the store and they asked the board, the
25 State Board of Pharmacy in Texas, asked me to stay out of

1 the pharmacy for one year in Texas and once I had done
2 that, stay out of the pharmacy, no contact with pharmacy
3 whatsoever, to come back to try and get a reinstatement of
4 my license in Texas. But since then I moved out of Texas
5 in 2009 after I lost my mother. So from then it's just
6 been like a spiraling downhill. I decided to go back to
7 school. I'm in school now for health care reimbursement,
8 because the pharmacy basically is what I love to do. I
9 love working in pharmacy, always have. I've never ever
10 stolen anything before in my life. I've never gotten into
11 trouble before in my life, and it was one mistake that I
12 regret dreadfully, because right now my life is so
13 completely at a turmoil, because I'm living basically in my
14 truck. My children just came back here with me. Like last
15 night was the first time we had to sleep in our truck which
16 is okay, because I woke up this morning with a positive
17 attitude to try to get my life back on track again.

18 MR. BUSHARDT: Your Texas registration is still
19 not valid, right?

20 MS. SHORT: Because I never tried to get it
21 reinstated. It was done back in 2008. I never went back
22 to try to get it reinstated, because of all the family life
23 things that started happening.

24 MR. BUSHARDT: Are you working now anywhere?

25 MS. SHORT: No, I'm in school full time. I'm at

1 Virginia College for health care reimbursement for two
2 years associate degree.

3 MR. BUSHARDT: Any questions from any of the
4 Board Members to Ms. Short?

5 MR. ROSE: Are you in Columbia?

6 MS. SHORT: Yes, I live in Columbia, I live in
7 West Columbia at Extended Stay.

8 MR. ROSE: Did Virginia College ask you if you
9 had any problems with the law at all?

10 MS. SHORT: I'm sorry.

11 MR. ROSE: Did Virginia College ask if you had
12 any problems with law enforcement?

13 MS. SHORT: Yes, they did. I've never -- when I
14 went through the situation, the police was never involved.
15 I never did any kind of jail time. I never had nothing.
16 It was nothing -- no charges pressed against me at all. I
17 did explain that to them when I started, because I asked
18 them, I told them the situation about what happened in
19 Texas. I wanted to know would that hinder me in any way in
20 trying to get my degree or try to get an associate degree
21 in the field that I wanted and she said it shouldn't bother
22 me, because it's on a totally different state in another
23 program. So she told me I could go ahead and join or
24 whatever. I went to school through the mili -- I'm going
25 to school through the military. I was in the military for

1 six years.

2 DR. RICHARDSON: How many children?

3 MS. SHORT: I have three children.

4 DR. RICHARDSON: You said you are living in your
5 truck?

6 MS. SHORT: Yes, sir. Last night was the first
7 night we slept in the truck. I was living in West Columbia
8 Extended Stay and some family members this morning allowed
9 me, they helped me out. This morning about 6:00 o'clock
10 they sent someone so that we could stay in a room for
11 another night. I'm expecting like some money from school
12 which should be here any day, but they helped me out and
13 also was allowing me to get my police report so I could
14 bring it here today.

15 MR. LIVINGSTON: All this in Texas happened in
16 2008 you said?

17 MS. SHORT: Yes, sir.

18 MR. ROSE: Were any controlled drugs involved in
19 this?

20 MS. SHORT: It was -- yes, sir, it was
21 controlled, it was controlled drugs, yes, sir.

22 MR. LIVINGSTON: You have no association with
23 those people?

24 MS. SHORT: No, I have not spoken with anyone.
25 The gentleman that was threatening me himself, I was told

1 that he was in jail, because I was trying to help the store
2 or the police or whoever to catch him and when they looked
3 this gentlemen up, he was in jail back in Louisiana. He
4 was in jail. So that was the last time I talked or heard
5 anything of him.

6 MR. LIVINGSTON: Did you know this individual
7 before?

8 MS. SHORT: No. The first time I saw him was
9 when I was working at CVS, but when he came in and he like
10 spoke to me, I didn't know him exactly. He introduced
11 himself to me. It was like hey I know your face from
12 somewhere, but I didn't know him, but then when he
13 approached me on a situation, it was to me like a threat
14 then and then I already had a job offer at Walmart. So I
15 was like you know what maybe I'll just leave and go to
16 Walmart and start working there and then that way this past
17 of mine won't haunt me. So I decided to go to Walmart and
18 then out of the blue, maybe a month or so later, he showed
19 up there at Walmart. He was like I know where you live, I
20 know where your kids are at, I know what school they go to,
21 whatever. So I was kind of scared because of that.

22 MR. BUSHARDT: Are we talking about a large
23 volume of medicine?

24 MS. SHORT: No, sir. It was maybe, I think like
25 a bottle of Hydrocodone, I want to say like the small

1 bottles of Hydrocodone and it was a bottle of, I want to
2 say, Xanax. It was like maybe two or three bottles, I'm
3 not sure, but I did on that day after it was done, I did go
4 to the management myself and talk to them and let them know
5 everything.

6 MR. BUSHARDT: The reason you went to management
7 was?

8 MS. SHORT: Because I'm not a thief. I don't
9 steal. I teach my children not to steal or do anything
10 wrong. That's why I went to them.

11 MR. BUSHARDT: Conscience?

12 MS. SHORT: Yes. My mother raised seven kids on
13 her own and she got her bachelor's degree and she raised us
14 whatever we want, work for it, don't steal. If you can't
15 get it one time, try again and see if you can get it, but
16 she told us never to steal.

17 MR. BUSHARDT: Any other questions?

18 MR. ROSE: Did you go through the military
19 pharmacy program?

20 MS. SHORT: No, sir. I decided to go to pharmacy
21 once I got out of the military and I was living in
22 California. I was actually working as a dispatcher, but
23 because I enjoy customer service, I enjoy retail and
24 because I like doing it so much, I was saying let me try
25 something new and when I went to California and finished

1 school, I started working there. I enjoyed pharmacy. I
2 enjoyed it so much that even after I lost my license in
3 Texas, I wound up working for a company that did like
4 medical transportation, driving elderly disabled people
5 around to appointments. I did that for maybe a year or
6 two, maybe a year, and then that's when I left and
7 relocated. That's after my mother passed away. I left
8 from Texas and relocated.

9 MR. BUSHARDT: Any other questions? Ms. Short,
10 we will go into executive session after we go through all
11 of our business for the day. We will let you know in two
12 or three days about the application what we want to do.
13 Thank you very much for coming. We appreciate your
14 honesty.

15 MS. SHORT: Thank you so much for seeing me.

16 (Executive Session.)

17 MR. BUSHARDT: The matter with Waletha Short,
18 what is the Board's decision?

19 MR. ROSE: I make a motion we deny the request.

20 MR. BUSHARDT: Do I hear a second?

21 MR. LIVINGSTON: Second.

22 MR. BUSHARDT: Any discussion? All in favor
23 raise your hand. Opposed likewise. Motion passes.

24
25 Ms. Foster did not show up. Mr. Rose advised

1 the pharmacy students attending to always keep their
2 license up in their original licensing state even if they
3 have licenses in three or four other states. It is very
4 important they keep their original state license. Ms.
5 Kelly Bradford's attorney Mr. Schusterman will be at the
6 Board of Pharmacy Hearing at 11:15 for her case. The
7 Board will wait for him and at that time will hear the
8 matter of Ms. Foster. A motion was made and passed to go
9 into executive session by Mr. Livingston and second by Ms.
10 Russell.

11 Mr. Rose made a motion to come out of executive
12 session and second by Ms. Russell. Motion passes.

13 In the matter of Waletha Short, a motion was
14 made by Mr. Rose to deny the request, second by Mr.
15 Livingston, there was no discussion, and motion passes.

16 In the matter of John Carter, Ms. Long made the
17 motion to approve the Memorandum of Agreement with the
18 following stipulations. Mr. Carter must pay a \$250 fine
19 and successfully complete two hours of continuing
20 education specifically related to law in addition to his
21 normal continuing education requirements and in addition
22 one year of probation. It was seconded by Mr. Rose.
23 There was no further discussion. Motion passes.

24 In the matter of Jennifer Boggs, Mr. Livingston
25 made a motion to accept the Memorandum of Agreement with

1 the following stipulations. That we indefinitely suspend
2 her license, she needs to stay in RPP and keep her
3 continuing education requirements for South Carolina
4 licensure, she may reappear before the Board in two years
5 to lift her from indefinite suspension. Motion was
6 seconded by Ms. Russell. There was no further discussion.
7 Motion passes.

8 In the matter of Jennifer Foster Mr. Livingston made
9 a motion to accept the Memorandum of Agreement and that we
10 permanently revoke her registration. Motion was seconded
11 by Mr. Hubbard. There was no further discussion. Motion
12 passes.

13 In the matter of Kelly Bradford, Mr. Rose made a
14 motion to accept the Memorandum of Agreement. Her license
15 will continue to be in a suspended status. The Respondent
16 will receive an internship certificate. Intern with a
17 pharmacist for 1,000 hours not to exceed 20 hours per week
18 plus continue RPP for a period which is 50 weeks or about
19 a year, must keep up with CE requirements during that
20 period. Once you have completed the 1,000 hours of
21 internship, you must reappear before the Board with your
22 supervising pharmacist, in other words, your PIC, to
23 demonstrate fitness to practice. When she reappears
24 before the Board at that time she will need to ask to have
25 her suspension lifted. Motion was seconded by Ms. Long.

1 MR. BUSHARDT: Dock has one other thing that he
2 wants to tell us.

3 MR. ROSE: Lee Ann sent us an e-mail about bath
4 salts and I presume most people in here would know what
5 bath salts are? Students know what bath salts are? Not
6 the kind you take a bath with. Pretty much it's a mixture
7 of Amphetamines from what I understand, mixture of
8 stimulant drugs and most of them are not listed in the
9 Controlled Substance Act. They're designer stimulant
10 drugs, some alteration of a controlled drug has been made
11 to the chemical structure of the drug to make it a
12 different drug. So they say that's not covered under the
13 Controlled Substance Act. The spice on the other hand I
14 believe is a mixture of different controlled drugs that
15 would be like the pain reliever type drugs, but their
16 chemical structure has been altered to where they aren't
17 included in the narcotic act. The problem is that in South
18 Carolina we're having a great problem with, especially
19 young people, coming to the emergency rooms in South
20 Carolina overdosing on these products. So what I would
21 like for us to entertain a motion to go on the record
22 favoring making bath salts and spice, we would like to have
23 legislation to make bath salts and spice be considered a
24 part of the Controlled Substance Act. As far as I'm
25 concerned we could also add Ultram to that too, because

1 we've having so much problem with that. But that's the
2 motion I want to make.

3 MR. BUSHARDT: Do you want to make a motion or
4 let it come from the Legislative Committee?

5 MR. ROSE: I think we need to make a motion. You
6 can send it to the Legislative Committee after we do that.
7 I think we need to have it on the record.

8 MR. BUSHARDT: Give me your motion one more time
9 real quick.

10 MR. ROSE: I make a motion that we include bath
11 salts and also spice and Ultram as controlled substances in
12 South Carolina by seeking legislation to make these drugs
13 controlled substances in South Carolina and recommending to
14 DHEC and to legislature.

15 MR. BUSHARDT: Do I have a second? A second?

16 MR. LIVINGSTON: I would like to discuss it, but
17 I can't do that until I second it, right?

18 MR. ROSE: You don't have to vote for it to
19 second it.

20 MR. LIVINGSTON: I'll second it so we can talk
21 about it. I think I agree with your first part, Dock, with
22 the spice, but the Ultram is going to cause us some, it's
23 going to get some resistance from the pharmaceutical
24 companies and things of that nature. If you would take
25 that out.

1 MR. ROSE: Okay. Spice and bath salts.

2 MR. BUSHARDT: We got to vote on this one first.

3 MR. LIVINGSTON: I guess what I'm saying is I am
4 in agreement with the bath salts and spice, because we can
5 go and get that through the legislators probably pretty
6 quickly which needs to take place, but when you start
7 adding certain drugs to that list, we're going to have
8 trouble pushing that through.

9 MR. ROSE: You're right.

10 MR. BUSHARDT: If you withdraw your motion and
11 second.

12 MR. ROSE: I withdraw.

13 MR. LIVINGSTON: I withdraw my second.

14 MR. BUSHARDT: Then you can make.

15 MR. ROSE: I make the same motion without the
16 Ultram in it.

17 MR. LIVINGSTON: I definitely second that one.

18 MR. BUSHARDT: Any other discussion? All in
19 favor of the amended motion, raise your hand. And opposed
20 likewise. The motion passes. Any other business that we
21 need to conduct? Do I hear another motion?

22 MR. LIVINGSTON: I make a motion to adjourn.

23 MS. LONG: Second.

24 MR. BUSHARDT: All in favor raise your hand. All
25 right. Let's go.

1 AT THIS TIME THE SEPTEMBER 14 AND 15, 2011, MEETING OF THE
2 SOUTH CAROLINA BOARD OF PHARMACY IS ADJOURNED.

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

I, Kathryn J. Lindler, certified court reporter and notary public for the State of South Carolina at large, hereby certify that I reported the foregoing hearing at the time and place hereinabove set forth; that the witness was duly sworn, and that the foregoing 17 pages, inclusive, constitute a true and correct transcription of my stenographic report of the witness.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand and seal at West Columbia, South Carolina this 30th day of September 2011.

Kathryn J. Lindler, Court Reporter
Notary Public, State of South Carolina at large
My commission expires: June 4, 2018