



SC Department of Labor, Licensing & Regulation- Board of Pharmacy

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Appointments to the Board by the Governor

Governor James Hodges has appointed one new member to the South Carolina Board of Pharmacy. Representing the Sixth Congressional District is **Terry T. Lewis, RPh**, of Darlington, SC. Terry is a franchise owner of Medicap Pharmacy in Darlington. He replaces **Robert T. "Tenny" Moss, Jr.** His term began July 1, 2000, and extends through June 30, 2006.

Hubert F. "Hugh" Mobley, RPh, pharmacist-at-large, was re-appointed on May 9, 2000, to serve co-terminously with the appointing governor. Hugh is the owner of Mobley Drugs Inc and Mobley RX Labs in Lancaster.

We welcome Terry to the Board and thank Hugh for his continued service.

Board Elections

At the June 2000 meeting, the South Carolina Board of Pharmacy members elected **Ronnie W. Cromer, RPh**, as its new chairman. Ronnie is the pharmacist representative serving the Fifth Congressional District. **Charles C. "C" Turner, RPh**, representing the Fourth Congressional District, was elected as vice chairman. Each will serve a one-year term from July 1, 2000, until June 30, 2001.

Bill 958 Signed into Law

The governor signed into law the Board's proposed amendments to the South Carolina Pharmacy Practice Act on June 6, 2000. Several significant changes to the Act include:

- ◆ Any person possessing, dispensing, or distributing a legend product or device without a prescription from a licensed practitioner is guilty of a misdemeanor. Upon conviction, a fine of not more than five hundred dollars (\$500) or imprisonment for not more than two (2) years, or both, may be imposed.
- ◆ A wholesale distributor or manufacturer located outside of this state and desiring to conduct business in South Carolina, must be permitted by the Board of Pharmacy. The new application and subsequent renewals carry a fee of \$500 for each facility. Prior to this legislation, only facilities physically located in this state required permits. The permitting procedures will be very similar to those in place for non-resident pharmacies (out-of-state pharmacies, such as mail order and Internet facilities).
- ◆ The Board of Pharmacy, in cooperation with the emergency medical services (EMS) community, sponsored a proviso

allowing *either a medical director or a consultant pharmacist to be responsible for the duties of a consultant pharmacist as provided in §40-43-86(C)*. EMS facilities will be required to maintain a permit from the Board of Pharmacy; however, the proviso allows them to be exempt from the applicable fees.

Permit and Certificate Fees Increase

The Board approved fee increases for permits and intern certificates, however, the pharmacist's license fee remains unchanged.

A new permit application (pharmacy, non-dispensing drug outlet, or medical gases/legend devices) has increased to \$200, and the renewal has increased to \$100. A non-resident pharmacy permit application has increased to \$300, and renewal is \$200. These fees are effective for all applications received after July 1, 2000.

The intern certificate fee has been increased to \$50 for a six-year period. Previously, the certificate was issued for a four-year period.

Medical Gases/Legend Devices Permit Requirement Changes

The Board unanimously approved the suspension of the implementation of the consultant pharmacist requirement of Regulation 99-43(C), which states that the Medical Gases/Legend Devices Permit *authorizes a facility to dispense to a patient or a patient's agent medical gases and legend devices on order of a licensed practitioner. A Medical Gases/Legend Devices Permit requires a consultant pharmacist.* The intention of the Board's action is to *allow a medical director, respiratory therapist, registered nurse, or consultant pharmacist to be responsible and accountable for the duties of the consultant pharmacist as provided in §40-43-86(C)*.

The Board intends to submit language for legislative approval during the 2001 Legislative Session.

New Inspectors

The Board of Pharmacy is pleased to announce that two new inspectors have joined the South Carolina Board of Pharmacy staff.

Joseph D. Burns, RPh, began employment on April 24, 2000. Joe graduated with a bachelor of science in pharmacy in

Continued on page 4

Continued from page 1

1992, from the University of South Carolina. Joe comes to the Board after eight years with Kroger Pharmacy, where he performed various duties from staff pharmacist to assisting the coordinator in zone management for 21 stores and 60 pharmacists. Joe and his wife, Janice, live in Lexington. He will be responsible for the Upstate and Piedmont regions.

Our other inspector, **George R. Smith, RPh**, started on May 8, 2000. George also graduated from the University of South Carolina with a bachelor of science in pharmacy in 1991. Prior to joining the Board, George was the pharmacy zone coordinator for Kroger Pharmacy in South Carolina and Augusta, Ga. His responsibilities included the staffing and supervision of operations for 21 stores and 60 pharmacists. George, his wife, Christie, and daughter, Bailey, age 2, reside in Irmo and are members of Saint Andrew's Presbyterian Church. George's responsibilities will include the coastal areas and the Lowcountry.

The Board of Pharmacy is very excited about these new additions to the staff.

News From DHEC Drug Control

"Scam" Update

Pharmacists should be aware of successful attempts by drug seekers to obtain controlled substances by substituting controlled medications with non-controlled substances. The subject will have a prescription filled for a controlled substance, usually a hydrocodone preparation. Later, the subject will return to the pharmacy with another substance in the bottle and claim that the prescription was "misfilled." The controlled substance has been replaced by an antibiotic, vitamin, etc. On more than one occasion, pharmacists have refilled the prescription with the correct medication, only to discover later that they have been "scammed." One subject even asked for, and received, refunds from multiple pharmacies.

ID on Controlled Substances Prescriptions

South Carolina Controlled Substances Regulation Section 114(a) requires that a pharmacist dispensing a controlled substance prescription from an out-of-state practitioner either know the recipient, or require proper identification and note such on the prescription. While this requirement only applies to out-of-state controlled substance prescriptions, pharmacists are en-

couraged to require identification for any controlled substance prescription when they do not know the recipient.

Methadone Update

Senate Bill 916, signed by the governor on June 6, 2000, now permits the dispensing of methadone by non-hospital pharmacies for cancer and chronic pain management. However, prior to dispensing, the pharmacy must have on file a copy of the physician's notice to Drug Control of his or her intent to prescribe methadone for the patient. There must be a notice for each patient to whom the pharmacy is dispensing methadone. The pharmacy should also have on file a copy of the Drug Control acknowledgment of the physician's intent to prescribe methadone for the patient. In order to ensure that patients receive methadone in a timely manner, physicians are encouraged to send the notice to Drug Control and to the dispensing pharmacy via facsimile. Drug Control will fax the acknowledgment to the physician and the dispensing pharmacy.

If you have any questions regarding any of these items, contact **Wilbur Harling** at 803/896-0636.

Wearing Proper Identification while on Duty

The Board would like to remind everyone that, according to §40-43-86(B)(3)(b), it is the responsibility of the pharmacist-in-charge to *assure that all pharmacists, technicians, and interns employed at the pharmacy are currently licensed, certified, or registered, and that interns and technicians wear proper identification while on duty.* Proper identification includes, but is not limited to, the name of the individual and their job function (ie technician, intern, cashier, clerk, etc). Please remember that a person not registered or certified with the Board as a technician or intern may not wear identification containing the word "technician" or "intern."

Page 4 – August 2000

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