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# SC Department of Labor, Licensing & Regulation – Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

## New Board Members

Governor Jim Hodges appointed two new members to the South Carolina Board of Pharmacy. Representing the Fourth Congressional District is Dock Henry Rose, RPh, of Greer. He replaces Charles C. Turner, RPh. Mr Rose's career includes eight years as director of Nuclear Medicine Pharmacy at Greenville Hospital System. He was chief pharmacist for a 110-bed nursing home and a consultant for Extended Care Facilities in Greenville County. Mr Rose is currently a pharmacist with Greenville Memorial Hospital. Mr Rose's six-year term is July 1, 2002, through June 30, 2008.

David Merz Banks, RPh, of Simpsonville was appointed by Governor Hodges to serve as the pharmacist-at-large on the South Carolina Board of Pharmacy. His term is coterminous with that of the appointing governor. Mr Banks worked as a staff pharmacist at Revco until 1993. Then, he worked for Ninety-Six Pharmacy before returning to CVS/Revco. Mr Banks worked as a trainer, pharmacist-in-charge, and his current position is regional healthcare manager (pharmacy supervisor) for CVS. Mr Banks replaces Hubert F. "Hugh" Mobley, RPh.

We welcome Mr Rose and Mr Banks to the Board, and we offer our sincere appreciation to C. Turner and Hugh Mobley for their dedicated service to the citizens of South Carolina and to the profession of pharmacy.

## Board Elections

At the June 2002 meeting, the South Carolina Board of Pharmacy members elected Davis C. Hook, Jr, RPh, as its new chairman. Mr Hook is the pharmacist representative serving the Second Congressional District. Rufus E. Sadler, RPh, representing the Third Congressional District, was elected as vice-chairman. Each will serve a one-year term from July 1, 2002, through June 30, 2003.

## Bill 4909 Signed Into Law

The governor signed into law the Board's proposed amendments to the South Carolina Pharmacy Practice Act on June 4, 2002. Several significant changes to the Act include:

**Section 39-24-40 (A)** An oral or written drug prescription **must** provide an authorization from the practitioner as to whether or not a therapeutically equivalent generic drug may be substituted.

(B) A written prescription **must** have two signature lines at opposite ends on the bottom of the form. Under the line at the left side **must** be clearly printed the words 'DISPENSE AS WRITTEN.' Under the line at the right side shall be clearly printed the words 'SUBSTITUTION PERMITTED,' unless the prescription is to be paid for with Medicaid funds. The practitioner shall communicate the instructions to the pharmacist

by signing on the appropriate line. A written prescription is **not valid** without the signature of the practitioner on one of these lines.

(C) An oral prescription from the practitioner **must** instruct the pharmacist as to whether or not a therapeutically equivalent generic drug product may be substituted, unless the prescription is to be paid for with Medicaid funds. The pharmacist shall note the instructions on the file copy of the prescription and retain the prescription form for the period as prescribed by law.

(D) The pharmacist shall note the brand name or the manufacturer of the substituted drug dispensed on the file copy of a written or oral prescription or record this information electronically, or both.

(E) Substitution may not occur unless the pharmacist advises the patient that the practitioner has authorized substitution and the patient consents.

(F) If a pharmacist substitutes a generic drug for a name brand prescribed drug when dispensing a prescribed medication, the brand name and the name of the generic drug and its manufacturer, with an explanation of 'generic for' or similar language to indicate substitution has occurred, must appear on the prescription label and be affixed to the container or an auxiliary label, unless the prescribing practitioner indicated that the name of the drug may not appear upon the prescription label.

**Section 40-43-30 (54)** 'Certified pharmacy technician' means an individual who is a registered pharmacy technician and who has completed the requirements provided for in Section 40-43-82(B).

**Section 40-43-82(A)(1)** The Board of Pharmacy shall register pharmacy technicians who are performing pharmacy functions under the supervision of a pharmacist.

(2) A registration is valid from July one through June thirtieth and is renewable on dates as prescribed by the department with the consent of the board. An application for renewal must be on a board approved form provided by the department and must be submitted and accompanied by an annual fee in an amount established in accordance with Section 40-1-50. A pharmacy technician who has failed to properly renew a registration before July first shall immediately cease practice and refrain from performing any duties as a pharmacy technician. Reinstatement of a registration must be granted upon the board receiving a renewal application and renewal and penalty fees.

(3) A pharmacy technician shall display his or her current registration in a conspicuous place in the primary pharmacy or

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drug outlet in which the technician is employed, so that the current registration is easily and readily observable by the public. A technician working in a pharmacy or drug outlet where the technician's registration is not posted must have his or her wallet registration card with him or her.

(B)(1) An individual may be certified by the board as a pharmacy technician if the individual has: (a) worked for the fifteen hundred hours under the supervision of a licensed pharmacist as a registered pharmacy technician or has completed a Board of Pharmacy approved pharmacy technician course as provided for in subsection (D); however, beginning July 1, 2004, to be certified as a pharmacy technician an individual must have worked for one thousand hours under the supervision of a licensed pharmacist as a technician and must have completed a Board of pharmacy approved technician course as provided for in subsection (D);

(b) a high school diploma or equivalent; and  
(c) passed the National Pharmacy Technician Certification Board exam or a Board of Pharmacy approved exam and has maintained current certification; and  
(d) fulfilled continuing education requirements as provided for in Section 40-43-130(G).

(2) The pharmacist-in-charge shall verify compliance with the requirements of item (a) of subsection (B)(1) and maintained a record of this requirement in a readily retrievable manner for inspection.

(C) Notwithstanding any other provision of this chapter, a supervising pharmacist may authorize a certified pharmacy technician to:

- (1) receive and initiate verbal telephone orders
- (2) conduct one time prescription transfer
- (3) check a technician's refill of medications if the medication is to be administered by a licensed health care professional in an institutional setting;
- (4) check a technician's repackaging of medications from bulk to unit dose in an institutional setting.

At the June 2002 Board of pharmacy meeting, the Board appointed Dock Henry Rose, RPh and Davis C. Hook, Jr, RPh to assist staff with the implementation of these changes.

**Section 40-43-86(B)(4)** The pharmacist-in-charge must be assisted by a sufficient number of licensed pharmacists and registered pharmacy technicians as may be required to competently and safely provide pharmacy services; however, this

may not be construed to require a pharmacist-in-charge to employ certified pharmacy technicians.

**Section 40-43-86(C)(4)** Emergency medical services licensed by the Department of Health and Environmental Control are exempt from permit fees and the provisions of this section requiring a consultant pharmacist to perform the duties set forth in this chapter at the permit holder's location, and the medical director or a consultant pharmacist may perform the duties of the consultant pharmacist pursuant to this chapter.

(5) A facility supplying durable medical equipment is exempt from the provisions of this section requiring a consultant pharmacist to perform the duties set forth in this chapter at the permit holder's location, and a medical director, respiratory therapist, registered nurse, or consultant pharmacist may perform the duties of the consultant pharmacist pursuant to this chapter.

**Section 40-43-91(A)** of the 1976 Code is amended to read: "(A) A permit holder shall report to the Board of Pharmacy within thirty working days of the discovery of the occurrence of:

- (1) theft or loss of drugs or devices; or
- (2) conviction of any employee of any state or federal drug law.'

### **Board of Pharmacy Welcomes New Inspector**

Sheila A. Young, RPh, joined the staff at the Board of Pharmacy on April 15, 2002. She received her bachelor of science degree in pharmacy at Mercer University, Southern School of Pharmacy. Mrs Young came to South Carolina after being co-owner of Stacy's Pharmacy in Atlanta, GA, for 25 years. Her expertise in pharmacy includes compounding, specializing in veterinary products, long-term care pharmacy, home health care, assisted-living facilities, and retail. She and her husband, Steve, reside in Lexington on Lake Murray. They have two children, a son, Andy, age 24, and a daughter, Kelly, age 19.

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