



SC DEPARTMENT OF LABOR, LICENSING, & REGULATION

BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Board Elects New Officers

Congratulations to the newly elected officers of the South Carolina Department of Labor, Licensing, & Regulation – Board of Pharmacy!

Lauren Thomas, PharmD, RPh, was elected to serve as chair of the Board for the upcoming year. Dr Thomas’ term representing the First Congressional District began in 2017 and ends on June 30, 2023. She currently practices in the consulting setting and serves as co-chair of the Technician Committee.

Heather Harris, PharmD, RPh, was elected to serve as vice chair. Dr Harris represents the Fifth Congressional District and serves as co-chair of the Health Systems Committee.

Each will serve a one-year term to end on June 30, 2023.

The Board would like to take this opportunity to thank Rob Hubbard, RPh, for his time and dedication in serving as chair for the previous year and for his dedication to the citizens of South Carolina over the last 12 years.

Welcome to New Board Member

On May 11, 2022, the Senate confirmed **Shuler Spigener, PharmD**, as the Board member-elect for the Third Congressional District. Dr Spigener started his pharmacist career with CVS Pharmacy after graduating from Presbyterian College School of Pharmacy. Since September 2015, he has worked for Publix Pharmacy and currently serves as pharmacy

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supervisor for its Charlotte, NC division, overseeing clinical, legal, compliance, and patient care services for Publix in the Greenville, SC; Asheville, NC; Eastern TN; and Ringgold, GA areas. Dr Spigener's term will run from July 1, 2022, to June 30, 2028.

Legislative Updates

The following bills were enacted by the General Assembly during the 2022 legislative session and may impact the Board and/or its licensees:

S628/Act 210: Pharmacy Access Act and central fill pharmacy permits

The act will allow pharmacists to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to a patient who is 18 years of age or older, or under 18 if the person has evidence of a previous prescription from a practitioner for a self-administered hormonal contraceptive or an injectable hormonal contraceptive, pursuant to a standing order by a prescriber to a patient. The act requires the South Carolina Board of Medical Examiners and the Board of Pharmacy to issue a written joint protocol, no later than six months after the passage of the act, to authorize a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive without a patient-specific written order. The act also creates a new central fill permit issued by the Board of Pharmacy.

Effective date: The Pharmacy Access Act will take effect upon the issuance of the Board of Medical Examiners and Board of Pharmacy written joint protocol, which must be issued no later than November 23, 2022, six months after approval of the governor on May 23, 2022. The central fill permit section was effective on May 23, 2022. The Board of Pharmacy is currently working on the required application for central fill permits.

S1059/Act 179: Unlicensed persons authorized to provide medications

S1059 amends the Nurse Practice Act, Section 40-33-43, to allow unlicensed persons with documented medication training and skill competency evaluations to provide medications in intermediate care facilities for persons with intellectual disabilities, as defined in Article 3, Chapter 7, Title 44; and in nursing homes, as defined in Article 3, Chapter 7, Title 44. The act also requires the South Carolina Department of Health and Human Services (DHHS) to develop a Medication Technician Certification Program, which shall include curriculum, training, competence, and testing certification requirements. DHHS shall also create and maintain a Medication Technician Registry.

Effective date: May 16, 2022

H4776/Act 235: Medical Ethics and Diversity Act

The Medical Ethics and Diversity Act states that "medical practitioner[s], health care institutions, and health care payers have the right not to participate in or pay for any health care service which violates the practitioner's or entity's conscience." The act provides a shield against criminal, civil,

or administrative liability for exercising that right and prohibits discrimination against the medical practitioner, health care institution, or health care payer for exercising that right. The rights are subject to an exception for emergencies. Medical practitioners are defined to include doctors, nurse practitioners, physician assistants (PAs), nurses, nurses' aides, allied health professionals, medical assistants, pharmacists, pharmacy technicians, faculty, medical and nursing school students, psychology and counseling faculty and students, medical researchers, lab technicians, counselors, or social workers. The act provides that a medical practitioner may file a complaint with the State Human Affairs Commission (SHAC) for alleged violations, that SHAC must investigate alleged violations, and that SHAC must provide the Board director with a copy of its report if the respondent is a medical practitioner.

Effective date: June 17, 2022

IV Hydration

Intravenous (IV) hydration facilities are popping up across the state. Below are a few things that you need to know.

If the practice will not be 100% practitioner owned (such as by a physician, advanced practice registered nurse, PA), a non-dispensing drug outlet permit will be required for the facility. One requirement of the non-dispensing drug outlet permit is the employment of a consultant pharmacist who must perform on-site monthly inspections, among other statutorily required duties.

The Board of Pharmacy, Board of Medical Examiners, and the State Board of Nursing for South Carolina have discussed the issue and have made it clear that any practitioner working in an IV practice will be held to the same standard of care as a practitioner working in a more traditional environment. To that end, a practitioner with prescriptive authority must fully assess any patient and establish a practitioner/patient relationship prior to initiating any IV therapy. This would include obtaining an appropriate history and physical, including a list of current medications, and drawing any labs that may be necessary. From there, the practitioner would have to prescribe or order the IV therapy.

Additionally, the preparation of the IV is considered the practice of compounding by the medical, pharmacy, and nursing boards. Compounding medications typically falls within the scope of practice for a pharmacist; however, the Pharmacy Practice Act does provide an exception for "licensed practitioners" (essentially defined as anyone with the ability to prescribe medications) to compound medications used for administration in the regular course of their professional practice. Thus, either a pharmacist, physician, PA, or nurse practitioner would have to prepare the IV bag. However, this task would first need to be addressed in the practice agreements and scopes of practice of the nurse practitioners and PAs.

The United States Pharmacopeial Convention (USP) has defined compounding as "[t]he preparation, mixing, assembling, altering, packaging, and labeling of a drug, drug-delivery device,

or device in accordance with a licensed practitioner’s prescription, medication order, or initiative based on the practitioner/patient/pharmacist/compounder relationship in the course of professional practice.”

Below are several links that may be useful:

- [State Board of Nursing for South Carolina position statement on compounding by nurses](#)
- [Board of Medical Examiners position statement regarding physicians and compounding standards](#)
- [Non-Dispensing Drug Outlet Application](#)
- [USP <797> for sterile compounding](#)

The Board of Pharmacy recommends that any pharmacist signing on as a consultant pharmacist for one of these facilities verify that the practice will meet all these standards.

Maintain Up-to-Date Information With the Board

Please be diligent in keeping your information up to date and, if possible, remind your coworkers to do the same. State law requires all pharmacists, technicians, and interns to notify the Board in writing within 10 days of a change of address, employment, consultant, or pharmacist-in-charge status. Forms are available on the Board website.

In addition, to ensure that you receive all communications, please make sure your email is up to date and that you have subscribed to the Board’s quarterly Newsletter.

Special Notice About the Newsletter

The Board’s quarterly Newsletter is an official method of notification to pharmacies, pharmacists, pharmacy interns, and pharmacy technicians licensed or registered by the Board. Please read the newsletters carefully. The Board encourages you to keep the newsletters for future reference.

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