



# 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 (LLR) – Board of Pharmacy!

**Heather Harris, PharmD, RPh**, was elected to serve as chair for the Board for the upcoming year. Dr Harris represents the Fifth Congressional District and is currently serving as co-chair for the Health Systems Committee.

**Archie “Artie” McKnight II, RPh**, was elected to serve as vice chair. Mr McKnight represents the Seventh Congressional District and serves as the Health Systems Committee co-chair.

Both will serve one-year terms in these positions, and both are entering the last year of their terms as Board members.

The Board would like to take this opportunity to thank Lauren Thomas, PharmD, RPh, for her time and dedication to the Board over the last six years. The Board appreciates you!

### **Congratulations!**

Congratulations to the Board for being awarded the 2023 Fred T. Mahaffey Award at the 119<sup>th</sup> National Association of Boards of Pharmacy® (NABP®) Annual Meeting.

It is an extremely high honor for the state to be recognized for its exemplary performance in advancing the protection of the public. The news release reads as follows:

The South Carolina  
Department of Labor,  
Licensing, and Regulation  
– Board of Pharmacy  
has made many notable

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contributions to the practice of pharmacy, including removing overly broad and invasive mental health questions in pharmacist and technician applications and renewals; creating, disseminating, and promoting a form for licensees to report unsafe working conditions and understaffed pharmacy personnel; updating state-certified technician qualifications to include Pharmacy Technician Certification Board-recognized programs; developing a work group to review white bagging and brown bagging policies; participating in a work group created to update the state pharmacy practice act; training and empowering pharmacy inspectors to be educational rather than punitive; and streamlining the reciprocity interview process for pharmacist licensure.

## **Legislative Updates**

The following bills were enacted by the General Assembly during the 2023 legislative session and may impact the Board and/or its licensees:

### **H3870/Act 43: Narcotic Treatment Programs**

This law creates a new permit type for narcotic treatment programs (NTPs). A pharmacist is still required to be on site at the NTP during times when medications will be prepared, labeled, and dispensed. The pharmacist is not required to be on site while medications that have been previously prepared are administered or delivered to take-home patients. Along with this, the pharmacy may be accessed by practitioners or their agents during times when the pharmacist is not on duty to obtain prepared medication doses for administration or delivery. However, the bulk stock must be secured and unable to be accessed or altered while the pharmacist is not on duty. A pharmacist may serve as the pharmacist-in-charge for two different programs at a time and will be responsible, along with the permit holder, for signing a new or renewal application for an NTP permit.

**Effective date:** May 16, 2023

### **S120/Act 16: Nondisclosure of Identity of Members of an Execution Team and the Acquisition of Drugs to Administer a Death Sentence**

Under this act, any pharmacy, pharmacist, or pharmacy team member participating as a member of the execution team, will not be identified by any documentation, regardless of whether they are located within the state of South Carolina or not. Additionally, these persons or entities would be exempt from having to obtain a permit or license to practice in this state in regard only to the compounding or dispensing of execution medications. The pharmacy or pharmacist may also dispense directly to the South Carolina Department of Corrections without the need of a prescription for the medication or compound. Any pharmacy or pharmacist who wishes to dispense legend drugs or devices within this state that are not used for executions would still be required to become permitted or licensed by the Board.

**Effective date:** May 12, 2023

## ***New Board Policy on NAPLEX and MPJE Attempts***

Following an educational session regarding North American Pharmacist Licensure Examination® (NAPLEX®) and Multistate Pharmacy Jurisprudence Examination® (MPJE®) statistics, effective June 15, 2023, the Board no longer authorizes additional testing attempts once a candidate has reached five failed attempts. Going forward, South Carolina will follow the recommendations of NABP and limit testing to a maximum of five lifetime attempts for each exam.

## ***Administration of Neuromodulators, Including Botox***

Recently, the Board has been receiving many questions regarding pharmacists' abilities to obtain and administer Botox®, or other neuromodulators, following the completion of certified training programs. While it may seem like pharmacists – who have been trained to give injections in the past – would be eligible for this type of practice, they are currently unable to in the state of South Carolina. This service is not regulated by the Board of Pharmacy but is governed by the South Carolina Board of Medical Examiners (BME). The BME has evaluated what it takes to administer neuromodulators and whose scope of practice it would fall under. The conclusion that the BME reached was that “. . . a practitioner must be actively licensed to practice dentistry, medicine, or nursing in South Carolina in order to inject neuromodulators for either cosmetic or non-cosmetic purposes.” Find the BME advisory opinion on the LLR website or visit <https://llr.sc.gov/med/PDF/Neuromodulators-Including-Botox.pdf>.

## ***DSCSA Is Going Live in November!***

The Drug Supply Chain Security Act (DSCSA) was initially passed by the United States Congress in 2013 and its full implementation was delayed 10 years, to November 2023, to allow time for entities to come into compliance. The purpose of DSCSA is to ensure that drug products circulating throughout the drug supply chain are safe, effective, and can be monitored for any type of suspicious activity that may happen from the time a drug is manufactured to the time it may be dispensed. **So, what does this mean for suppliers?** Manufactures, wholesale distributors, third-party logistics companies, and any other organization that will be involved in the supply chain process must be compliant with rules listed by Food and Drug Administration and follow all its guidance. **So, what does this mean for dispensers?** Dispensers will be responsible for accessing tracking information and identifying potentially suspect products. Orders will no longer be coming with paper invoices; everything will be maintained electronically. Dispensers must ensure that they are able to access these electronic records either directly with their wholesalers or through an alternate third-party service. To learn more about the DSCSA and what it means for you, visit <https://dscsa.pharmacy/resources/>.

## ***New Advisory Opinion: IV Hydration***

The Board has evaluated the increasing practice of intravenous (IV) hydration within the state and has released a new advisory opinion that can be found on the home page of the Board website

or by visiting <https://llr.sc.gov/bop/news/2023/BOP-IVHydration.pdf>. It should be noted that the compounding, storing, and administration of sterile products is not a benign or risk-free activity, and the Board is concerned with how this practice has taken shape within the state.

## **New Policy Alert: Collaborative Practice Agreements**

The Board has issued a new policy regarding collaborative practice agreements (CPAs) for pharmacists within the state of South Carolina. Previously, there has been very little guidance from the law on how to establish this practice and what shape it would take within the state. This new policy outlines the minimums of what should be included within each CPA and the scope with which each pharmacist may practice under their CPA. Check out the new policy on the Board website under the Laws and Policies tab → Policies and Procedures, or visit <https://llr.sc.gov/bop/laws.aspx>.

## **Updates to Compounding Inspection Forms**

The Board of Pharmacy Compounding Committee met on Thursday, May 18, 2023, and made updates to the sterile and nonsterile compounding inspection forms in regard to the record-keeping logs of temperature and humidity. The sterile inspection sheet will now read “Logs maintained for the proper temperature and humidity monitoring of drug storage and compounding areas. Logs maintained for proper temperature of drug refrigerators or freezers.” The inspection form for nonsterile compounding will now read “humidity inside fridge must be logged if a fridge is maintained in an area that does not maintain the environment as defined by USP room temperature.” To view the updated compounding inspection forms, visit the LLR website or follow the link at <https://llr.sc.gov/bop/inspection.aspx>.

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*The South Carolina Board of Pharmacy News is published by the South Carolina Board of Pharmacy and the National Association of Boards of Pharmacy Foundation® (NABPF®) to promote compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of NABPF or the Board unless expressly so stated.*

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