

CHAPTER 99

Department of Labor, Licensing and Regulation— State Board of Pharmacy

(Statutory Authority: 1976 Code §§ 40-43-60 and 40-1-70)

99-15. Display of Annual Renewal Certificate.

Any person who is a licensed pharmacist and who has charge of or is employed in a pharmacy or other permitted facility within this State shall display his annual renewal certificate in a conspicuous place in the primary pharmacy or other permitted facility of which he is in charge or in which he is employed, so that the annual renewal certificate is easily and readily observable by the public.

HISTORY: Amended by State Register Volume 8, Issue No. 4, eff April 27, 1984; State Register Volume 13, Issue No. 4, eff April 28, 1989; State Register Volume 24, Issue No. 5, eff May 26, 2000.

99-43. Facility Permit Classifications.

The Board of Pharmacy issues the following types of facility permits:

A. Pharmacy Permit - This permit authorizes a facility to dispense legend drugs and devices to a patient or the patient's agent. A Pharmacy Permit requires a pharmacist-in-charge.

B. Non-Dispensing Drug Outlet Permit - This permit authorizes a facility to administer and store legend drugs. Facilities requiring a Non-Dispensing Drug Outlet Permit include, but are not limited to, clinics, wholesalers, manufacturers, and distributors. A Non-Dispensing Drug Outlet Permit requires a consultant pharmacist, unless the facility is engaged in manufacturing, wholesaling, or distributing.

C. Medical Gases/Legend Devices Permit - This permit authorizes a facility to dispense to a patient or patient's agent medical gases and legend devices on the order of a licensed practitioner. A Medical Gases/Legend Devices Permit requires a consultant pharmacist.

D. Non-resident Pharmacy Permit - This permit authorizes facilities outside of this State whose primary business is filling mail order prescriptions to engage in the sale, distribution, or dispensing of legend drugs or devices in this State.

HISTORY: Added by State Register Volume 23, Issue No. 6, eff June 25, 1999.

99-45. Administrative Citations and Penalties.

A. The board may issue administrative citations and cease and desist orders in person, or by certified mail, and may assess administrative penalties against an entity or individual for the violations listed below. If the licensee is working at his or her primary place of employment listed with the Board, the licensee must have his or her license or registration displayed. If the licensee is not working at his or her primary place of employment, the licensee must have a wallet card available for inspection. The citation must be signed by the Chief Drug Inspector.

1. Failure to Display Permit (Pharmacist-in-Charge)	\$50
2. Failure to Display License or Possess Wallet Card	\$100
3. Failure to Display Intern Certificate or Possess Wallet Card (PIC and Intern)	\$25
4. Failure to Display Pharmacy Technician Registration or Possess Wallet Card	\$25
5. Pharmacy Technician Working Without Registration (Permit Holder)	\$500
6. Pharmacy Technician Working Without Registration (PIC)	\$500
7. Pharmacy Technician Working With Lapsed Registration (Permit Holder)	\$500
8. Pharmacy Technician Working With Lapsed Registration (PIC)	\$500

9. Pharmacy Technician Working With Lapsed Registration (Technician)	\$50
10. Pharmacy Operating with greater than 3:1 Technician to Pharmacist Ratio (PIC)	\$500
11. Pharmacy Operating with greater than 3:1 Technician to Pharmacist Ratio (Permit Holder)	\$500
12. Failure to Notify Board of Facility Relocation	\$100
13. Failure to Notify Board of PIC Change	\$100
14. Flu Protocol-Technical Violation	\$500
15. Failure to Notify Board of Change in Ownership	\$100

B. Separate citations and administrative penalties may be assessed for each violation.

C. Administrative citations authorized under this section are separate from, and in addition to, all other remedies, either civil or criminal.

D. A licensee assessed an administrative citation may appeal the citation to the board within thirty (30) calendar days of the receipt of the citation. If an appeal is filed, the department shall schedule a hearing before the board or its designee for a final determination on the matter. If no appeal is filed, the citation is deemed a final administrative order, and penalties are due within ninety calendar days of receipt of the citation, or other written demand.

E. Extensions to pay citations must be submitted in writing, and will be at the discretion of the Chairman.

F. Failure to pay a citation is considered a violation of this regulation, and may subject the entity to discipline under S.C. Code Ann. § 40-43-140(A)(1)(a).

G. Should a licensee or permittee receive one or more administrative violations of the same type in a five year period, any subsequent violation(s) must be referred to the board for disciplinary action.

HISTORY: Added by State Register Volume 39, Issue No. 6, Doc. No. 4521, eff June 26, 2015.

99-46. Fines.

A. Upon determination by the board that one or more grounds for disciplining a licensee or permittee exists, the board may impose a fine of \$500 per violation, not to exceed a total amount of \$25,000 total per action, plus the costs of the disciplinary action. Fines are payable immediately upon the effective date of discipline unless otherwise provided by the board. Interest accrues after the fines are due at the maximum rate allowed by law. No licensee or permittee against whom a fine is levied is eligible for reinstatement until the fine has been paid in full.

B. An individual who has been found by the board to have unlawfully engaged in the practice of pharmacy under S.C. Code Ann. § 40-43-160(A) may be fined in an amount not to exceed \$25,000.

HISTORY: Added by State Register Volume 39, Issue No. 6, Doc. No. 4521, eff June 26, 2015.