



South Carolina
Department of Labor, Licensing and Regulation



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Mark Sanford
Governor

Adrienne Riggins Youmans
Director

Board of Pharmacy

March 31, 2009

Medco Health Solutions, Inc.
Pharmacy Services
100 Parsons Pond Drive
Franklin Lakes, NJ 07417

Re: Care Plus Improvement Plus OTC Card

The South Carolina Board of Pharmacy has received multiple inquiries concerning the Care Plus Improvement Plus OTC Card. The pharmacists have stated that they have been instructed by the Pharmacy Services Help desk to write a prescription and use the pharmacy NPI number to process the billing of the OTC medications. The Medco Care Plus Improvement Plus Medicare Part D New Plan Sponsor sheet states the pharmacy must submit through the TelePAID System.

At the South Carolina Board of Pharmacy Meeting held on March 12, 2009, it was decided that according to § 40-43-86(U) of the South Carolina Pharmacy Practice Act pharmacists that write a prescription to bill for OTC medications would be violating the law. A prescription can only be from a practitioner for a drug or device for a specific patient, issued for a legitimate medical purpose within the prescriber's course of legitimate practice.

This practice would violate the Department of Revenue Tax Laws for over the counter medications and would increase liability for the pharmacist dispensing.

The pharmacists of South Carolina will be instructed that the only way to honor the Care Plus Improvement Plus OTC Card would be to contact the patient's physician for a legitimate prescription.

Sincerely,

Lee Ann Bundrick, RPh
Administrator/Chief Drug Inspector

Cc: Davis C. Hook, Jr, RPh, Chairman of the Board
South Carolina Department of Revenue