

Expungement Policy and Procedure #148

Pursuant to S.C. Code Ann. § 40-1-120(E), the South Carolina Board of Pharmacy (“Board”) hereby establishes the following procedure to allow a licensee/permittee who has been issued a reprimand to petition the Board for expungement of the reprimand from the licensee/permittee’s record.

If the Board grants a licensee/permittee’s Petition, the relevant records relating to the reprimand previously issued by the Board shall be sealed, subject only to production in response to lawful requests for the same by state or federal agencies, or appropriate third-parties. Subject to the aforementioned limited exceptions for producing the records, the records will not be available to the public and will be removed from the Board’s website. Further, the proceedings and resulting reprimand shall be deemed by the Board to have not occurred.

Reprimands resulting from the following conduct by individual licensees shall **not** be eligible for expungement:

- (a) offenses involving controlled substances diversion and abuse or misuse;
- (b) offenses in which drugs, including non-controlled and/or controlled substances, were diverted and distributed to a third-party;
- (c) unlicensed practice; and
- (d) practicing while impaired.

Reprimands resulting from the following conduct by permittees shall **not** be eligible for expungement:

- (a) shipping into South Carolina without a permit (non-resident facilities);
- (b) permit holders with non-reciprocal and non-related offenses; and
- (c) offenses involving distribution of misbranded and/or adulterated drugs.

The Board will not consider a Petition for Expungement until a minimum of one (1) year has passed after licensee/permittee’s satisfactory completion of any conditions imposed by the Board relating to the reprimand sought to be expunged. A licensee/permittee must file a Petition for Expungement with the Board Administrator attesting that the licensee/petitioner’s Petition falls within the guidelines set forth above. The Board will consider the Petition at a later meeting of the Board and determine whether the Petition should be granted. The Board will consider each case on its merits and reserves the right to deny any Petition for Expungement if expungement of the reprimand would not be in the public interest. Petitioner shall be required to attend any hearing involving petitioner’s request.