

**KENTUCKY BOARD OF PHARMACY  
SPINDLETOP ADMINISTRATION BUILDING SUITE 302  
2624 RESEARCH PARK DRIVE  
LEXINGTON KY 40511**

**March 11, 2009**

**9:00a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- \*A. January 14, 2009

**III. APPEARANCES**

- \*A. Becky Rabbit, ICPT-9:15 a.m.
- \*B. Leah Tolliver-Long Term Care Regulation-9:45 a.m.

**IV. INTERAGENCY**

- \*A. DEA-Disposal of Controlled Substances by Persons not Registered with DEA

**V. BOARD REPORTS**

- A. Board President
- B. Board Members
- C. Board Executive Director
  - \*1. eMARS (January 09 and February 09)
  - 2. Office Furniture
  - \*3. Criteria for approving Pharmacist Applicant/Pharmacy Technician Applicant
  - \*4. Delegate to District III NABP/AACP
- D. Board Staff
- E. PRN Chair

**VI. CURRENT/PENDING CASES**

- A. OAG-Cheryl Lalonde
- \*B. Case Update
- \*C. Case Review

**VII. RECIPROCITY/RELICENSURE/INTERNSHIP**

**VIII. CORRESPONDENCE/COMMUNICATIONS**

- \*A. Paul Addison-UPS

**IX. NABP**

**X. LEGISLATION/REGULATION**

**XI. CONTINUING EDUCATION**

- \*A. 09-06 Through 09-08

**XII. FINES**

**XIII. OLD BUSINESS**

#### **XIV. NEW BUSINESS**

**A.** New Manufacturer Regulation

#### **XV. FYI**

**\*Information enclosed with this agenda**

**\*\*Information previously provided**

**\*\*\*Old material with response**

**KENTUCKY BOARD OF PHARMACY  
SPINDLETOP ADMINISTRATION BUILDING SUITE 302  
2624 RESEARCH PARK DRIVE  
LEXINGTON KY 40511  
MARCH 11, 2009 9:00a.m.**

**Agenda  
Addendum**

**III. APPEARANCES**

- \*B.** Leah Tolliver-Long Term Care Regulation-9:45 a.m.

**V. BOARD REPORTS**

- E.** \*PRN OT Report

**XI. CONTINUING EDUCATION**

- \*A.** 09-09 through 09-010

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
Spindletop Administration Building, Suite 302  
2624 Research Park Drive  
Lexington, Kentucky

March 11, 2009

**CALL TO ORDER:** A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at Spindletop Administration Building, 2624 Research Park Drive, Lexington, Kentucky. President Shely called the meeting to order at 9:04 a.m.

Members present: Catherine Shely, Larry Hadley, Mike Leake, Anne Policastri, Sandy Simpson, and Joel Thornbury. Staff: Michael Burlson, Executive Director; Katie Busroe and Steve Hart, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; Cheryl Lalonde, Assistant Attorney General and Board Counsel; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Ralph Bouvette and Cathy Hanna, APSC; Kim Morgan, Target; Scott Greenwell and Pete Orzali, Humana; Chris Killmeier and Deborah Harris, Walgreens; Rebecca Rabbitt, Institute for the Certification of Pharmacy Technicians; Amanda Davis, St Claire Regional Medical Center Resident; Melissa Grover, CVS/Caremark; Jacob Hutti, PCA Pharmacy; and Cheryl Geren, Stephanie Oliver, Scottie Stovall, Sam Wornall, Brendan Novisky, Elliot Shereve, and Andy Steinmetz, College of Pharmacy Students. Melody Curtis, Court Reporter, recorded the meeting. Phil Losch, Pharmacy and Drug Inspector, was not present.

**MINUTES:** On motion by Dr. Policastri, seconded by Mr. Thornbury and passed unanimously, the Minutes of January 14, 2009 Board Meeting were approved as amended.

**APPEARANCE:** **Rebecca Rabbitt, Institute for the Certification of Pharmacy Technicians.** Rebecca Rabbitt, Chief Executive Officer of the Institute for the Certification of Pharmacy Technicians (ICPT) was sworn in by Melody Curtis, Court Reporter. Dr. Rabbitt previously appeared before the Board at the January 14, 2009 Board Meeting to request that the Board approve ExCPT, sponsored by ICPT, as an alternative exam for certifying pharmacy technicians in Kentucky and include ExCPT in 201 KAR 2:045 Section 1 along with the National Certification Examination administered by the Pharmacy Technician Certification Board. At that meeting, Dr. Rabbitt was asked if any state had denied ExCPT recognition as an examination for certifying pharmacy technicians and she had answered that no state had denied ExCPT recognition. Dr. Rabbitt was appearing before the Board to clarify that statement. According to Dr. Rabbitt, the state that was in question did not deny ExCPT recognition, but wanted more information about the exam and was in the process of accepting ExCPT as an examination for certifying pharmacy technicians. Mr. Thornbury moved to change 201 KAR 2:045 adding ExCPT as an acceptable certification examination for technicians in Kentucky. Mr. Leake seconded, and the motion passed unanimously.

**Leah Tolliver and Jacob Hutti, Long Term Care Regulation, 201 KAR 2:074.** Leah Tolliver and Jacob Hutti were sworn in by Melody Curtis, Court Reporter. Dr. Tolliver and Mr. Hutti requested changes to 201 KAR 2:074. After the presentation, Mr. Thornbury moved to have Dr. Tolliver and Mr. Hutti come back before the Board at the time of their choosing to clarify questions raised during the presentation to revise 201 KAR 2:074. Dr. Policastri seconded, and the motion passed unanimously.

**INTERAGENCY: DEA – Disposal of controlled substances by persons not registered with DEA.** DEA is soliciting comments until March 23, 2009 on the safe and responsible disposal of controlled substances dispensed to individual patients and long term care facilities. After discussion, Dr. Policastri moved to have the Executive Director contact KPhA and the state Environmental Protection Cabinet and after discussion with these groups, comment to DEA on behalf of the Board, regarding the issues and concerns of long term care facilities having a stock pile of dispensed controlled substances and suggest possible solutions such as a waiver for long term care facilities to use reverse distributors. Mr. Hadley seconded, and the motion passed unanimously.

**BOARD REPORTS:**

**Board Members. Dr. Policastri.** Dr. Policastri reported on the NABP District III meeting agenda for 2009. The format will be similar to the District III 2008 meeting with a theme of “Enhanced Pharmacy Practice.” The Executive Director’s Evaluation Committee met March 11, 2009 at 8:00 a.m. Dr. Policastri presented the Minutes of the Committee meeting and the evaluation of the Executive Director, explaining the format used for the evaluation. Mr. Leake moved to accept the Minutes of the Executive Director’s Evaluation Committee meeting. Mr. Hadley seconded, and the motion passed unanimously. Mr. Hadley moved to accept the report of the Executive Director’s Evaluation Committee as presented. Mr. Leake seconded, and the motion passed unanimously.

**Board Executive Director.** 1) EMars monthly reports for January and February 2009 were presented to the Board. 2) Ms. Simpson moved to allow purchase of up to \$4000 in furniture from the federal funds monies for the new inspector’s office and for the Pharmacy Inspections and Investigations Coordinator’s office. Dr. Policastri seconded, and the motion passed unanimously. 3) Mr. Hadley moved to have Dr. Shely serve as the delegate to the Resolutions Committee at NABP in May with Dr. Policastri being the alternate. Mr. Thornbury seconded, and the motion passed unanimously. 4) Mr. Thornbury moved to allow the new inspector to attend CLEAR training if hired before the class date, as well as Mr. Burlson if he desires to go. Ms. Simpson seconded, and the motion passed unanimously. 5) After discussion of reinstatement of a lapsed Kentucky pharmacist’s license versus reciprocation of an out of state pharmacist’s license, Mr. Thornbury moved that a candidate with a previously held Kentucky pharmacist’s license may choose to either reinstate the license per KRS 315.120 or reciprocate to Kentucky per KRS 315.210. Mr. Leake seconded, and the motion passed unanimously. 6) Because 201 KAR 2:045 was being amended to include ExCPT as an acceptable certification examination for technicians, Mr. Thornbury moved to change “the Nuclear Pharmacy Technician Training Program at the University of Tennessee” in

201 KAR 2:045 Section 1 (2) to read “an acceptable training program approved by the Board.” Mr. Burleson is to file the regulation changes to 201 KAR 2:045 on or before April 15, 2009 with a public hearing date of May 28, 2009 at 9:00 a.m. at the Board Office. Mr. Hadley seconded, and the motion passed unanimously. 7) Mr. Thornbury moved to authorize the Executive Director to approve applications for pharmacists, interns, and technicians with one misdemeanor conviction and no extenuating circumstances. However, the Board requires any application from a pharmacist, intern, or technician that has a felony conviction, a Driving Under the Influence conviction within 2 years, or 2 or more misdemeanor convictions within 10 years to appear on the Board Agenda. Mr. Leake seconded, and the motion passed unanimously. The Board reviewed 12 technician applications that Board staff did not have the authority to process. Using the guidelines set by Mr. Thornbury’s previous motion, Mr. Thornbury moved to approve the applications for: Reymounda Smith, Sarah Neises, Kristina Riddle, Frannie Noland, Rachel Way, Heather Madewell, James Cornell and Lisa Wingfield that fell into the above criteria and requested more information from Jerry Morrison, Bryan Cashion, Lisa Evans and Wesley Smith. A special called Board Meeting will be held on April 13, 2009 at 9:00 a.m. at the Board Office to review technician applications. Ms. Simpson seconded, and the motion passed unanimously.

**PRN Committee.** CAPTASA will be held January 29 and 30, 2010 in Lexington. Mr. Fingerson has been asked to present at APhA in Houston and at the University of Utah School on Alcoholism and Other Drug Dependencies. Mr. Leake moved to allow up to 3 Board Members to attend the University of Utah School on Alcoholism and Other Drug Dependencies. Ms. Simpson seconded, and the motion passed unanimously.

### **CURRENT/PENDING CASES:**

**Case Updates:** Mr. Leake moved for acceptance and entry of the proposed Agreed Orders as written. Dr. Policastri seconded, and the motion passed unanimously.

Case No. 04-0025; Case No. 08-0095; Case No. 08-0110B; Case No. 08-0112; Case No. 08-0113B; Case No. 08-0116; Case No. 08-0117B; and Case No. 08-0118.

**Case Review:** Mr. Hadley moved for acceptance of the Case Review Committee recommendations for the following case reports. Dr. Policastri seconded, and the motion passed unanimously.

**Case No. 06-0109A.** Pharmacy permit holder allegedly engaged in fraudulent billing to Medicaid and Medicare by billing for prescriptions that were never picked up and selling physician’s samples that were purchased from local physicians and a local pharmaceutical representative. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 06-0109B.** Pharmacist allegedly engaged in fraudulent billing to Medicaid and Medicare by billing for prescriptions that were never picked up and selling physician's samples that were purchased from local physicians and a local pharmaceutical representative. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 06-0109C.** Pharmacist allegedly engaged in fraudulent billing to Medicaid and Medicare by billing for prescriptions that were never picked up and selling physician's samples that were purchased from local physicians and a local pharmaceutical representative. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 06-0109D.** Pharmacist allegedly engaged in fraudulent billing to Medicaid and Medicare by billing for prescriptions that were never picked up and selling physician's samples that were purchased from local physicians and a local pharmaceutical representative. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 06-0109E.** Pharmacist allegedly engaged in fraudulent billing to Medicaid and Medicare by billing for prescriptions that were never picked up and selling physician's samples that were purchased from local physicians and a local pharmaceutical representative. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 06-0109F.** Pharmacist (also a physician) allegedly sold physician's samples to a local pharmacy. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 06-0109G.** Pharmacy technician allegedly obtained physician's samples for the pharmacy to sell and dispense. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 315.121(1)(c)(1), and KRS 315.121(2)(d)(e) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 08-0062. REVISIT.** Pharmacist was allegedly practicing under the influence of alcohol or a mind altering substance. Pharmacist allegedly engaged

in unprofessional and unethical conduct by committing a medication error by dispensing paroxetine 20 mg for pantoprazole 20 mg. Alleged violations of law: KRS 315.121(1)(c) and (2)(d) and (e). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0076A.** Pharmacy permit holder allegedly dispensed only 180 methadone 10 mg tablets when the prescription was written for 240 tablets. The allegation is that the pharmacist intentionally shorted the patient 60 tablets. Alleged violations of law: KRS 217.065(1) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0076B.** Pharmacist allegedly dispensed only 180 methadone 10 mg tablets when the prescription was written for 240 tablets. The allegation is that the pharmacist intentionally shorted the patient 60 tablets. Alleged violations of law: KRS 217.065(1) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0103A.** Pharmacy permit holder allegedly dispensed Proair HFA inhaler to patient with incorrect patient name on canister inside the correctly labeled box. Alleged violations of law: KRS 315.121(2)(b) and (d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0103B.** Pharmacist allegedly dispensed Proair HFA inhaler to patient with incorrect patient name on canister inside the correctly labeled box. Alleged violations of law: KRS 315.121(2)(b) and (d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0105A.** Pharmacy permit holder allegedly dispensed Invega 6 mg tablets to the wrong patient and also allegedly filled a Prilosec OTC prescription incorrectly. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0105B.** Pharmacist allegedly dispensed Invega 6 mg tablets to the wrong patient and also allegedly filled a Prilosec OTC prescription incorrectly. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if

unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0105C.** Pharmacist allegedly dispensed Invega 6 mg tablets to the wrong patient and also allegedly filled a Prilosec OTC prescription incorrectly. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0107.** Special limited medical gas permit holder allegedly harassed and chastised a consumer when she called and requested additional oxygen be delivered to her father's home. The complaint specifically targeted one delivery person. Alleged violation of law: KRS 315.121(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0108.** Pharmacy permit holder allegedly committed several medication errors and patient had difficulty obtaining refills for prescribed medication. Alleged violation of law: KRS 315.121(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0111A.** Pharmacy permit holder allegedly committed a medication error by not reconstituting an amoxicillin 125/5 suspension prior to dispensing. Alleged violations of law: KRS 315.121(2)(d) and (e) and KRS 217.065(2)(10). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0111B.** Pharmacist allegedly committed a medication error by not reconstituting an amoxicillin 125/5 suspension prior to dispensing. Alleged violations of law: KRS 315.121(2)(d) and (e) and KRS 217.065(2)(10). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0002A.** Special limited medical gas permit holder allegedly failed to have valid prescriptions on file for eleven out of fifteen prescriptions reviewed and allegedly failed to have quarterly inspections completed. Alleged violation of law: 201 KAR 2:185 Section 2(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to

proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0002B.** Special limited medical gas consultant pharmacist allegedly failed to perform quarterly inspections as required. Alleged violation of law: 201 KAR 2:185 Section 2(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0003A.** Manufacturer permit holder allegedly failed to have in place a pharmacist-in-charge. Alleged violation of law: 201 KAR 2:225 Section 2(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0003B.** Pharmacist allegedly failed to notify the Board that he was no longer pharmacist-in-charge of a manufacturer. Alleged violation of law: 201 KAR 2:205 Section 2(3)(d)(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0003C.** Pharmacist allegedly failed to complete quarterly inspections and failed to notify the Board he was pharmacist-in-charge of a manufacturer. Alleged violations of law: 201 KAR 2:185 Section 2(1) and 201 KAR 2:205 Section 2(3)(d)(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0005.** Pharmacy permit holder allegedly closed on January 3, 2009 and did not notify the Board of closure until January 5, 2009. Alleged violation of law: 201 KAR 2:106 Section 2(1)(c). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0006.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of

law: KRS 315.065 and 201 KAR 2:015 Section 5(1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0008A.** Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. Patient was prescribed captopril 25 mg and received a vial labeled as captopril 25mg but the medication was actually Coreg 25 mg. Alleged violations of law: KRS 214.065(1) and KRS 315.121(2)(d). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0008B.** Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Patient was prescribed captopril 25 mg and received a vial labeled as captopril 25mg but the medication was actually Coreg 25 mg. Alleged violations of law: KRS 214.065(1) and KRS 315.121(2)(d). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0009.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0011.** Pharmacist allegedly failed to complete the required 15 hours of continuing education for 2007. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0012.** Special limited medical gas pharmacy permit holder allegedly failed to notify the Board office of a closure in a timely manner. Alleged violation law: 201 KAR 2:106 Section 2 (1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive

Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0013.** Pharmacy permit holder allegedly failed to report pharmacist-in-charge change within 14 days. Alleged violation of law: 201 KAR 2:205 Section 2(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0015.** Pharmacy permit holder allegedly engaged in unprofessional and unethical conduct by engaging in Medicaid fraud. Alleged violations of law: KRS 315.121(1)(a) and (2)(h). CRC Recommendation: Case is dismissed.

**Case No. 09-0016.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0017.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0018.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0020.** Pharmacist self reported that he allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and,

if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0021.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0022.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0023A.** Special limited medical gas permit holder allegedly failed to have quarterly inspections completed as required. It is further alleged that this has been documented previously and has been an ongoing problem. Alleged violation of law: 201 KAR 2:225 Section 2 (1)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0023B.** Special limited medical gas consultant pharmacist allegedly failed to do quarterly inspections as required. It is further alleged that this has been documented previously and has been an ongoing problem. Alleged violation of law: 201 KAR 2:225 Section 2 (1)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0024.** Special limited medical gas permit holder allegedly relocated to a non permitted location prior to submitting an application. Alleged violation of law: 201 KAR 2:225 Section 2(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0025.** Pharmacist allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0026.** Pharmacist self reported that he allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0027.** Pharmacist self reported that she allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0028.** Pharmacist self reported that he allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: Case is dismissed.

**Case No. 09-0029.** Pharmacist self reported that he allegedly failed to complete the required 15 hours of continuing education for 2008. Alleged violations of law: KRS 315.065 and 201 KAR 2:015 Section 5(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**CORRESPONDENCE/COMMUNICATIONS:**

Paul Addison, UPS, requested an appearance at the May 13, 2009 Board Meeting.

**CONTINUING EDUCATION:**

Mr. Thornbury moved to accept the continuing education programs 09-06 through 09-010 as recommended. Mr. Hadley seconded, and the motion passed unanimously.

**NEW BUSINESS:**

The new manufacturer regulation discussion was tabled until the May 13, 2009 Board Meeting.

**ADJOURNMENT:** On motion by Mr. Thornbury, seconded by Mr. Hadley and passed unanimously, President Shely adjourned the meeting at 4:08 p.m. There will be a special called Board Meeting on April 13, at 9:00 at Board Office. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on May 13, 2009 at the Board Office in Lexington, Kentucky.

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Michael Burleson, R.Ph.  
Executive Director