

**KENTUCKY BOARD OF PHARMACY**  
**Board Meeting**  
**Spindletop Administration Building, Suite 302**  
**2624 Research Park Drive**  
**Lexington KY 40511**  
**January 13, 2010**  
**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

- A. Board Elections 2010

**II. MINUTES**

- \*A. December 16, 2009

**III. APPEARANCES**

**IV. INTERAGENCY**

**V. BOARD REPORTS**

- A. Board President
- B. Board Members
- C. Board Executive Director
  - \*1. eMARS (December FY2010)
  - 2. Building/Move Update
  - 3. Travel
    - a. APhA Annual Meeting March 2010
    - b. NABP Annual Meeting May 2010
    - c. NABP/AACP District III Meeting August 2010
- D. Board Staff
- E. PRN Chair

**VI. CURRENT/PENDING CASES**

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

**VII. RECIPROCITY/RELICENSURE/INTERNSHIP**

**VIII. CORRESPONDENCE/COMMUNICATION**

**IX. NABP**

**X. LEGISLATION/REGULATION**

- A. Emergency/Disaster Statute
- B. HIV/AIDS CE
- C. Quality Assurance

**XI. CONTINUING EDUCATION**

**XII. FINES**

**XIII. OLD BUSINESS**

**XIV. NEW BUSINESS**

**XV. FYI**

\*A. Overtime Report

**\*Information enclosed with this agenda**

**\*\*Information previously provided**

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

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

January 13, 2010

**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 Policastri called the meeting to order at 9:13 a.m.

Members present: Debra Brewer, Brian DeWire, Scott Greenwell, Larry Hadley, Anne Policastri and Joel Thornbury. Staff: Mike Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; Cheryl Lalonde, Assistant Attorney General and Board Counsel; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Chris Killmeier, Walgreens; Pete Orzali, Humana; Mike Wyant, Cardinal Health; Mike Leake, Louisville Pharmacy; Sarah Freytag, CVS; and Deon Mason, Pa Jatts, Ben Clark, Ryan Flick, Micah Beford, Tyler Drum, and Erin Patrick, College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting.

**BOARD ELECTIONS:** Mr. Hadley nominated Mr. Thornbury to be President of the Kentucky Board of Pharmacy effective immediately for 2010. Dr. DeWire seconded. After discussion, nomination was withdrawn.

Mr. Hadley moved to change the election cycle for any and all Board officers to the first meeting of the year. Dr. DeWire seconded, and the motion passed unanimously.

Mr. Hadley nominated Mr. Thornbury for President.

Dr. Greenwell nominated Dr. Policastri for President.

Vote was taken by written ballot; vote was 4 for Mr. Thornbury, 2 for Dr. Policastri.

Dr. Greenwell moved to have an office of Vice President instead of President-elect. Dr. DeWire seconded, and the motion passed unanimously.

Dr. Greenwell nominated Mr. Hadley for Vice President. Dr. DeWire seconded, and Mr. Hadley was elected unanimously.

Ms. Lalonde swore in Mr. Thornbury as President and Mr. Hadley as Vice President.

Mr. Thornbury took over presiding over the meeting.

**MINUTES:** On motion by Dr. Policastri, seconded by Mr. Hadley and passed unanimously, the Minutes of December 16, 2009 Board Meeting were approved as written.

**BOARD REPORTS:**

**Board President.** Mr. Thornbury thanked the Board for the vote as President, he is humbled and honored. Mr. Thornbury attended a luncheon sponsored by Midway College announcing their new College of Pharmacy scheduled to open in 2011 in Paintsville, Kentucky. He also attended Lieutenant Governor Mongiardo's Controlled Substance Abuse Forum in Hazard, Kentucky.

**Board Members. Larry Hadley.** Mr. Hadley welcomed the new Board Members.

**Anne Policastri.** Dr. Policastri attended the Sullivan College of Pharmacy White Coat Ceremony. She invited everyone to the new University of Kentucky College of Pharmacy Building Dedication on January 25, 2010 at 1 p.m.

**Board Executive Director.** 1) EMars monthly report for December 2009 was presented to the Board. 2) There is no definite time line on the Board Office moving to 125 Holmes Street, Frankfort, Kentucky. It is possible that the Office will move the end of February or in March. 3) Dr. Greenwell moved to approved travel for the Board President and Executive Director to attend APhA Annual Meeting, March 12-15, 2010 in Washington, D.C.; travel for all Board Members and staff to attend NABP Annual Meeting, May 22-25, 2010 in Anaheim, California; and travel for all Board Members and staff to attend NABP/AACP District III Meeting, August 2010 in Blowing Rock, North Carolina. Mr. Hadley seconded, and the motion passed unanimously. 4) As of January 12, 2010, 2231 of the 6865 active pharmacists have renewed their licenses. 96% (2144 pharmacists) used the on-line service.

**PRN Chair.** CAPTSA will be held on January 29-30, 2010 in Lexington, Kentucky, at Embassy Suites.

**CURRENT/PENDING CASES:**

**Case Updates:** Dr. Policastri moved to accept Case Updates as written. Dr. DeWire seconded, and motion passed unanimously.

Case No. 08-0106; Case No. 09-0100; Case No. 09-0103

After discussion, Mr. Hadley moved to have a Special Called Board Meeting in which Board Members and staff will participate in a mock Case Review Committee and a mock PRN Committee for the purpose of Board Members understanding these two processes. The Special Called Meeting will begin at 10 a.m. on April 14, 2010 at the Board Office. Dr. DeWire seconded, and the motion passed unanimously.

**CORRESPONDENCE/COMMUNICATION:**

**Christina Cassetta of Quarles and Brady, LLP.** Ms. Cassetta requested a decision by the Board on the definition of intra-company transfer in a specific situation. Due to lack of time to review the request, Dr. DeWire moved to have the President, Executive Director and Board Attorney make a decision if the situation described by Christina Cassetta in her email qualifies as an intra-company transfer as defined in KRS 315.400. If the answer is clear, the decision will be presented to the Board at the March 2010 Board Meeting. If a clear decision cannot be determined, the correspondence will be tabled until the March 2010 Board Meeting. Ms. Brewer seconded, and the motion passed unanimously.

**LEGISLATION/REGULATION:**

Mr. Burleson gave an overview of the House and Senate Bills being considered in the 2010 Kentucky Legislative Session that may impact the profession of pharmacy.

Senate Bill (SB) 19 was discussed. SB 19, sponsored by Senators Schickel and Turner, is an act relating to technicians that would amend KRS 315.136 to waive the fee for pharmacy technicians who serve on a voluntary basis with a pharmacy operated by a charitable organization as defined in KRS 142.301(2). Dr. Greenwell moved to have Executive Director Burleson speak to Senator Schickel about inserting the word "only" before "serve on a voluntary basis." Dr. Policastri seconded, and the motion passed unanimously.

SB 75 was discussed. SB 75 is an act relating to nursing that would amend KRS 314.011, deleting the limits for specific controlled substances and the Formulary Development Committee and would amend KRS 314.042, deleting the requirement for an Advanced Registered Nurse Practitioner (ARNP) to enter into a collaborative agreement with a physician in order to prescribe controlled and non-controlled substances and to provide that any time a doctor's signature is required, the law would be satisfied by the signature of an ARNP. Dr. Greenwell moved to have Executive Director Burleson express in writing the many concerns the Board of Pharmacy has with SB 75. Mr. Hadley seconded, and the motion passed unanimously.

**CONTINUING EDUCATION:**

Mr. Hadley moved to accept the continuing education programs 10-1 through 10-3 as recommended. Dr. Policastri seconded, and the motion passed unanimously.

**OLD BUSINESS:** Greg Dodds was listed for clarification from the Board in order for the Board Counsel to process the Agreed Order. After reviewing the transcript from the December 16, 2009 Board Meeting, Ms. Lalonde is able to proceed with the Agreed Order without further discussion.

**ADJOURNMENT:** On motion by Dr. Policastri, seconded by Dr. Greenwell and passed unanimously, President Thornbury adjourned the Board Meeting at 11:58 a.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on March 13, 2010 at the Sullivan College of Pharmacy at 3101 Bardstown Road, Louisville, Kentucky.

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Michael Burleson, R.Ph.  
Executive Director