

**KENTUCKY BOARD OF PHARMACY**  
**Special Called Board Meeting**  
**State Office Building Annex, Suite 300**  
**125 Holmes Street**  
**Frankfort, Kentucky 40601**  
**February 9, 2011**  
**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. BOARD ELECTIONS**

**III. MINUTES**

- \*A. December 15, 2010

**IV. APPEARANCES**

**V. INTERAGENCY**

**VI. BOARD REPORTS**

- A. Board Executive Director
  - \*1. eMARS (December FY 2010)
  - 2. COT
  - 3. Travel
    - a. APhA (March 2011)
    - b. NABP (May 2011)
    - c. Utah School (June 2011)

**VII. CURRENT/PENDING CASES**

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

**VIII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS**

- A. Pharmacy Technician Summary

**IX. CORRESPONDENCE/COMMUNICATION**

- \*A. Equipment Waiver: ADIO Pharmacy
- \*B. Signature Log Waiver: Hazelwood Center Pharmacy
- \*C. Signature Log Waiver: Kroger Pharmacies
- \*D. Dual PIC Request: Robert Michael Traylor and Prescription Equipment Waiver-Caldwell County Free Clinic

**X. NABP**

- A. Delegate/Alternate Delegate NABP Annual Meeting

**XI. LEGISLATION/REGULATION**

- A. 201 KAR 2:170

**XII. CONTINUING EDUCATION**

- \*A. CE programs 11-01 through 11-07

### **XIII. FINES**

### **XIV. OLD BUSINESS**

- A. Pseudoephedrine
- B. PRN Contingency Plan
- C. Request to PRN from Board of Pharmacy

### **XV. NEW BUSINESS**

- \*A. Workforce Increase Request
- \*B. Advisory Council
  - 1. Appointments
    - \*a. Resignation of Melinda Joyce
  - \*2. List of previous applicants
  - 3. Directions and goals
- \*C. 201 KAR 20:059E

### **XVI. FYI**

- \*A. PRN Overtime Report December 2010
- \*B. UK College of Pharmacy Evaluation of eKASPER Report
- \*C. Faxing Request to eKASPER

**\*Information enclosed with this agenda**

**\*\*Information previously provided**

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

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
State Office Building Annex  
125 Holmes Street  
Frankfort, KY 40601

February 9, 2011

**CALL TO ORDER:** A special called meeting of the Kentucky Board of Pharmacy was held at the Board Office at State Office Building Annex, 125 Holmes Street, Frankfort, Kentucky. President Thornbury called the meeting to order at 9:07 a.m.

Members present: Joel Thornbury, Larry Hadley, Debra Brewer, Brian DeWire, Scott Greenwell and Cathy Hanna. Staff: Mike Burlison, 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: Ralph Bouvette, APSC; Jan Gould, Kentucky Retail Federation; Chris Killmeier, Walgreens; and Lindsey Frilley, Ellen Savelli, Kristin Smith, Cynthia Nsoesie, Jessica Gardner, Mark Doss, Patrick Ratliff, and Jonathan Holmes, College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting.

**BOARD ELECTIONS:** Dr. Greenwell nominated Mr. Hadley for President. Dr. DeWire seconded, and the motion passed unanimously. Dr. DeWire nominated Ms. Brewer for Vice President, Dr. Hanna seconded. Dr. Greenwell stated he would like to be considered for Vice President. Written vote was taken and counted by Katie Busroe, Steve Hart and Kristin Smith. Ms. Brewer was elected Vice President. Mr. Hadley took over presiding at the meeting.

**MINUTES:** On motion by Ms. Brewer, seconded by Mr. Thornbury and passed unanimously, the Minutes of December 15, 2010 Board Meeting were approved as written.

**BOARD REPORTS:**

**Board Executive Director.** **1)** EMars monthly report for December 2010 was presented to the Board. **2)** Commonwealth Office of Technology (COT) will be charging the Board approximately \$6700 for the email addresses of Board staff. Mr. Thornbury moved for Mr. Burlison to work with other Executive Directors of Boards and Commissions to send a letter to the Governor complaining of the excessive charge by COT for staff email addresses. Ms. Brewer seconded, and the motion passed unanimously. **3a)** Mr. Thornbury moved to allow Board President and Executive Director to attend the APhA meeting in Seattle, Washington, March 25-28, 2011. Ms. Brewer seconded, and the motion passed unanimously. **3b)** Dr. DeWire moved to allow all Board Members and staff to attend the NABP Annual Meeting in San Antonio, Texas, May 20-25, 2011. Mr. Thornbury seconded, and the motion passed unanimously. **3c)** Mr. Thornbury moved to allow up to 5 persons from the Board Members and

staff to attend the Utah School on Alcoholism and Other Drug Dependencies in Salt Lake City, Utah, June 19-25, 2011. Ms. Brewer seconded, and the motion passed unanimously.

### **CURRENT/PENDING CASES**

**Case Updates:** Mr. Thornbury moved to accept Case Update for Case 10-0083 as written. Dr. Hanna seconded, and the motion passed unanimously.

**Case Review:** Dr. Greenwell moved to accept Case Review Committee recommendations as written. Dr. Hanna seconded, and the motion passed unanimously.

Mr. Thornbury moved to allow a onetime exception for Dr. Hanna to attend the Case Review Committee so that she would understand the process. Dr. Hanna informed the Board that she participated in a mock Case Review Committee meeting during her training. Mr. Thornbury withdrew the motion.

**Case No. 09-0080 REVISIT.** Pharmacist allegedly diverted a controlled substance, was arrested and charged with theft of controlled substance. Alleged violation of law: KRS 315.121(2)(f). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 09-0099A.** Pharmacy permit holder allegedly acted in an unprofessional and unethical manner by not delivering prescription medication to a patient in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 09-0099B.** Pharmacy permit holder allegedly acted in an unprofessional and unethical manner by not delivering prescription medication to a patient in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 09-0099C.** Pharmacist allegedly acted in an unprofessional and unethical manner by not dispensing prescription medication to the patient in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 09-0099D.** Pharmacist allegedly acted in an unprofessional and unethical manner by not dispensing prescription medication to the patient in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 09-0139 REVISIT.** Pharmacist allegedly violated his petition for reinstatement by having confirmed a positive drug screen for alcohol. Alleged violation of law: KRS 315.121(1)(i). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0041.** Pharmacy permit holder allegedly acted in an unprofessional and unethical manner by not delivering prescription medication to a patient in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0109A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error by selling a prescription written for ranitidine 15 mg/ml syrup with cetirizine 1 mg/ml syrup. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0109B.** Pharmacist allegedly committed a medication error by dispensing a prescription written for ranitidine 15 mg/ml syrup with cetirizine 1 mg/ml syrup. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0117A.** Pharmacy permit holder allegedly failed to provide proper security of the pharmacy. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0117B.** Pharmacist allegedly failed to provide proper security of the pharmacy and acted in an unprofessional manner. Alleged violations of law: KRS 315.121(2)(f)(g), KRS 217.065(1),(2)(a)(b),(3),(5)(a),(6)(a)(b),(7),(8), and (11)(a)(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0119A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error by selling Lantus cartridges for a prescription written for Lantus pens. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0119B.** Pharmacist allegedly committed a medication error by dispensing Lantus cartridges for a prescription written for Lantus pens. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0123A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0123B.** Pharmacy technician allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0129.** Pharmacy permit holder allegedly engaged in or aided and abetted an individual to engage or assist in the practice of pharmacy without a license or falsely using the title pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0130A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error by dispensing 7 tablets when the prescription label stated 9 tablets. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC

Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0130B.** Pharmacist allegedly sold a misbranded product as a result of a medication error by dispensing 7 tablets when the prescription label stated 9 tablets. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(1). CRC

Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0131.** Pharmacist allegedly engaged in unprofessional or unethical conduct and has mental or physical incapacity that prevents the licensee from engaging or assisting in the practice of pharmacy due to alcohol dependence. Alleged violations of law: KRS 315.121(1)(a) and (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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0136A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error by selling a prescription written for Lexapro 10 mg with lisinopril 20 mg. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0136B.** Pharmacist allegedly sold a misbranded product as a result of a medication error by selling a prescription written for Lexapro 10 mg with lisinopril 20 mg. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0137A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error by dispensing 30 tablets when the prescription and prescription label stated 90 tablets. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0137B.** Pharmacist allegedly sold a misbranded product as a result of a medication error by dispensing 30 tablets when the prescription and prescription label stated 90 tablets. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(1).

CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0140A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error by selling levothyroxine 0.112 mg in a bottle labeled levothyroxine 0.2 mg. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0140B.** Pharmacist allegedly sold a misbranded product as a result of a medication error by selling levothyroxine 0.112 mg in a bottle labeled levothyroxine 0.2 mg. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0144A.** Pharmacy permit holder allegedly engaged in or aided and abetted an individual to engage or assist in the practice of pharmacy without a license or falsely using the title pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0144B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a license or falsely using the title pharmacy technician. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0144C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a license or falsely using the title pharmacy technician. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0147A.** Pharmacy permit holder allegedly allowed a medication error by giving the wrong patient the wrong medications. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0147B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by committed a medication error and by divulging or revealing to unauthorized persons patient information. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0148.** Pharmacist was issued a summary suspension by the Ohio Board of Pharmacy in August 2010 due to clear and convincing evidence that the continuation of professional practice presents a danger of immediate and serious harm to others. The suspension was upheld in November 2010. A follow up hearing has been scheduled for February 2011. Alleged violation of law: KRS 315.121(1)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0151.** Pharmacist allegedly engaged in unprofessional or unethical conduct by taking a prescribed medication, Cymbalta 60 mg, without paying for it. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0154A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0154B.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0154C.** Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0155A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0155B.** Pharmacy technician allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0156A.** Special limited medicinal gas permit holder allegedly has not had a consultant pharmacist review since 12/20/09. This represents three missed quarterly reviews. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0156B.** Pharmacist consultant allegedly has not completed a written quarterly review of special medicinal gas pharmacy since 12/20/09. This represents three missed quarterly reviews. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0157A.** Pharmacy permit holder allegedly engaged in or aided and abetted an individual to engage or assist in the practice of pharmacy without a license or falsely using the title pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0157B.** Pharmacy technician allegedly assisted in the practice of pharmacy without registering as a pharmacy technician. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0158A.** Pharmacy permit holder allegedly aided an individual to assist in the practice of pharmacy without the individual being registered as a pharmacy technician because pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0158B.** Pharmacy technician allegedly assisted in the practice of pharmacy without the individual being registered as a pharmacy technician because pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0159A.** Pharmacy permit holder allegedly did not assure adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0159B.** Pharmacist-in-charge allegedly did not assure adequate security and control of drugs due to a technician diversion. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0159C.** Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug. Alleged violation of law: KRS 315.121(2)(f). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0160A.** Pharmacist allegedly acted in an unprofessional and unethical manner by failing to transfer a prescription in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0160B.** Pharmacist allegedly acted in an unprofessional and unethical manner by failing to transfer a prescription in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0162A.** Pharmacy permit holder allegedly allowed the transfer of C II controlled substances between pharmacies without the appropriate DEA 222 forms being used. Alleged violation of law: KRS 315.121(2)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0162B.** Pharmacist allegedly transferred C II controlled substances between pharmacies without the appropriate DEA 222 forms being used. Alleged violation of law: KRS 315.121(2)(g). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0163A.** Pharmacy permit holder allegedly allowed the transfer of C II controlled substances between pharmacies without the appropriate DEA 222 forms being used. Alleged violation of law: KRS 315.121(2)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0163B.** Pharmacist allegedly transferred C II controlled substances between pharmacies without the appropriate DEA 222 forms being used. Alleged violation of law: KRS 315.121(2)(g). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0164A.** Pharmacy permit holder allegedly allowed the transfer of C II controlled substances between pharmacies without the appropriate DEA 222 forms being used. Alleged violation of law: KRS 315.121(2)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0164B.** Pharmacist allegedly transferred C II controlled substances between pharmacies without the appropriate DEA 222 forms being used. Alleged violation of law: KRS 315.121(2)(g). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0165A.** Pharmacy permit holder allegedly revealed patient information to an unauthorized person without the express consent of the patient. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0165B.** Pharmacist allegedly revealed patient information to an unauthorized person without the express consent of the patient. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0165C.** Pharmacy technician allegedly revealed patient information to an unauthorized person without the express consent of the patient. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 10-0166.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU'S) of the required CEU's of pharmacy continuing education in 2009. Alleged violations of law: KRS 315.065(2) and 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0167.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting or administering a drug for which a prescription order is required, without having first received a prescription drug order for the drug. Technician was arrested for theft of non-pharmacy merchandise, was searched and was discovered to have on her person controlled substances in an unlabeled container. Alleged violation of law: KRS 315.121(2)(f). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0168.** Pharmacy technician allegedly attempted to steal a bottle of 100 Lortab 10/500 mg while at her pharmacy work site and was arrested by the police at the pharmacy. Alleged violations of law: KRS 315.121(2)(d),(f) and (g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0169A.** Pharmacy permit holder allegedly aided an individual to assist in the practice of pharmacy without the individual being registered as a pharmacy technician because pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0169B.** Pharmacy technician allegedly assisted in the practice of pharmacy without the individual being registered as a pharmacy technician because pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS

315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0170.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU's) of the required CEU's of pharmacy continuing education in 2009. Alleged violations of law: KRS 315.065(2) and 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0171A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct failing to have processes in place to transfer prescriptions. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0171B.** Pharmacist allegedly engaged in unprofessional or unethical conduct likely to deceive, defraud or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury by failing to transfer prescriptions. Alleged violations of law: KRS 315.121(2)(d) and 201 KAR 2:165 Section 3. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0172A.** Pharmacy permit holder allegedly aided an individual to assist in the practice of pharmacy without the individual being registered as a pharmacy technician because pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0172B.** Pharmacy technician allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because pharmacy technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0174A&B.** Pharmacy permit holder and pharmacist allegedly opened the pharmacy to the public without a pharmacist present. Alleged violations of law: 201 KAR 2:100 Section 1 and 201 KAR 2:205 Section 2(3)(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0175A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0175B.** Pharmacy technician allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0176.** Pharmacist is allegedly unable to engage in the practice of pharmacy with reasonable skill, competence and safety to the public due to impairment. Alleged violation of law: KRS 315.121(1)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0179A.** Pharmacy permit holder allegedly did not assure adequate security and control of drugs due to a technician diversion. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0179B.** Pharmacist-in-charge allegedly did not assure adequate security and control of drugs due to a technician diversion. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0179C.** Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring or otherwise disposing of drugs when the pharmacy technician knew or should have known of their intended use in illegal activities. Alleged violation of law: KRS 315.121(2)(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0002.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU's) of the required CEU's of pharmacy continuing education in 2010. Pharmacist self reported completing only 9 of 15 required hours. Alleged violation of

law: 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0005A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0005B.** Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0009.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU's) of the required CEU's of pharmacy continuing education in 2010. Pharmacist self reported completing only 14.5 of 15 required hours. Alleged violation of law: 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0010A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0010B.** Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0011.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU's) of the required CEU's of pharmacy continuing education in 2010. Pharmacist self reported completing only 10 of 15 required hours. Alleged violation of law: 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0015A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0015B.** Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration lapsed on March 31, 2010. Alleged violation of law: KRS 315.135(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0019.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU's) of the required CEU's of pharmacy continuing education in 2010. Pharmacist self reported completing only 10.5 of 15 required hours. Alleged violation of law: 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0020.** Pharmacist allegedly failed to complete 1.5 Continuing Education Units (CEU's) of the required CEU's of pharmacy continuing education in 2010. Pharmacist self reported completing only 10 of 15 required hours. Alleged violation of

law: 201 KAR 2:015. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

### **RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:**

**Pharmacy Technician Registrant CH.** Mr. Thornbury moved to approve the application for Pharmacy Technician Registrant CH provided he signs an Agreed Order with standard language that includes probation for one year with a PRN agreement. Dr. Hanna seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant TF.** Dr. Greenwell moved to approve the application for Pharmacy Technician Registrant TF provided he signs an Agreed Order with standard language that includes probation for one year with a PRN agreement. Dr. DeWire seconded, and the motion passed unanimously.

### **CORRESPONDENCE/COMMUNICATION:**

**ADiO Pharmacy/Karin Williamson.** Ms. Williamson requested that ADiO Pharmacy be exempted from having the required compounding equipment. Mr. Thornbury moved to deny the request for an equipment waiver for ADiO Pharmacy because more information regarding the business model is needed. ADiO Pharmacy may submit the equipment waiver request again with the commitment that ADiO Pharmacy will not compound in the future. Ms. Brewer seconded, and the motion passed unanimously.

**Hazelwood Center Pharmacy/Gilbert Smith and Kroger Pharmacies/Randy Gaither.** Dr. Smith requested that Hazelwood Center Pharmacy be allowed to use a daily signature log instead of printing the daily printout for pharmacists to review and sign. Mr. Gaither requested that Kroger Pharmacies be allowed to use a daily signature log instead of printing the daily printout for pharmacists to review and sign. Dr. Greenwell moved to allow a signature log waiver for Hazelwood Center Pharmacy and Kroger Pharmacies. Dr. DeWire seconded, and the motion passed unanimously.

**Corner Homecare/Caldwell County Free Clinic/Robert Michael Traylor.** Robert Michael Traylor requested to be allowed to serve as pharmacist-in-charge for Corner Home Care and Caldwell County Free Clinic. Mr. Traylor requested Caldwell County Free Clinic be exempted from having the required compounding equipment. Mr. Thornbury moved to allow Robert Michael Traylor to be pharmacist-in-charge for Corner Homecare and Caldwell County Free Clinic and approved the equipment waiver for Caldwell County Free Clinic contingent upon Mr. Traylor providing a statement that Caldwell County Free Clinic will not engage in compounding at any time in the future. Ms. Brewer seconded, and the motion passed unanimously.

**NABP:** Mr. Thornbury moved to have Mr. Hadley serve as delegate to the NABP Annual Meeting with Ms. Brewer as the alternate. Dr. Hanna seconded, and the motion passed unanimously.

**LEGISLATION/REGULATION:**

**201 KAR 2:170.** Dr. Greenwell gave a brief update on the progress of the Advisory Council regarding 201 KAR 2:170, Computerized Recordkeeping. The Advisory Council is discussing end of day printouts and retention of hard copy prescriptions in light of available technology. Dr. Greenwell is optimistic that the Advisory Council will have proposed changes to 201 KAR 2:170 to present at the March Board Meeting.

**CONTINUING EDUCATION:**

Dr. Greenwell moved to deny continuing education programs 11-04 and 11-06 as recommended. Mr. Thornbury seconded, and the motion passed unanimously.

Mr. Thornbury moved to approve continuing education programs 11-01, 11-03, and 11-07 as recommended and program 11-05 as corrected for 0.1 continuing education unit and deny program 11-02. Dr. Hanna seconded, and the motion passed unanimously.

**OLD BUSINESS:**

- A. Pseudoephedrine.** Based on presentations from the December Board Meeting, Mr. Thornbury moved that the Kentucky Board of Pharmacy actively support the scheduling of pseudoephedrine and the removal the Meth Check system. Dr. DeWire seconded, and the motion passed 3 to 2 with Ms. Brewer, Dr. DeWire and Mr. Thornbury voting for the motion and Dr. Greenwell and Dr. Hanna voting against the motion.
- B. Pharmacist Recovery Network (PRN) Contingency Plan.** Mr. Thornbury reported that the PRN Committee is actively working on a contingency plan but has some legal questions. Ms. Lalonde will attend the next PRN Committee meeting to answer questions. Mr. Thornbury is optimistic that a PRN Contingency Plan will be presented at the March Board Meeting.
- C. Request to PRN Committee from the Board of Pharmacy regarding “unknowns.”** Mr. Thornbury reported that it was the understanding of the PRN Committee that no information regarding individuals unknown to the Board of Pharmacy may be released. Dr. Greenwell stated that the information is the Board’s information so the Board should have access to that information regarding the “unknowns.” Ms. Lalonde was asked for a legal opinion. Ms. Lalonde stated that the PRN Committee could provide generic, non-identifiable information regarding the “unknowns” to the Board. Mr. Fingerson will inform the PRN Committee of this determination and present the information regarding the “unknowns” at the March Board Meeting. President Hadley requested Dr. Greenwell have the Regulations Committee review 201 KAR 2:250.

**NEW BUSINESS:**

- A. Workforce Increase Request.** Mr. Hart presented a request to the Board to hire a full time Pharmacy and Drug Inspector. The funding for this position would come from increasing fees for all permit holders, interns and initial pharmacist's licensure by \$25 each. Mr. Thornbury moved to approve the request to hire a full time Pharmacy and Drug Inspector and increase fees for all permit holders, interns and initial pharmacist's licensure. Ms. Brewer seconded, and the motion passed 4 to 1 with Ms. Brewer, Dr. DeWire, Dr. Hanna and Mr. Thornbury voting for the motion and Dr. Greenwell voting against the motion. Mr. Burleson is to bring the proposed changes to 201 KAR 2:050, Licenses and Permits; Fees, to the March Board Meeting.
- B. Advisory Council.**
1. **Appointments.**
    - A. Melinda Joyce resigned from the Advisory Council, with 2 years of her term remaining. Mr. Thornbury moved to appoint Don Kupper to replace Melinda Joyce, who resigned, on the Advisory Council for a 2 year term. Dr. Greenwell seconded, and the motion passed unanimously.
    - B. Mr. Thornbury moved to remove Brad Hall from the Advisory Council. Dr. Hanna seconded, and the motion passed unanimously.
    - C. Mr. Thornbury moved to appoint Lewis Wilkerson to replace Brad Hall on the Advisory Council for a 2 year term. Ms. Brewer seconded, and the motion passed unanimously.
  2. **Directions and Goals.** Dr. Greenwell requested guidance from the Board for the Advisory Council. After discussion, Mr. Thornbury moved to refer 3 items to the Advisory Council for consideration: (1) try to be preventative instead of reactive and consider what may be coming and how to prepare; (2) automation, in regards to technology currently being used and create regulations on what is acceptable; and (3) technician supervision in regards to the common database. Dr. DeWire seconded, and the motion passed unanimously.
  3. **201 KAR 20:059E.** 201 KAR 20:059E is the emergency regulation allowing Advanced Practice Registered Nurses (APRN) the ability to prescribe increased quantities of certain controlled substances. It is an emergency regulation but must still go through the regular regulatory process. The hearing date is February 21, 2011, with requests to speak submitted by February 14, 2011, and written requests submitted by February 28, 2011. Mr. Thornbury moved to oppose 201 KAR 20:059E, and directed Mr. Burleson to appear at the hearing or send a written response to explain the opposition of the Kentucky Board of Pharmacy. Dr. Hanna seconded, and the motion passed unanimously.

**ADJOURNMENT:** On motion by Mr. Thornbury, seconded by Ms. Brewer and passed unanimously, President Hadley adjourned the Board Meeting at 11:50 a.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on March 9, 2011, at the Sullivan College of Pharmacy, Louisville, Kentucky.

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Michael Burlison, R.Ph.  
Executive Director