

KENTUCKY BOARD OF PHARMACY
Board Meeting
State Office Building Annex, Suite 300
125 Holmes Street
Frankfort, Kentucky 40601
May 11, 2011
9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

- *A. March 9, 2011

III. APPEARANCES

IV. INTERAGENCY

V. BOARD REPORTS

- A. Board Executive Director
 - *1. eMARS (February and March FY 2011)
 - 2. Travel
 - 3. Brian Fingerson-APhA Award
 - 4. COT email charges update
 - 5. Foreign Graduate Regulation
 - *6. Budget Reduction Plan for FY12

VI. CURRENT/PENDING CASES

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

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- *A. Jack McGuire-Initial Pharmacist Licensure Exam approval
- *B. Marissa Turner-Request to reconsider denial pharmacy technician registration
- *C. Pharmacy Technician Summary

VIII. CORRESPONDENCE/COMMUNICATION

- *A. Dan Thies-Request Termination of Probation
- *B. Charles Brunson-Waiver of 2010 Continuing Education

IX. NABP

X. LEGISLATION/REGULATION

- *A. 201 KAR 2:170 Record Keeping

XI. CONTINUING EDUCATION

- *A. CE programs 11-11 to 11-12

XII. FINES

XIII. OLD BUSINESS

- *A. PRN Report on total numbers

XIV. NEW BUSINESS

- A. Board Retreat-Agenda
- *B. Board Member Appointment to APRN to replace Anne PolICASTRI
- *C. Prescriber Advertisement and Physician Dispensing

XV. FYI

***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

May 11, 2011

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at State Office Building Annex, 125 Holmes Street, Frankfort, Kentucky. President Hadley called the meeting to order at 9:12 a.m.

Members present: Larry Hadley, Deborah Brewer, Brian DeWire, Scott Greenwell, Cathy Hanna, and Joel Thornbury. 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: Kevin Payne, Drug Enforcement and Professional Practices; Chris Harlow, APSC; Kim Morgan, Target Pharmacy; Pete Orzali, Humana; Darren Parks, Omnicare; Megan Kappes, Meijer; Amey Hugg, KSHP; Jack McGuire; and Christina Hatfield, Marc Messer, Brittany Osman, Michael Dowling, Cuong Nguyen, Seline Mullins, Rebecca Sicking, and Jonathan Yeung, College of Pharmacy Students. Melanie Curtis, Court Reporter, recorded the meeting.

President Hadley presented Joel Thornbury with a plaque recognizing his time as 2010 President of the Kentucky Board of Pharmacy.

MINUTES: On motion by Mr. Thornbury, seconded by Dr. Hanna and passed unanimously, the Minutes of March 9, 2011 Board Meeting were approved as written.

APPEARANCE: Kevin Payne was introduced as the Branch Manager of the Drug Enforcement and Professional Practices Branch of the Office of Inspector General.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly report for February and March 2011 and a Financial Report Summary were presented to the Board. 2) Mr. Thornbury moved to allow Mr. Burlison to obtain authorization through the Board President for state approval of travel for Mr. Burlison's required travel in 2011 and 2012 as President Elect and President of NABP, and Mr. Burlison will not be required to use personal time for these duties. Dr. Greenwell seconded, and the motion passed unanimously. 3) Brian Fingerson received the Distinguished Achievement in Specialized Pharmacy Practice Award at the 2011 Annual APhA meeting. 4) Mr. Burlison reported that at the last meeting of Executive Directors of Boards in Kentucky, no other Boards were interested in sending a letter to the Governor regarding the Commonwealth Office of Technology's (COT) cost increase of email accounts. After discussion of the COT charges, Mr.

Hadley directed Mr. Bursleson to write a letter to the Governor questioning the seemingly excessive cost of staff email addresses by COT. 5) After discussion of the Foreign Pharmacist Graduate requirements addressed in regulation 201 KAR 2:030, License Transfer, Mr. Hadley charged the Regulations Committee with review and rewriting the process for foreign graduates becoming Kentucky licensed pharmacists. 6) Mr. Bursleson presented the budget reduction plan for FY 2012 for the purpose of complying with the 3% spending reduction request of \$41,200 and the additional 2% spending reduction request of \$27,400. The largest area of reduction is in travel. However, the Federal funds are not affected in the budget reduction plan; therefore, most travel will be taken from the Federal funds.

CURRENT/PENDING CASES

Office of Attorney General-Cheryl Lalonde. The Kentucky Attorney General will be issuing an opinion on whether or not physician assistants may dispense non-controlled substances. Ms. Lalonde presented a written opinion that physician assistants may not dispense non-controlled substances. Dr. Greenwell moved to accept Ms. Lalonde's written opinion that physician assistants do not have statutory authority to dispense or distribute nonscheduled legend drugs and directed President Hadley to sign the presented letter stating such opinion and send the letter to the Attorney General. Ms. Brewer seconded, and the motion passed unanimously.

Case Updates: Dr. Hanna moved to accept Case Updates for Case Numbers 09-0070, 09-0093, 09-0119, 09-0123, 10-0003, 10-0048, 10-0049, 10-0056, 10-0109B, 10-0117B, 10-0122A, 10-0122B, 10-0124B, 10-0131, 10-0132, 10-0136B, 10-0138A, 10-0147A, 10-0154A, 10-0154B, 10-0154C, 10-0156A, 10-0156B, 10-0159C, 10-0166, 10-0167, 10-0168, 10-0170, 10-0173, 10-0174A&B, 10-0176, 10-0177B, 10-0179, 11-0002, 11-003, 11-0007B, 11-0010A, 11-0010B, 11-0011, 11-0013B, 11-0015A, 11-0016A, 11-0017B, 11-0018B, 11-0020, 11-0023, 11-0024, 11-0025, 11-0028, 11-0029, 11-0033, 11-0035, 11-0041, and 11-0042 as written. Dr. Greenwell seconded, and the motion passed unanimously.

Case Review: Mr. Thornbury recused himself from Case No. 11-0067A&B. Dr. Greenwell moved to accept Case No. 11-0067A&B as recommended. Dr. Hanna seconded, and the motion passed unanimously.

Case No. 11-0067A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient presented two prescriptions, one for azithromycin and one for acetaminophen with codeine. Pharmacist allegedly labeled the azithromycin bottle as acetaminophen with codeine and the acetaminophen with the codeine bottle as azithromycin. Alleged violation of law: 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. 11-0067B. Pharmacist allegedly sold a misbranded product as the result of a medication error. Patient presented two prescriptions, one for azithromycin and one for acetaminophen with codeine. Pharmacist allegedly labeled the azithromycin bottle as

acetaminophen with codeine and the acetaminophen with the codeine bottle as azithromycin. Alleged violations of law: KRS 315.121(1)(a) and (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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

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

Case No. 10-0119C. Revisit. Pharmacist allegedly sold a misbranded product as a result of a medication error by dispensing Lantus cartridges for a prescription written for Lantus pens. NEW INFORMATION: Adding an additional pharmacist to this case. 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. 10-0134A. 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. 10-0134B. Pharmacist-in-charge allegedly did not assure adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:205, Section 2(3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0134C. 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. 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. 10-0140B. Revisit. Pharmacist-in-charge allegedly failed to have proper processes in place regarding medication errors. Allegedly, a misbranded product was

sold as a result of a medication error by dispensing levothyroxine 0.112 mg in a bottle labeled levothyroxine 0.2 mg. New Information: Pharmacist-in-charge and others were interviewed; no one remembers the incident and no internal error report was filed. Alleged violation of law: 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. 10-0152A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacist intern. Alleged violations of law: KRS 315.121(1)(g) and 201 KAR 2:040, Section 2. 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. 10-0152B. Pharmacist-in-charge allegedly aided or abetted an employee to assist in the practice of pharmacy without being registered as a pharmacist intern. Alleged violations of law: KRS 315.135(1) and 201 KAR 2:205, Section 2(3)(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. 10-0152C. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacist intern. 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. 11-0014A. 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 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. 11-0014B. Pharmacist-in-charge allegedly did not assure adequate security and control of drugs due to technician diversion. Alleged violation of law: 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. 11-0014C. 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. 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. 11-0030A. 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 had lapsed on 3/31/10. 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. 11-0030B. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration had lapsed on 3/31/10. 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. 11-0034. Pharmacist allegedly engaged in unprofessional or unethical conduct by refusing to sell Plan B One Step to a male over the age of 17. 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 11-0038A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information. Alleged violation of law: KRS 315.121(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/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 11-0038B. Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0043A. Pharmacy permit holder allegedly failed to notify the Board Office of a change of pharmacist-in-charge. Alleged violation of law: KRS 315.020(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. 11-0043B. Pharmacist-in-charge allegedly failed to notify the Board Office of a change of pharmacist-in-charge. Alleged violation of law: 201 KAR 2:205, Section 2(3)(d)1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0045. Location allegedly handled special medical gasses without having a permit from the Kentucky Board of Pharmacy. Alleged violations of law: KRS 315.035 and 201 KAR 2:225. 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. 11-0046. Pharmacist allegedly failed to complete 15 continuing education hours for 2010. Pharmacist allegedly completed 14.5 of the 15 required hours. Alleged violations of law: KRS 315.065 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. 11-0047A. Special medical gasses permit holder allegedly failed to have a pharmacist-in-charge review records for approximately one year. 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. 11-0047B. Manufacturer permit holder allegedly failed to be equipped with an alarm, had misbranded product on site and failed to have an onsite inspection by the pharmacist-in-charge for approximately one year. Alleged violations of law: KRS 217.065(2)(a) and 201 KAR 2:320, Section 4(2)(a) and Section 5. 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. 11-0047C. Pharmacist-in-charge of special medical gas permit allegedly failed to review the records for approximately one year. Pharmacist-in-charge of manufacturer permit allegedly failed to review the security and records by failing to conduct an onsite inspection for approximately one year. Alleged violations of law: 201 KAR 2:225, Section 2(1)(b) and 201 KAR 2:320, Section 5. 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. 11-0048A. Pharmacy permit holder allegedly employed a technician without proper registration. 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. 11-0048B. Unregistered pharmacy technician was arrested for DUI and was in possession of Adderall without it being in a labeled prescription vial. Alleged violations of law: KRS 315.121(1)(c) 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. 11-0052A. Manufacturer permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052B. Wholesaler permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052C. Wholesaler permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052D. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052E. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052F. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052G. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052H. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052I. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0052J. Special medical gas permit holder allegedly closed without informing the Board office by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106, Section 2. 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. 11-0055A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by having a pharmacist that committed a medication error by filling a prescription for Cellcept marked as “brand medically necessary,” “dispense as written,” and “do not substitute” with a generic. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0055B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by filling a prescription for Cellcept marked as “brand medically necessary,” “dispense as written,” and “do not substitute” with a generic. Alleged violation of law: KRS 315.121(1) (a). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0056A. Special medical gas permit holder allegedly did not have patient records complete or readily retrievable and allegedly did not comply with applicable federal, state, or local laws adopted by the policy and procedure manual due to not having pharmacist quarterly reports, lot number tracking, oxygen tanks stored properly and fire extinguisher annually inspected. Alleged violations of law: 201 KAR 2:210, Section 1(1)(d)1, 201 KAR 2:185, Sections 2 and 3, and 201 KAR 2:225, Section 2(2)(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/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. 11-0056B. Pharmacist-in-charge allegedly did not maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules or administrative regulations and did not review the records of the special pharmacy permit for medical gasses once each quarter. Alleged violations of law: 201 KAR 2:225, Section 2(1)(b), KRS 315.121(2)(g), and 201 KAR 2:205 (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. 11-0058A. Pharmacy permit holder allegedly sold a misbranded product by having a pharmacist that allegedly dispensed 35 Suboxone 8mg-2mg sublingual films for a prescription that was written for 105. Alleged violation of law: 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. 11-0058B. Pharmacist allegedly committed a medication error by dispensing 35 Suboxone 8mg-2mg sublingual films for a prescription that was written for 105. Alleged violation of law: 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. 11-0060. Pharmacist allegedly failed to complete 15 continuing education hours for 2010. Pharmacist allegedly completed 0 of the 15 required hours. Alleged violations of law: KRS 315.065 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. 11-0061A. 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 had lapsed on 3/31/10. 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. 11-0061B. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration had lapsed on 3/31/10. 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. 11-0062A. 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062B. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062C. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062D. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062E. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062F. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062G. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062H. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062I. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062J. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062K. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062L. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062M. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062N. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062O. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062P. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062Q. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062R. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062S. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062T. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062U. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062V. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062W. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062X. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062Y. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062Z. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062AA. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062BB. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062CC. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062DD. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062EE. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062FF. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062GG. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062HH. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062II. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062JJ. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062KK. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062LL. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062MM. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062NN. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062OO. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062PP. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0062QQ. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0063A. 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 had lapsed on 3/31/10. 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. 11-0063B. Pharmacy employee allegedly assisted in the practice of pharmacy without being registered as a pharmacy technician because the technician registration had lapsed on 3/31/10. 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. 11-0064A. 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064B. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064C. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064D. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064E. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064F. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064G. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064H. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064I. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064J. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064K. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064L. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064M. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064N. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064O. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064P. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064Q. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064R. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064S. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064T. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064U. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064V. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064W. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064X. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064Y. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064Z. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064AA. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064BB. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064CC. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064DD. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064EE. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064FF. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064GG. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064HH. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064II. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064JJ. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064KK. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064LL. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064MM. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064NN. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0064OO. Pharmacy employee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0066A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a patient to receive a misbranded product. 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. 11-0066B. Pharmacist allegedly engaged in unprofessional and unethical conduct by dispensing a misbranded product and allegedly engaged in conduct likely to deceive, defraud or harm the public. 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. 11-0068. Pharmacy technician allegedly falsified his initial application by stating that he had not surrendered any technician registrations from another state. When, in fact, he had previously surrendered a technician registration from the state of North Carolina due to diverting controlled substances in that state. Alleged violation of law: KRS 315.121(1)(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/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. 11-0073. Pharmacist is licensed in Kentucky and Ohio. Ohio Board of Pharmacy suspended pharmacist's Ohio license on March 22, 2011, due to clear and convincing evidence that the continuation of his professional practice presents a danger of immediate and harm to others. Alleged violation of law: KRS 315.121(1)(c)3. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:

Jack McGuire. Mr. McGuire requested approval to take the examinations for initial pharmacist licensure. Mr. Thornbury moved to allow Mr. McGuire to take the examinations and be licensed without restrictions based on the length of time since the last incident (6 years), his lifestyle modifications and voluntarily working with KYPRN. Dr. Greenwell seconded, and the motion passed unanimously.

Marissa Turner. Ms. Turner requested a reconsideration of denial of her registration as a pharmacy technician. Ms. Turner was denied registration as a pharmacy technician due to felony convictions involving methamphetamine. The pharmacy at which Ms. Turner is employed does not stock pseudoephedrine products. Dr. Greenwell moved to deny Ms. Turner's request to become a registered pharmacy technician. Dr. DeWire seconded, and

motion passed 4 to 1 with Ms. Brewer, Dr. DeWire, Dr. Greenwell and Dr. Hanna voting for the motion and Mr. Thornbury voting against the motion.

Pharmacy Technician Registrant RP. Mr. Thornbury moved to deny the initial application for Pharmacy Technician Registrant RP. Dr. Greenwell seconded, and the motion passed unanimously.

Pharmacy Technician Registrant BL. Mr. Thornbury moved to deny the initial application for Pharmacy Technician Registrant BL. Dr. Greenwell seconded, and the motion passed unanimously.

Pharmacy Technician Registrant NC. Dr. Greenwell moved to approve the renewal application for Pharmacy Technician Registrant NC provided he signs an Agreed Order with standard language that includes probation for one year and up to 3 drug screens per year with a PRN agreement. Dr. DeWire seconded, and the motion passed unanimously.

Pharmacy Technician Registrant RM. Mr. Thornbury moved to approve application for Pharmacy Technician Registrant RM provided he signs an Agreed Order with standard language that includes probation for two year and up to 3 drug screens per year with a PRN agreement. Dr. DeWire seconded, and the motion passed 3 to 2 with Ms. Brewer, Dr. DeWire and Mr. Thornbury voting for the motion and Dr. Hanna and Dr. Greenwell voting against the motion.

Pharmacy Technician Registrants TT, CH, DD, DS, JM, and SE. Mr. Thornbury moved to approve the renewal applications for Pharmacy Technician Registrants TT, CH, DD, DS, JM, and SE provided each signs an Agreed Order with standard language that includes probation for one year and up to 3 drug screens per year with a PRN agreement. Dr. Greenwell seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

Daniel Thies – Request Termination of Probation. Dr. Thies requested termination of the remainder of the probation as outlined in his Agreed Order. Dr. Greenwell recused himself. Mr. Thornbury moved to allow termination of Dr. Thies’s probation as outlined in his Agreed Order. Dr. DeWire seconded, and the motion passed unanimously.

Charles Brunson- Request waiver of 2010 Continuing Education. Mr. Brunson requested waiver of his 2010 continuing education credits due to serious health issues. Mr. Thornbury moved to defer Mr. Brunson’s continuing education requirements for 2010. Ms. Brewer seconded, and the motion passed unanimously.

LEGISLATION/REGULATION:

201 KAR 2:170, Record Keeping, is being sent back to the Advisory Council for further review.

CONTINUING EDUCATION:

Dr. Greenwell moved to approve continuing education programs 11-11 through 11-12 as recommended. Mr. Thornbury seconded, and the motion passed unanimously.

OLD BUSINESS: PRN Report on total numbers. Mr. Fingerson presented the PRN report on total numbers including persons known to the Board and persons unknown to the Board.

NEW BUSINESS:

Agenda for Board Retreat. The Board Retreat will be in Lexington, November 4-5, 2011. The Agenda will be set at the September 2011 Board Meeting with possible agenda items including, MTM and the future of pharmacy practice in relationship to the current permit structure.

Board Member Appointment to APRN to replace Anne Policastri. Mr. Thornbury moved to appoint Dr. Greenwell as the Board representative to the APRN Committee, with Dr. Hanna as the alternate if it appears to be too time consuming for Dr. Greenwell. Dr. Greenwell seconded, and the motion passed unanimously.

Prescriber Advertisement and Physician Dispensing. After much discussion it was decided that Mr. Hadley, Mr. Burleson and Ms. Lalonde should meet with the Kentucky Board of Medical Licensure to start a dialogue regarding physician dispensing and that the Board of Pharmacy should participate in Senator Higdon's task force that will explore registration of physicians that are dispensing controlled substances.

ADJOURNMENT: On motion by Mr. Thornbury, seconded by Dr. Greenwell and passed unanimously, President Hadley adjourned the Board Meeting at 12:02 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on July 13, 2011, at the Board Office, Frankfort, Kentucky.

Michael Burleson, R.Ph.
Executive Director