

KENTUCKY BOARD OF PHARMACY

Board Meeting

Marriott Griffin Gate Resort

Newtown Pike

Lexington, Kentucky

November 4, 2011

9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

- *A. September 14, 2011

III. APPEARANCES

- A. Managed Care Organizations 9:15a.m.
- *B. Paul Michael Burchett-Reinstatement: 10:00a.m.
- *C. Kenneth Allen-Reinstatement Pharmacist Intern 10:30a.m.

IV. INTERAGENCY

V. BOARD REPORTS

- A. Board Executive Director
 - *1. eMARS (September FY 2012) and Financial Reports
 - 2. Travel: Cheryl Lalonde to attend FARB 2012

VI. CURRENT/PENDING CASES

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

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- *A. Erik L. Blemker-Approval to Reciprocate
- *B. Kenneth Willinger-Clarification of Proposed Agreed Order on attendance to AA meetings.
- *C. Elizabeth Murcia-Approval to Reciprocate

VIII. CORRESPONDENCE/COMMUNICATION

- *A. Central Baptist Hospital-Equipment Waiver

IX. NABP

X. LEGISLATION/REGULATION

- *A. 201 KAR 2:170: Written Comments Received-Prepare Statement of Consideration

XI. CONTINUING EDUCATION

- *A. CE programs 11-34 to 11-40

XII. FINES

XIII. OLD BUSINESS

- *A. Continuity of Operation Plan

B. Drop Box Update

XIV. NEW BUSINESS

- *A. Advisory Council Appointments 2012
- *B. PRN: Discussion of ways to circumvent the testing system
- C. Evaluation (yearly) of Executive Director

XV. FYI

- *A. Overtime Report: August and September 2011

**XVI. RETREAT: TIME PERMITTING RETREAT WILL COMMENCE ON FRIDAY
(SEE ATTACHED FOR AGENDA ITEMS)**

***Information enclosed with this agenda**

****Information previously provided**

*****Old material with response**

MINUTES
KENTUCKY BOARD OF PHARMACY
Board Meeting and Board Retreat
Marriott Griffin Gate Resort
Newtown Pike
Lexington, Kentucky

November 4 and 5, 2011

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Marriott Griffin Gate Resort in Lexington, Kentucky. President Hadley called the meeting to order at 9:07 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; Bryan Proctor, Administrative Assistant; Cheryl Lalonde, Assistant Attorney General and Board Counsel; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Bob McFalls and Leon Claywell, Kentucky Pharmacists Association; Ralph Bouvette, APSC; Gay Dwyer, Kentucky Retail Federation; James Liebetrau, Pharmacist Recovery Network Committee; Tom Kaye, Kentucky Spirit Health Plan; Alan Daniels and Mike Minor, Wellcare; Aaron Speak, University of Louisville Medical Center; Chris Killmeier, Walgreens; Anne Policastri, University of Kentucky College of Pharmacy; David Matthews and Doris Matthews, Midway College of Pharmacy; Kimberly Croley, pharmacist; George Hammons, pharmacist; Catherine Shely, pharmacist; Elizabeth Murcia; and Ashley Chumley, Kyndra Coots, Tara Pedigo and Katrina Thompson, College of Pharmacy Students. Melanie Curtis, Court Reporter, recorded the meeting.

MINUTES: On motion by Ms. Brewer, seconded by Dr. Greenwell and passed unanimously, the Minutes of September 14, 2011 Board Meeting were approved as written. Mr. Thornbury was not present for the vote.

APPEARANCE: **Managed Care Organizations/Mike Minor, State President, Wellcare of Kentucky and Alan Daniels, State Pharmacy Director, Wellcare of Kentucky and Tom Kaye, Kentucky Spirit Health Plan.** Representatives from the Managed Care Organizations for Kentucky Medicaid were requested to appear before the Board to offer reassurance regarding the care of patients. There was time for discussion and members of the audience were allowed to ask questions of the representatives of the managed care organizations.

Kenneth Allen. Mr. Allen was sworn in by Melanie Curtis, Court Reporter. Mr. Allen was appearing before the Board to request reinstatement of his pharmacist intern license. Mr. Allen gave a brief overview of the events that led to the loss of his pharmacist intern license. In 2005, during his freshman year of college, Mr. Allen received two “minor in possession of alcohol” charges. In July 2006, Mr. Allen was convicted of possession of marijuana and drug

paraphernalia. He was fined and given conditional probation. In February 2007, Mr. Allen was convicted of possession of marijuana. He was fined and given conditional probation. In July 2009, Mr. Allen enrolled in Sullivan College of Pharmacy and signed a contract with Kentucky Pharmacist Recovery Network (KYPRN). In August 2009, Mr. Allen began using cocaine and tested positive for cocaine in December 2009. In June 2010, Mr. Allen enrolled in a 28 day rehabilitation center. In August 2010, Mr. Allen signed his second contract with KYPRN. Mr. Allen has completed his class work for Sullivan College of Pharmacy but needs to complete his Introductory Pharmacy Practice Experience (IPPE) and Advanced Pharmacy Practice Experience (APPE). If allowed to be reinstated as a pharmacist intern, Mr. Allen will graduate in July 2013. After discussion, Dr. Greenwell moved to allow Kenneth Allen to be reinstated as a Kentucky pharmacist intern with restrictions and upon completion of his degree, Mr. Allen shall appear before the Board before being allowed to sit for the Kentucky licensure examinations. The restrictions are as follows: probation for as long as he has a Kentucky pharmacist intern license and/or IPPE and APPE rotations are completed and up until the time he appears before the Board for licensure; shall maintain a perpetual inventory at all places of dispensing rotations for Schedule II drugs, with electronic tracking of Schedule III-V drugs and expired controlled substances, perpetual inventory shall be made available to the Board upon request and audits may be conducted; shall attend AA/NA meetings no less than 6 times per 2 week period or 12 meetings per calendar month, which shall include a minimum of 2 meetings per week; shall advise Board at all times of place of rotation and shall only do a rotation at a location with a schedule that has received prior approval of the Board or its President; shall provide a copy of this Agreed Order to all employers, preceptors and pharmacists-in-charge; shall sign an aftercare contract, to include drug counselor if indicated, with the Pharmacist Recovery Network Committee (PRNC) for the length of the Agreed Order; any violation of this Agreed Order or PRN contract shall be reported to the Board and PRNC Chair within 24 hours of violation; shall notify Board of change of home address, telephone number, and/or email within 7 days of change; shall provide to the Board and PRNC a signed release granting the Board and PRNC access to all written medical records and conversations regarding medical care; shall provide the Board and PRNC with written monthly reports of all AA/NA meetings; shall agree to provide 12 drug/alcohol screens per year of which 3 shall be hair samples and the others observed urine or other body fluid at the direction of PRNC, the Board or any other monitoring body; provide copies of any results of any screens ordered to the Board and PRNC; provide notification to PRNC Chair, Board and testing company of anything that may affect pharmacist intern's availability for screens prior to event, a missed screen shall be cause for reporting such to the Board, any positive screen that is a violation of the Agreed Order or PRN contract shall be communicated to the Board by the PRNC Chair within 24 hours, a report indicating a presumptive presence shall constitute a conclusive basis, without the necessity of a hearing, for a determination that pharmacist intern is not in compliance with the terms of this Agreed Order of Reinstatement; shall agree to abstain from any and all mood-altering chemicals, except as prescribed by pharmacist intern's physician and only after consultation with PRNC Chair; shall notify PRNC Chair in advance if any mood-altering and/or potentially addictive medications are required or recommended by pharmacist intern's physician; shall provide documentation to PRNC Chair of the need for the medication within 3 days; shall renew verification with PRNC Chair every 90 days if need for medication is ongoing; shall give up the right to self medicate with the exception of single entity OTC NSAIDS and acetaminophen; shall obtain all prescriptions at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy; shall attend within 1 year of entry of this Agreed Order either the University of Utah School on Alcoholism and other Drug Dependencies, CAPTASA, or SE PRN meeting and shall provide a certificate of completion; shall provide monthly

written self performance evaluations to the Board and PRNC Chair and shall make all appearances before the PRNC as requested, including an annual appearance closest to the anniversary date of reinstatement; shall not work at a pharmacy owned, in whole or in part, by him or another member of his family and shall not possess a key to a pharmacy owned, in whole or in part, by him or another member of his family; shall not be on the premises of any pharmacy owned, in whole or in part, by him or another member of his family; during probation shall have prior approval to own a new pharmacy, in whole or in part, by the Board or Board President; committing any act that results in violation of federal or state pharmacy or drug statute or regulation, may result in an emergency suspension of pharmacist intern's license, require an appearance before the Board, or result in a complaint against pharmacist intern's license with the Board imposing any applicable penalties; any violation of the Agreed Order of Reinstatement shall cause him to automatically lose his pharmacist intern license for not less than five years and shall require individual to petition the Board for reinstatement; and shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Dr. Hanna seconded, and the motion passed unanimously.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly report for September FY 2012 and a Financial Report Summary were presented to the Board. Mr. Burleson will present the final budget at the December 2011 Board Meeting. 2) Dr. Greenwell moved to allow Cheryl Lalonde to attend the Federation of Associations of Regulatory Boards (FARB) meeting January 27-29, 2012. Ms. Brewer seconded, and the motion passed unanimously. 3) The MTM Committee will be meeting November 28, 2011 and will present at the December 2011 Board Meeting. 4) Dr. Greenwell attended the Advanced Practice Registered Nurse (APRN) Counsel. There was discussion regarding controlled substance prescribing and the new practice of APRN's collaborating under a physician with a franchise fee and no additional oversight of the APRN.

CURRENT/PENDING CASES:

Case Updates: Dr. Greenwell moved to accept Case Updates for Case Numbers: 04-0124A and B; 10-0142A; 11-0079B; 11-0079C; 11-0107; 11-0108; 11-0122A; 11-0138C; 11-0141C; 11-0157C; 11-0164; 11-0196A; and 11-0196B as written. Mr. Thornbury seconded, and the motion passed unanimously.

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

Case No. 08-0057B REVISIT. Pharmacist allegedly received and dispensed physician drug samples and committed insurance fraud. NEW INFORMATION: On or about September 19, 2011 the Board office received information requesting the Case Review Committee review information regarding the case and brought attention to a case against another pharmacist dealing with drug samples. Alleged violations of law: KRS 315.121(1)(a)(f),(2)(d)(e)(f) and (g), KRS 271.055(1)(b) and KRS 217.065. 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. 11-0008A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0008B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/9/11. Alleged violation of law: KRS 315.138(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. 11-0075A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A prescription for Actoplus Met 15mg/500mg was allegedly dispensed with Actoplus Met 15mg/850mg. Alleged violation of law: KRS 271.065(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. 11-0075B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. A prescription for Actoplus Met 15mg/500mg was allegedly dispensed with Actoplus Met 15mg/850mg. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0075C. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. A prescription for Actoplus Met 15mg/500mg was allegedly dispensed with Actoplus Met 15mg/850mg. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0094. Out of state pharmacy allegedly failed to have a Kentucky licensed pharmacist-in-charge reported to the Board within 14 days. Board office received an email that stated an out of state pharmacy may be shipping controlled substances into Kentucky without a

Kentucky licensed pharmacist-in-charge. Alleged violations of law: KRS 315.0351(2)(7) and 201 KAR 2:205(2)(d)1,2,3(e) and (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. 11-0105A. REVISIT. Pharmacy permit holder allegedly incorrectly filled two of four new prescriptions presented at the same time. The first alleged error was dispensing Adderall XR 20mg for Adderall 20mg tablets. The second alleged error was incorrectly labeling an Adderall 10mg prescription as “take one tablet daily at 11:00 am” when the correct directions should have been “take one tablet daily at 3:30 pm”. 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. 11-0105B. REVISIT. Pharmacist allegedly committed a medication error by incorrectly filling two of four new prescriptions presented at the same time. The first alleged error was dispensing Adderall XR 20mg for Adderall 20mg tablets. The second alleged error was incorrectly labeling an Adderall 10mg prescription as “take one tablet daily at 11:00 am” when the correct directions should have been “take one tablet daily at 3:30 pm”. 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. **HOWEVER PHARMACIST DIED ON 10/22/11, SO NO FORMAL RESOLUTION OF CASE, THEREFORE CASE CLOSED.**

Case No. 11-0106. REVISIT. Pharmacist allegedly did not complete the required continuing education hours to renew her pharmacist license for 2010. Upon inspection by the Pharmacy and Drug Inspector she was only able to produce 6 of the 15 hours of continuing education. **NEW INFORMATION:** On or about September 16, 2011 the Board Office received a letter requesting she be granted a deferral of her continuing education for the year 2010. She has already sent in her signed Agreed Order along with her check and it was accepted at the September 13, 2011 Board Meeting. Alleged violations of law: 201 KAR 2:015(5)(1)(a) and KRS 315.065. **DO NOT RECIND.**

Case No. 11-0130A. Pharmacy permit holder allegedly lost over 288,000 hydrocodone/APAP tablets and nearly 32,000 various benzodiazepine tablets over a period of two years. It is also alleged by DEA that this pharmacy failed to maintain appropriate records of controlled substances that resulted in the immediate suspension of their registration. Alleged violation of law: KRS 315.121(1)(j). 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. 11-0130B. Pharmacist who is the owner and pharmacist-in-charge allegedly failed to maintain appropriate monitors to detect and prevent drug diversion. Alleged violations of law: 201 KAR 2:205 Section 2(3)(a) and (b) and KRS 315.121(2)(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. **HOWEVER PHARMACIST DIED ON 10/22/11, SO NO FORMAL RESOLUTION OF CASE, THEREFORE CASE CLOSED.**

Case No. 11-0130C. Pharmacy technician allegedly was responsible for the theft of over 288,000 hydrocodone/APAP and nearly 32,000 benzodiazepine tablets over a two year period. Alleged violations of law: KRS 315.121(2)(c) and (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. 11-0130D. Pharmacy technician allegedly diverted legend drugs. 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. 11-0130E. Pharmacy technician allegedly diverted legend drugs. 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. 11-0134. Pharmacist allegedly aided and abetted an individual to engage or assist in the pharmacy without a registration or falsely using the title pharmacy technician. Alleged violation 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. 11-0137A. Pharmacy permit holder allegedly allowed a medication error by dispensing 90 tablets of hydrocodone/acetaminophen 10mg/325mg for a prescription written and labeled as 150 tablets of hydrocodone/acetaminophen 10mg/325mg. Alleged violation of law: KRS 315.121(2)(d). **CRC**

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

Case No. 11-0137B. Pharmacist allegedly committed a medication error by dispensing 90 tablets of hydrocodone/acetaminophen 10mg/325mg for a prescription written and labeled as 150 tablets of hydrocodone/acetaminophen 10mg/325mg. Alleged violations of law: KRS 315.121(1)(a) and (2)(d). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

Case No. 11-0139 REVISIT. Pharmacist allegedly did not complete the required continuing education hours to renew his 2010 pharmacist license. He self-reported that he completed 6 of the 15 continuing education hours. NEW INFORMATION: on or about October 12, 2011 the Board office received a letter that stated he meant to renew his pharmacist license as inactive and not active. Alleged violation of law: 201 KAR 2:015(5)(1)(a). **RECIND PREVIOUS AGREED ORDER, AND ALLOW TO RETROACTIVELY RENEW AS INACTIVE.**

Case No. 11-0165A. Pharmacy permit holder allegedly engaged in unethical or unprofessional behavior due to a patient receiving an incomplete prescription. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: Case is dismissed.

Case No. 11-0165B. Pharmacist allegedly engaged in unethical or unprofessional behavior by engaging in conduct likely to deceive, defraud or harm the public. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: Case is dismissed.

Case No. 11-0199A. REVISIT. Pharmacy allegedly sold a misbranded product since the quantity of tablets in the prescription vial was inconsistent with the quantity of tablets listed on the prescription label. 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. 11-0199B. REVISIT. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error, since the quantity of tablets in the prescription vial was inconsistent with the quantity of tablets listed on the prescription label. Alleged violations of law: KRS 315.121(1)(a) and (2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0202. Pharmacy technician allegedly failed to provide a copy of her Agreed Order for pharmacy technician registration with restrictions or conditions to all employers and pharmacists-in-charge. 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. 11-0204. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a drug for which a prescription drug order is required without having first received 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; however, the penalty shall be the issuance of a Letter of Reprimand.

Case No. 11-0205A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: KRS 315.121(1)(j). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0205B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: 201 KAR 2:205 Section 2(3)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0205C. Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. 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. 11-0206A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error by dispensing zolpidem tartrate 10mg instead of phentermine 37.5mg that the prescription was written for. 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. 11-206B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error dispensing zolpidem tartrate 10mg instead of phentermine 37.5mg that the prescription was written for. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0207A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient presented a refill for paroxetine 20mg but received furosemide 40mg labeled as paroxetine 20 mg. 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. 11-207B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Patient presented a refill for paroxetine 20mg but received furosemide 40mg labeled as paroxetine 20mg. 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.

Case No. 11-208. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly removed a valid non controlled prescription written for her from the waiting bin of her employer without paying for the prescription. 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. 11-0211A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0211B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/2/2011. Alleged violation of law: KRS 315.138(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. 11-0212A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0212B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/29/11. Alleged violation of law:

KRS 315.138(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. 11-0213A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0213B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/28/11. Alleged violation of law: KRS 315.138(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. 11-0214A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0214B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 4/15/11. Alleged violation of law: KRS 315.138(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. 11-0215A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0215B. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0215C. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 2/20/11. Alleged violation of law: KRS 315.138(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. 11-0216A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0216B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/30/11. Alleged violation of law: KRS 315.138(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. 11-0217A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0217B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/16/11. Alleged violation of law: KRS 315.138(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. 11-0218A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0218B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 9/6/11. Alleged violation of law: KRS 315.138(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. 11-0219A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0219B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 8/11/11. Alleged violation of law: KRS 315.138(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. 11-0220A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0220B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 8/2/11. Alleged violation of law: KRS 315.138(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. 11-0221A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0221B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 9/8/11. Alleged violation of law: KRS 315.138(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. 11-0224. Pharmacist allegedly has a mental incapacity that prevents licensee from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public. Alleged violation of law: KRS 315.121(1)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0225A. Pharmacy permit holder allegedly sold a misbranded product because the quantity of tablets in the prescription vial was inconsistent with the quantity of tablets listed on the prescription label. 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. 11-0225B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error. Allegedly, quantity of tablets in the prescription vial was inconsistent with the quantity of tablets listed on the prescription label. Alleged violations of law: KRS 315.121(1)(a) and (2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0226A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: KRS 315.121(1)(j). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0226B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: 201 KAR 2:205 Section 2(3)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0226C. Pharmacy technician allegedly diverted controlled substance by stealing approximately 90 pints of hydrocodone syrup/suspension and 6700 hydrocodone/APAP tablets over a nine month period from the pharmacy of employment. 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. 11-0227A. Pharmacy permit holder was suspended by another jurisdiction for actions by the pharmacist for obtaining and dispensing invalid prescriptions for excessive amounts of controlled substances via the internet. Alleged violation of law: KRS 315.121(1)(c)3. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0227B. Pharmacist's license was suspended by another jurisdiction for dispensing excessive controlled substance prescriptions received via the internet with invalid prescriptions. Alleged violation of law: KRS 315.121(1)(c)3. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0228. Pharmacy technician with restrictions allegedly violated the terms of Agreed Order. Technician tested positive for ethyl alcohol on August 25, 2011. 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. 11-0230A. Special limited medicinal gas permit holder allegedly did not notify the Board of Pharmacy prior to relocation to another address. Alleged violations of law: KRS 315.035(5), 201 KAR 2:050(12) and 201 KAR 2:225 Section 2(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0230B. Pharmacist allegedly did not notify the pharmacy owner of the requirement to notify the Board of Pharmacy prior to relocation. Alleged violation of law: 201 KAR 2:205 Section 1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0231A. Special limited medicinal gas permit holder allegedly moved to a new location without being inspected by the Kentucky Board of Pharmacy. Alleged violation of law: 201 KAR 2:225 Section 2(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0231B. Pharmacist-in-charge allegedly did not notify the Kentucky Board of Pharmacy of an address change of the medical gas facility. Alleged violation of law: 201 KAR 2:205 Section 2(3)(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. 11-0232. Pharmacist was placed on two year probation by the Missouri Board of Pharmacy for violation of USP Chapters 795 and 797. Pharmacist was also compounding without a prescription, commercially available products. Alleged violation of law: KRS 315.121(1)(c)3. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0235A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by employing a pharmacist allegedly engaged in unprofessional or unethical conduct by selling drugs found in illegal traffic when the pharmacist knows or should have known of their intended use in illegal activities; selling and ingesting a drug for which a prescription drug order is required without having first received a prescription drug order for the drug; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state

laws, rules or administrative regulations; obtaining any remuneration by fraud, misrepresentation or deception and failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. 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. 11-0235B. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling drugs found in illegal traffic when the pharmacist knows or should have known of their intended use in illegal activities; selling and ingesting a drug for which a prescription drug order is required without having first received a prescription drug order for the drug; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules or administrative regulations; obtaining any remuneration by fraud, misrepresentation or deception and failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged violations of law: KRS 315.121(1)(a), (2)(c), (f), (g), (h) and (j). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0237A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to steal Famvir, Zithromax, Xanax and hydrocodone/APAP. Alleged violation of law: KRS 315.121(1)(j). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0237B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to steal Famvir, Zithromax, Xanax and hydrocodone/APAP. Alleged violation of law: 201 KAR 2:205 Section 2(3)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 11-0237C. Pharmacy technician allegedly stole Famvir, Zithromax, Xanax and hydrocodone/APAP from the pharmacy of employment. 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. 11-0238. Pharmacist allegedly committed theft of methylphenidate and hydrocodone/APAP from multiple pharmacies as the relief pharmacist and has presented signs that she is impaired to the point that she is incapable of engaging in the practice of pharmacy with competency and presents as a problem of safety to the public. Alleged violations of law: KRS 315.121(1)(b) and KRS 315.121(2)(d)(f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0242A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0242B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/23/11. Alleged violation of law: KRS 315.138(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. 11-0243A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0243B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 7/15/11. Alleged violation of law: KRS 315.138(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. 11-0244A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0244B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 7/28/11. Alleged violation of law: KRS 315.138(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. 11-0245A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0245B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 8/15/11. Alleged violation of law: KRS 315.138(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. 11-0246A. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician 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. 11-0246B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 8/18/11. Alleged violation of law: KRS 315.138(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.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:

Erik L. Blemker. Mr. Blemker requested approval to sit for the Multistate Pharmacy Jurisprudence Examination (MPJE) to reciprocate his pharmacist's license to Kentucky. Mr. Thornbury moved to approve Erik L. Blemker to sit for the MPJE to reciprocate his pharmacist's license to Kentucky. Dr. Greenwell seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

Kenneth Willinger. Mr. Willinger requested clarification regarding his Agreed Order in respect to attendance at AA/NA meetings. Dr. Greenwell moved the Agreed Order for Kenneth Willinger stand as originally drafted with Mr. Willinger required to attend AA or NA meetings no less than 6 times per 2 weeks or 12 meetings per calendar month which shall include a minimum of 2 meetings per week and shall provide the Board and KYPRN with monthly written reports of all AA/NA meetings. Mr. Thornbury seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

Elizabeth Murcia. Ms. Murcia requested approval to sit for the Multistate Pharmacy Jurisprudence Examination (MPJE) to reciprocate her pharmacist's license to Kentucky. Mr. Thornbury moved to approve Elizabeth Murcia to sit for the MPJE to reciprocate her pharmacist's license to Kentucky. Dr. Hanna seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

CORRESPONDENCE/COMMUNICATION:

Central Baptist Hospital/Rebecca Pettinato. Dr. Pettinato requested Central Baptist Hospital's off site oncology satellite pharmacy be exempt from the equipment requirements per 201 KAR 2:090 Section 2. Mr. Thornbury moved to exempt Central Baptist Hospital's off site oncology satellite pharmacy from the equipment required per 201 KAR 2:090 Section 2. Dr. Hanna seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

Pharmacy Corner and Corner Homecare/Katie Johnson. Dr. Johnson requested to be dual pharmacist-in-charge of Pharmacy Corner and Corner Homecare. Mr. Thornbury moved to allow Katie Johnson to be pharmacist-in-charge of Pharmacy Corner and Corner Homecare. Dr. Greenwell seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

NABP: There was discussion regarding the requirement by the Centers for Medicare and Medicaid Services (CMS) that as of January 1, 2012, certain infusion drugs will not be reimbursed to pharmacies. The pharmacies will have to provide the infusion drugs to the physicians' offices and the physicians' offices would then file for reimbursement of the drugs. There is concern this is contrary to a Drug Enforcement Agency (DEA) policy in which it is stated that patient specific controlled substances must be dispensed directly to the patient and cannot be sent to a physician's office for administration. Mr. Bursleson will be bring more information to the December 2011 Board Meeting.

LEGISLATION/REGULATION:

201 KAR 2:170, Record Keeping. The Board office received written comments regarding the proposed changes to 201 KAR 2:170, Record Keeping, from the National Association of Chain Drug Stores (NACDS) on September 30, 2011. NACDS asked the Board to consider if the original prescription is received written or orally that the original prescription may be preserved electronically from the time of receiving without having to preserve the hard copy for a period of three years. After discussion, Mr. Thornbury moved to leave the language in the proposed changes to 201 KAR 2:170, Record Keeping, as originally proposed in which original prescriptions which are received written or orally shall be preserved as a hard copy for a period

of 3 years and thereafter be preserved as a hard copy or electronically for no less than 2 additional years. This is to prevent confusion with the CMS requirements that written or oral prescriptions be maintained in the hard copy format for a period of no less than 3 years. Ms. Brewer seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

CONTINUING EDUCATION:

Mr. Thornbury moved to approve continuing education programs 11-34 through 11-40 as recommended. Dr. Hanna seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

OLD BUSINESS: Continuity of Operation Plan. Mr. Burleson presented a draft Emergency Action Plan for the Kentucky Board of Pharmacy.

Drop Box Update. Mr. Burleson informed the Board that the Commonwealth Office of Technology (COT) is developing a more secure alternative to the Drop Box. There may be more information by the December 2011 Board Meeting.

NEW BUSINESS:

Advisory Council Appointments 2012. The Advisory Council is comprised of 10 members. The terms for Ralph Bouvette, Scott Greenwell and Jan Gould expire December 31, 2011. Mr. Burleson sent an email blast to all Kentucky pharmacists soliciting applications for the Advisory Council. Applications will be due to the Board office by December 1, 2011. Mr. Burleson was directed to survey current Advisory Council members to determine the willingness of current members to continue to serve. Dr. Greenwell would like to continue attending the Advisory Council meetings but is not interested in being reappointed at this time.

PRN: Discussion of Ways to Circumvent the Testing System. Discussion on this topic was deferred until the December 2011 Board Meeting.

Yearly Evaluation of Executive Director. President Hadley appointed Dr. Greenwell to chair the Evaluation Committee of Executive Director with Ms. Brewer and Dr. Hanna as members.

FYI: Overtime Report. Mr. Thornbury moved that the Overtime Report be presented to the Board if the overtime is 10 hours per month or more. If the overtime is less than 10 hours per month, the PRN Chair may approve. Ms. Brewer seconded, and the motion passed unanimously. Dr. DeWire was not present for the vote.

RETREAT:

After a brief recess, President Hadley reconvened the Board Retreat at 2:40 pm on November 4, 2011. Dr. DeWire was not present for the Board Retreat.

“Pill Mills.” There was open discussion regarding pain management clinics. Mr. Burleson was directed to send an email blast to all Kentucky pharmacists reminding them of the corresponding responsibility pharmacists have along with the prescriber that controlled substance prescriptions must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his

or her practice. Also, the email shall contain a list of “red flags” which pharmacists should be aware of when dispensing controlled substance prescriptions.

Specialty Pharmacies within Institutions. There are some specialty drugs, such as Remicade, which are shipped directly to the patient then the patient is directed to bring the drug to the local hospital for infusion. After discussion it was determined that the pharmacist-in-charge of a hospital pharmacy has the authority to decide whether or not to participate in this practice per 201 KAR 2:074, Section 4 (1), which states, “The institutional pharmacy shall be responsible for the procurement, distribution and control of all drugs and parenteral solutions used within the institution.”

Prescription Consolidation. There was a discussion regarding the permissibility of a pharmacist to change a prescription written for a 30 day supply with 2 refills to a 90 day supply with no refills. It was determined that the quantity and refills written by a prescriber are part of a legitimate medical order and changing these without permission of the prescriber constitutes the practice of medicine. Therefore, a pharmacist must receive authorization to alter the quantity and refills dispensed. Mr. Burleson was directed to meet with the Kentucky Medical Association and the Kentucky Nurses Association and to notify pharmacists through an email blast and Newsletter article of this situation.

The Retreat recessed at 4:48 p.m.

BOARD RETREAT – November 5, 2011

Mr. Hadley reconvened the Board Retreat at 8:10 a.m. on November 5, 2011.

Members present: Larry Hadley, Deborah Brewer, Scott Greenwell, Cathy Hanna, and Joel Thornbury. Staff: Mike Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; and Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Bob McFalls and Leon Claywell, Kentucky Pharmacists Association; Ralph Bouvette, APSC; Gay Dwyer, Kentucky Retail Federation; Chris Killmeier, Walgreens; Anne Policastri and Trish Freeman, University of Kentucky College of Pharmacy; David Matthews, Midway College of Pharmacy; Kimberly Croley, pharmacist; George Hammons, pharmacist; and Catherine Shely, pharmacist. Brian DeWire, Board member, and Brian Fingerson, Chair PRN, were not present.

Intern Credit Hours while on Clinical Rotations. There was discussion regarding allowing pharmacist interns to receive intern credit hours for working in a pharmacy in addition to the intern hours received while on clinical rotations. It was decided not to change 201 KAR 2:040.

Continued Professional Development. After discussion, it was decided continued professional development should be further explored. Mr. Burleson was directed to survey and converse with other states that allow continued professional development in lieu of continuing education and to review the law to determine if a statute or regulation change would be needed.

PBM's - Licensing. After discussion, it was decided to watch Mississippi's new law giving the Mississippi Board of Pharmacy oversight of PBM's and to monitor developments in other states. Mr. Burleson was directed to work with the Kentucky Department of Insurance regarding the Department's oversight of PBM's.

PBM's – Auditing. Discussion centered on insurance contracts requiring more information on a hard copy prescription than is required by the Board of Pharmacy. Dr. Bouvette stated APSC is trying to address some issues through the insurance code, such as valid claims would be paid and unclean claims should be allowed to be fixed before payment is denied. There was discussion regarding an appeals process for patients that should not, for various reasons, be mandated to use mail order.

Pharmacy Inducements – coupons, guaranteed time for prescriptions. After discussion, Mr. Burleson was directed to research other states laws, specifically Ohio, Alabama and Iowa. Ohio recently repealed a regulation which allowed prescriptions to be transferred one time only; Alabama recently enacted a law which prohibits a pharmacist from offering a financial incentive to transfer a prescription; and Iowa has a proposed rule regarding pharmacy inducements.

Expanded Pharmacy Practice. The discussion centered on pharmacy finding the next vaccination: a practice all aspects of pharmacy will embrace to advance the practice of pharmacy. Dr. Freeman volunteered to host a summit through the Center for Advancement of Pharmacy Practice in early 2012 to continue this discussion.

ADJOURNMENT: On motion by Mr. Thornbury, seconded by Dr. Greenwell and passed unanimously, President Hadley adjourned the Board Meeting and Retreat at 12:09 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on December 14, 2011, at the Board office in Frankfort, Kentucky.

Michael Burleson, R.Ph.
Executive Director