

**KENTUCKY BOARD OF PHARMACY  
PUBLIC HEARING  
125 Holmes Street, Suite 300  
Frankfort, KY 40601  
September 27, 2012  
11:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. REGULATION**

**A. 201 KAR 2:350 HOME MEDICAL EQUIPMENT SERVICE PROVIDERS**

**MINUTES**  
**PUBLIC HEARING OF 201 KAR 2:350**  
**KENTUCKY BOARD OF PHARMACY**

State Office Bldg. Annex, Ste.300  
125 Holmes Street  
Frankfort, KY 40601

September 27, 2012

**CALL TO ORDER:** A Public Hearing was held at the Kentucky Board of Pharmacy was held at the Board Office at 125 Holmes Street, State Office Bldg. Annex, Ste. 300, Frankfort, KY. President Thornbury called the Meeting to order at 11:03 a.m.

Members present: Joel Thornbury, Larry Hadley, Debra Brewer, Scott Greenwell and Cathy Hanna. Staff: Mike Bureson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Cheryl Lalonde, Assistant Attorney General and Board Counsel. Preeya Noronha Pinto, attorney for King & Spalding.

Preeya Noronha Pinto an attorney with King & Spaulding in Washington DC appeared on behalf of a coalition of suppliers of glucose testing supplies. These suppliers furnish diabetic testing supplies on a mail order basis to patients nationwide. The supplies are reimbursable by the Medicare program, these supplies include home blood glucose monitors, lancets and test strips among others supplies for patients with Type I and Type II diabetes. The majority of customers who order supplies form members of the coalition are typically patients who are elderly, disabled or unable to travel to a retail location. The mail order process is very important for these patients and several members of the coalition have been furnishing supplies to residents of KY for a number of years.

The coalition ask that the regulation should be revised to set forth licensure criteria that are neutral and not arbitrary and give all providers, regardless of where they are located, a reasonable opportunity to obtain a license and serve Kentucky residents.

According to Ms. Lalonde, KY Board of Pharmacy board counsel, the problem is with the statute.

After much discussion Dr. Greenwell moved to direct the Executive Director to contact LRC to provide some feedback on our direction and to give us some potential answers. Mr. Hadley seconded and the motion passed unanimously.

Dr. Greenwell moved to have a follow up meeting on this discussion at the special called board meeting on October 25, 2012 at 11:00am. Mr. Hadley seconded and the motion passed unanimously.

**ADJOURNMENT:** On motion by Dr. Hanna, seconded by Ms. Brewer, and passed unanimously, President Thornbury adjourned the meeting at 11:50 a.m. The special called board

meeting will be held at the Board office on October 25, 2012 at 11:00am. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on November 2, 2010 in Louisville, KY.

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Michael Burleson, R.Ph.  
Executive Director