

KENTUCKY BOARD OF PHARMACY
Board Meeting
125 Holmes Street, Suite 300
Frankfort, KY 40601
January 9, 2013
9:00 a.m.

Agenda

I. CALL TO ORDER

II. ELECTION OF OFFICERS

III. MINUTES

- *A. December 12, 2012

IV. APPEARANCES

- *A Gary McGuffey: Reinstatement Request: 9:15 a.m.
- *B. James Catron: Reinstatement Request: 9:45 a.m.
- *C. James Fred Carrico: Reinstatement Request: 10:15 a.m.
- *D. Gerard Weigel: Reinstatement Request: 10:45 a.m.

V. INTERAGENCY

VI. BOARD REPORTS

- A. Board Executive Director
 - *1. eMARS (November for FY 2013) and Financial Reports
 - 2. APhA Annual Meeting, March 1-5, 2013: Board President and Executive Director
 - 3. National Prescription Drug Abuse, April 1-4, 2013
 - 4. NABP Annual Meeting, May 17-22, 2013

VII. CURRENT/PENDING CASES

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

VIII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- *A. Pharmacy Technician Registration Summary
- *B. Earl Campbell: Reciprocity Request
- *C. Craig Anderson: Reciprocity Request
- *D. Mark Carrington: Reciprocity Request

IX. CORRESPONDENCE/COMMUNICATION

X. NABP

XI. LEGISLATION/REGULATION

- A. HME Statute update
- *B. 201 KAR 2:074 Pharmacy Services in Hospitals or Other Organized Health Care Facilities

XII. CONTINUING EDUCATION

- *A. CE Programs: 13-01 to 13-11

XIII. FINES

XIV. OLD BUSINESS

XV. NEW BUSINESS

*A. DEA Proposed Rules on Disposal Controlled Substances

XVI. FYI

*Information enclosed with this agenda

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

January 9, 2013

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 Thornbury called the meeting to order at 9:07 a.m.

Members present: Joel Thornbury, Brian DeWire, Scott Greenwell, Larry Hadley and Cathy Hanna. Staff: Mike Bureson, Executive Director; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General; Brian Fingerson, Pharmacist Recovery Network Committee; and Lisa Atha, Executive Secretary. Guests: Chris Killmeier, and Debra Harris, Walgreens; Anne Policastri and Brian Yarberry, KSHP; Ralph Bouvette, APSC; Jan Gould, Kentucky Retail Federation; Megan Kappes, Meijer; Robert McFalls, KPhA; Gerald Weigel; and Fred Carrico. Terri Pelosi, Court Reporter, recorded the meeting. Deborah Brewer, Board Member, and Steve Hart, Pharmacy Investigations and Inspections Coordinator, were absent.

ELECTION OF OFFICERS: Mr. Hadley nominated Mr. Thornbury for President, Dr. DeWire seconded, and with no other nominations, it passed unanimously. Dr. DeWire nominated Dr. Hanna for Vice President, Dr. Greenwell seconded, and with no other nominations, it passed unanimously.

MINUTES: On motion by Dr. DeWire, seconded by Dr. Hanna and passed unanimously, the Minutes of December 12, 2012, Board Meeting were approved.

APPEARANCES: Gary McGuffey. Mr. McGuffey was sworn in by Terri Pelosi, Court Reporter. Mr. McGuffey was appearing before the Board to request reinstatement of his Kentucky pharmacist's license. Mr. McGuffey gave a brief overview of the events that led to the loss of his pharmacist's license. Mr. McGuffey was licensed as a pharmacist in Kentucky in 1989. He began using controlled substances illicitly in early 2008. In May 2012, Mr. McGuffey was terminated from his pharmacy of employment for diversion of Hydromet Syrup. He entered QuestHouse June 1, 2012, and was released June 29, 2012. Mr. McGuffey signed a contract with Kentucky Pharmacist Recovery Network (KYPRN) on July 2, 2012. Mr. McGuffey's sobriety date is June 1, 2012.

After discussion, Mr. Hadley moved to reinstate Gary McGuffey's Kentucky pharmacist's license with stipulations as follows: probation for 5 years; shall maintain a perpetual inventory at all places of employment 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; Board shall conduct quarterly inspections at all locations of employment or practice as a pharmacist for the first two years of probation, then semi-annually for the next 3 years, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; continuing education requirements must be satisfied, renewal fees and any penalties must be paid, and a complete renewal application must be submitted; maximum hours of work: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall provide a copy of this Agreed Order to all employers 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 observed urine, other body fluid, or hair samples for drug/alcohol screens 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'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 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'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'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 be excluded from accepting a position of pharmacist-in-charge, power of attorney, or preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; 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's license, require an appearance before the Board, or result in a complaint against pharmacist's license with the Board imposing any applicable penalties; any violation of the Agreed Order of Reinstatement shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require individual to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination; 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.

James Catron. James Catron withdrew his petition for reinstatement.

James Fred Carrico. Mr. Carrico was sworn in by Terri Pelosi, Court Reporter. Mr. Carrico was appearing before the Board to request reinstatement of his Kentucky pharmacist's license. Mr. Carrico gave a brief overview of the events that led to the loss of his pharmacist's license. Mr. Carrico was licensed as a pharmacist in Kentucky in 1977. Mr. Carrico's family performed an intervention due to his alcohol use in 2003. At this time, Mr. Carrico was self admitted to a treatment facility, Pine Grove in Hattiesburg, MS. As an unknown to the Board, he signed a contract with Kentucky Pharmacist Recovery Network (KYPRN) in January 2004 and completed the contract in February 2009. In June 2009, Mr. Carrico's wife and mother-in-law were murdered. He began drinking again and was arrested for a DUI in November 2009 and again in November 2010. Mr. Carrico signed an Agreed Order with the Board and completed a 60 day program in Elizabethtown, Kentucky. Mr. Carrico counts his sobriety date as June 14, 2010.

After discussion, Dr. Greenwell moved to reinstate James Fred Carrico's Kentucky pharmacist's license with stipulations as follows: probation for 5 years; shall maintain a perpetual inventory at all places of employment 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; Board shall conduct quarterly inspections at all locations of employment or practice as a pharmacist for the first two years of probation, then semi-annually for the next 3 years, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; continuing education requirements must be satisfied, renewal fees and any penalties must be paid, and a complete renewal application must be submitted; maximum hours of work: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall provide a copy of this Agreed Order to all employers 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 observed urine, other body fluid, or hair samples for drug/alcohol screens 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'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 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'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'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 be excluded from accepting a position of pharmacist-in-charge, power of attorney, or preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; 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's license, require an appearance before the Board, or result in a complaint against pharmacist's license with the Board imposing any applicable penalties; any violation of the Agreed Order of Reinstatement shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require individual to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination; 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. DeWire seconded, and the motion passed unanimously.

Gerald Weigel. Mr. Weigel was sworn in by Terri Pelosi, Court Reporter. Mr. Weigel was appearing before the Board to request reinstatement of his Kentucky pharmacist's license. Mr. Weigel gave a brief overview of the events that led to the loss of his pharmacist's license. Mr. Weigel was licensed as a pharmacist in Kentucky in 1984. In 1997, Mr. Weigel was diagnosed with bipolar disease. In 2000, Mr. Weigel began self medicating with hydrocodone/acetaminophen products. On July 1, 2003, Mr. Weigel surrendered his Kentucky pharmacist's license for impairment issues. In December 2004, Mr. Weigel's pharmacist's license was reinstated. On March 21, 2005, Mr. Weigel tested positive on a drug urine screen and surrendered his pharmacist's license in September 2005. In May 2006, Mr. Weigel's pharmacist's license was reinstated. In March 2007 and July 2007, Mr. Weigel tested positive on drug urine screens. In September 2007, Mr. Weigel's pharmacist's license was emergency suspended. In March 2008, Mr. Weigel's pharmacist's license was revoked. Mr. Weigel states his sobriety date is January 1, 2009.

After discussion Dr. Greenwell moved to deny Mr. Weigel's request for reinstatement of his Kentucky pharmacist's license. Mr. Hadley seconded, and the motion passed unanimously.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly report for November FY 2012 and a Financial Report Summary were presented to the Board. 2) Mr. Hadley moved to approve travel for Board President and Executive Director to APhA Annual Meeting, March 1-5, 2013, in Los Angeles. Dr. Hanna seconded, and the motion passed unanimously. 3) Mr. Hadley moved to approve travel for Executive Director and Board representative to National Prescription Drug Abuse Summit, April 1-4, 2013, in Orlando. Dr. Hanna seconded, and the motion passed unanimously. 4) Dr. Hanna moved to approve travel for all Board Members and staff to attend the NABP Annual Meeting, May 17-22, 2013, in St. Louis. Dr. Greenwell seconded, and the motion passed unanimously. 5) The May 8, 2013, Board Meeting will be held at Sullivan College of Pharmacy in Louisville.

CURRENT/PENDING CASES:

Case Updates: Dr. DeWire moved to accept Case Updates for Case Numbers 12-0050; 12-0067C; 12-0112A; 12-0175A; 12-0207A; 12-0214; and 12-0221C as written. Dr. Hanna seconded, and the motion passed unanimously.

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

Case No. 11-0032D REVISIT. Pharmacist allegedly did not assure adequate security and control of drugs. 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. 12-0228. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting money from her pharmacy of employment. Alleged violation of law: 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. 12-0230A. Pharmacy permit holder allegedly sold 1 vial of methotrexate 50mg/2ml when the prescription was written by the physician for 2 vials. 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. 12-0230B. Pharmacist allegedly committed a medication error by dispensing 1 vial of methotrexate 50mg/2ml when the prescription was written by the physician for 2 vials. 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. 12-0236. It is alleged by a podiatrist that this “pharmacist has no authority to change a patient’s treatment plan or regiment, nor advise a patient contrary to orders provided by their treating physician.” Alleged violation of law: KRS 315.121. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0248A. Pharmacy permit holder allegedly was not maintaining compliant area for sterile compounding and not providing documentation to indicate the alleged sterile area is appropriate for sterile compounding. Alleged violation of law: KRS 315.121. 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. 12-0248B. Pharmacist-in-charge allegedly was not ensuring sterile compounding areas are maintained as sterile and not maintaining documentation to indicate the alleged sterile area is appropriate for sterile compounding. 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. 12-0248C. Pharmacist was allegedly compounding sterile products in an area not maintained as sterile and not maintaining documentation to indicate the alleged sterile area is appropriate for sterile compounding. 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. 12-0251A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. Alleged violation of law: 201 KAR 2:100 Section 1. **CRC Recommendation:** There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0251B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. Alleged violation of law: 201 KAR 2:205(3)(b). **CRC Recommendation:** There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0251C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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. 12-0253A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. Alleged violation of law: 201 KAR 2:100 Section 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. 12-0253B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. Alleged violation of law: 201 KAR 2:205(3)(b). **CRC Recommendation:** There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0253C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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. 12-0254A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0254B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. 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. 12-0254C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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. 12-0257A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing the incorrect medication to be dispensed to a patient. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0257B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public by dispensing the wrong medication to a patient. 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. 12-0259A. Pharmacy permit holder allegedly sold a misbranded drug by allowing the incorrect medication to be sold to a patient. 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. 12-0259B. Pharmacist allegedly committed a medication error drug by dispensing the incorrect medication to be sold to a patient. 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. 12-0260A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0260B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs, because a pharmacy technician allegedly diverted controlled substances. 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. 12-0260C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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.

RECIPROCITY/RELICENSE/INTERNSHIP/PHARMACY TECHNICANS:

Pharmacy Technician Registrant TH. Dr. DeWire moved to deny TH registration as a pharmacy technician. Mr. Hadley seconded, and the motion passed unanimously.

Pharmacy Technician Registrant KNJ. Dr. Greenwell moved to approve the new pharmacy technician application for KNJ provided she signs an Agreed Order with probation of 3 years with terms of working in the pharmacy no more than 8 hours in a 2 week period, and must petition the Board to amend this Agreed Order. Dr. DeWire seconded, and the motion passed unanimously.

Pharmacy Technician Registrant RB. Dr. Greenwell moved to deny RB registration as a pharmacy technician. Mr. Hadley seconded, and the motion passed unanimously.

Earl Campbell. Earl Campbell submitted a pharmacist's application for reciprocity. Mr. Campbell had disciplinary action from the South Carolina and Virginia State Boards of Pharmacy. Dr. Greenwell moved to accept Earl Campbell's request to reciprocate his pharmacist's license to Kentucky provided he signs an Agreed Order mirroring his South Carolina and Virginia Agreed Order terms which will be incorporated by reference and will be on probation until his probation ends in South Carolina. Dr. Hanna seconded, and the motion passed unanimously.

Craig Anderson. Craig Anderson's request for reciprocity was tabled until more information could be obtained.

Mark Carrington. Mark Carrington submitted application for initial licensure because he has no other active pharmacist's license due to disciplinary action in Ohio. Mr. Hadley moved to deny Mr. Carrington examination rights for licensure in Kentucky. Dr. Greenwell seconded, and the motion passed unanimously.

LEGISLATION/REGULATION:

HME Statute Update. The revisions to the HME statutes are not finalized. Mr. Burleson will keep the Board Members informed on any progress.

201 KAR 2:074. Mr. Hadley moved to file 201 KAR 2:074, pharmacy services in hospitals or other organized health care facilities, with correction by January 15, 2013, with a hearing date of February 28, 2013, at 9:00 a.m. at the Board office. Dr. Hanna seconded, and the motion passed unanimously.

CONTINUING EDUCATION: Dr. Greenwell moved to approve continuing education programs 13-01 through 13-11 as recommended. Dr. Hanna seconded, and the motion passed unanimously.

OLD BUSINESS:

The Kroger request from the December 12, 2012, Board Meeting was tabled until the March 2013 Board Meeting. Not all Board Members were able to travel to the Center of Excellence in Hamilton, Ohio.

Dr. Hanna moved to use Federal Funds to order 7 new iPads for Board Members to take home for Board Member use. Dr. Greenwell seconded, and the motion passed unanimously.

NEW BUSINESS: DEA has issued proposed rules on disposal of controlled substances with the public comment period open until February 19, 2013. After reviewing the proposed rules, Board Members are requested to send responses, if any, to Mr. Burleson. Mr. Burleson will provide feedback to all Board Members.

Dr. Ralph Bouvette gave a brief update of the discussion with the Kentucky Prosthetics, Orthotics, and Pedorthics (POP) Board. It is the understanding that the POP Board is going to send a letter to the Kentucky Board of Pharmacy regarding the use of pharmacy technicians to perform certain acts. If a letter is received, it will be placed on the agenda at a future Board Meeting.

ADJOURNMENT: On motion by Mr. Hadley, seconded by Dr. Hanna and passed unanimously, President Thornbury adjourned the Board Meeting at 12:15 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on March 27, 2013, at the Board Office, Frankfort, Kentucky.

Michael Burleson, R.Ph.
Executive Director