

KENTUCKY BOARD OF PHARMACY
Board Meeting
State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
July 10, 2013
9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

*A. May 8, 2013

III. APPEARANCES

*A. John Perpich:	Request Reinstatement	9:15a.m.
*B. Mary Elizabeth Mowery:	Request Reinstatement	9:45a.m.

IV. INTERAGENCY

V. BOARD REPORTS

A. Board Executive Director

- *1. eMARS (April and May 2013 FY 2013) and Financial Report
2. Board Retreat Agenda
3. MALTAGON

VI. CURRENT/PENDING CASES

A. OAG-Cheryl Lalonde

*B. Case Update

*C. Case Review

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

VIII. CORRESPONDENCE/COMMUNICATION

*A. UPS Pharmacy: Refrigeration/Reference Waiver

*B. PETNET: Waiver requiring out-of-state pharmacy permit

*C. Dorneyville Pharmacy: Waiver requiring out-of-state pharmacy permit

IX. NABP

X. LEGISLATION/REGULATION

A. Collaborative Care Agreement/Pharmacy Practice

XI. CONTINUING EDUCATION

*A. CE Programs: 13-23 to 13-36

XII. FINES

XIII. OLD BUSINESS

A. PRN Contingency

XIV. NEW BUSINESS

XV. FYI

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY

State Office Building Annex
125 Holmes Street
Frankfort, KY 40601

July 10, 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 9:10 a.m.

Members present: Joel Thornbury, Debra Brewer, Scott Greenwell, Larry Hadley and Cathy Hanna. Staff: Michael Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure, Amanda Harding, 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; Amber Kayce and Chelsea Klump, Kroger; Jaimie Kuhlman, Walmart; Calby Kukawski, ACP; Megan Kappes, Meijer; Robert McFalls, KPhA; Jan Gould, Kentucky Retail Federation; Megan Pendley, APSC; Mary Mowery; Michael Mowery; John Perpich; and Justin Chaffins, Jessica McGohon, Michael Gaddis, Sydney Ryan, and Jordan Woolum, College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting. Board Member Brian DeWire was absent.

MINUTES: On motion by Dr. Greenwell, seconded by Dr. Hanna and passed unanimously, the Minutes of May 8, 2013 Board Meeting were approved.

APPEARANCES:

John Perpich. Dr. Perpich was sworn in by Melanie Curtis, Court Report. Dr. Perpich was appearing before the Board to request reinstatement of his Kentucky pharmacist's license. Dr. Perpich gave a brief overview of the events that lead to the loss of his pharmacist's license. Dr. Perpich began using opiates in his college years. For the next several years, he described himself as an opportunistic user, not actively seeking drugs but using when the drugs were readily available. Dr. Perpich completed pharmacy school in 2007 and went on to complete two residencies. In April 2012, he began using more steadily and diverted controlled substances from his pharmacy of employment, Norton Hospital. In May 2012, Dr. Perpich was caught diverting at Norton and was arrested for theft of a controlled substance. He is in a Felony Diversion Program until December 2015. Dr. Perpich's sobriety date is May 25, 2012. He entered QuestHouse in June 2012 and signed a Kentucky Pharmacist Recovery Network (KYPRN) Agreement on June 27, 2012. Dr. Perpich has been accepted into the PhD. Program at the University of Louisville in microbiology and immunology for the Fall of 2013 and does not plan on practicing pharmacy in the near future. Dr. Perpich is seeking reinstatement of his pharmacist's license because he does not feel a pharmacist without a license is complete.

Dr. Greenwell moved to go into Executive Session pursuant to KRS 61.810(1)(c)(j) to discuss proposed or pending litigation and individual adjudications. Ms. Brewer seconded, and the motion passed unanimously. President Thornbury requested Mr. Burlison, Ms. Lalonde and Mr. Frasure attend the Executive Session.

Dr. Greenwell moved to come out of Executive Session. Mr. Hadley seconded, and the motion passed unanimously.

Dr. Greenwell moved to deny John Perpich's request to reinstate his Kentucky pharmacist's license because it was difficult to get transparent answers from Dr. Perpich possibly due to his enrollment in the Felony Diversion Program. If Dr. Perpich is still interested in reinstating his Kentucky pharmacist's license, Dr. Greenwell suggested he appear before the Board after completing the Felony Diversion Program. Dr. Hanna seconded, and the motion passed unanimously.

Mary Elizabeth Mowery. Mary Mowery was sworn in by Melanie Curtis, Court Reporter. Dr. Mowery was appearing before the Board to request reinstatement of her Kentucky pharmacist's license. Dr. Mowery gave a brief overview of the events that led to the loss of her pharmacist's license. Dr. Mowery began using drugs recreationally in 1995. She was involved in an abusive relationship that led to her being prescribed benzodiazepines. In 2007, she entered a rehabilitation program due to benzodiazepine use. In 2007, she graduated from pharmacy school. In 2006, during her pregnancy, she went into congestive heart failure. She was treated for chronic pain and fibromyalgia for several years. In 2009, Dr. Mowery accidentally overdosed and spent three months in treatment and signed a Kentucky Pharmacist Recovery Network (KYPRN) Agreement. She soon went back into the practice of pharmacy and relapsed in October 2009. She resigned from her pharmacy of employment in January 2010. Her sobriety date is January 15, 2010. She signed her second KYPRN Agreement in September 2011.

Dr. Greenwell moved to deny Mary Elizabeth Mowery's request for reinstatement of her Kentucky pharmacist's license. The motion died due to the lack of a second.

Dr. Hanna moved to go into Executive Session pursuant to KRS 61.810(1)(c)(j) to discuss proposed or pending litigation and individual adjudications. Ms. Brewer seconded, and the motion passed unanimously. President Thornbury requested Mr. Burlison, Ms. Lalonde and Ms. Allen attend the Executive Session.

Dr. Greenwell moved to come out of Executive Session. Dr. Hanna seconded, and the motion passed unanimously.

Dr. Hanna moved to reinstate Mary Elizabeth Mowery's Kentucky pharmacist's license with stipulations as follows: successful completion of Pharmacist Assessment for Remediation Evaluation (PARE) through NABP before license is reinstated; probation for 5 years; 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; a minimum of 12 screens per year, all hair samples, shall be conducted for the Board; 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 CAPTASA in January 2014 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 her or another member of her family and shall not possess a key to a pharmacy owned, in whole or in part, by her or another member of her family; shall not be on the premises of any pharmacy owned, in whole or in part, by her or another member of her 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 her to automatically lose her 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 she has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination; and shall not seek to amend or modify this Agreed Order except with regards to a non-dispensing pharmacy practice setting certain modifications may be approved by the Board or Board President. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Ms. Brewer seconded and the vote was tied with Dr. Hanna and Ms. Brewer voting for the motion and Dr. Greenwell and Mr. Hadley voting against the motion. President Thornbury broke the tie by voting for the motion, therefore, the motion passed, 3 to 2.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly reports for April, May and June FY 2013, the Fiscal Year End 2013 FY 2013 report and a Financial Report Summary were presented to the Board. 2) Mr. Burleson will be soliciting agenda items for the November 2013 Board Retreat. He will bring the suggested items to the Board for review at the September 2013 Board Meeting. 3) Mr. Hadley moved to approve travel for Board Members and staff to attend MALTAGON, September 29 through October 2, 2013 in Asheville, North Carolina. Dr. Hanna seconded, and the motion passed unanimously. 4) Mr. Hadley moved to have the first Board Meeting of 2014 on January 22, 2014, at 9 a.m. at the Board office. Dr. Hanna seconded, and the motion passed unanimously.

CURRENT/PENDING CASES:

Case Updates: Mr. Hadley moved to accept Case Updates for Case Numbers 12-0218B; 12-0258B; 12-0261B, 12-0261C; 12-0261D; and 13-0010B as written. Dr. Hanna seconded, and the motion passed unanimously.

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

Case No. 12-0224A. Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a patient to receive a misbranded product. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0224B. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a misbranded product. 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. 13-0033A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 13-0033B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 13-0033C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted controlled substances. Alleged violation of law: KRS 315.121(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. 13-0073. Pharmacy technician allegedly acted in an unprofessional or unethical manner by violating an Agreed Order the technician had entered into with the Kentucky Board of Pharmacy. Pharmacy technician did not notify her employer of her Agreed Order with the Kentucky Board of Pharmacy. 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. 13-0082A. Pharmacy permit holder voluntarily surrendered its pharmacy permit in its home state of Massachusetts after several inspections revealed violations related to sterile compounding which has resulted in several deaths from an outbreak of fungal meningitis. Kentucky permit status is closed. 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. 13-0082B. Pharmacist-in-charge of compounding pharmacy that voluntarily surrendered its pharmacy permit in its home state of Massachusetts, after several inspections revealed violations related to sterile compounding which has resulted in several deaths from an outbreak of fungal meningitis. Kentucky pharmacist's license status is lapsed. 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. 13-0083A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing patient information to be divulged to unauthorized persons without express consent or without order or direction of the court. 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. 13-0083B. Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing patient information to be divulged to unauthorized persons without express consent or without order or direction of the court. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0083C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by allowing patient information to be divulged to unauthorized persons without express consent or without order or direction of the court. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0084. Pharmacist allegedly failed to complete 1.5 continuing education units for 2012. Pharmacist allegedly completed no continuing education units. Alleged violations of law: KRS 315.065(2) and 201 KAR 2:015 Section 5(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. 13-0086. Pharmacist self-reported failure to allegedly complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 6 hours before January 1, 2013. Alleged violations of law: KRS 315.065(2) and 201 KAR 2:015 Section 5(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. 13-0087A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by selling an expired product. Alleged violation of law: KRS 217.055(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. 13-0087B. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing an expired medication. Alleged violations of law: KRS 315.121(1)(a) and 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. 13-0097A. Pharmacy permit holder allegedly sold a misbranded product as the result of an incorrect quantity. Patient received 45 tablets of hydrocodone/acetaminophen 7.5mg/500mg instead of the prescribed 60 tablets. Alleged violation of law: KRS 217.065(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0097B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing medication in dispensing incorrect quantity. Patient received 45 tablets of hydrocodone/acetaminophen 7.5mg/500mg instead of the prescribed 60 tablets. 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. 13-0098A. Pharmacy permit holder allegedly sold a misbranded product as the result of an incorrect quantity. Patient allegedly received 30 tablets of d-amphetamine salt combo 20mg tablets instead of the prescribed 60 tablets. Alleged violation of law: KRS 217.065 (2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0098B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error in dispensing incorrect quantity. Patient allegedly received 30 tablets of d-amphetamine salt combo 20mg tablets instead of the prescribed 60 tablets. 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. 13-0099A. Pharmacy permit holder allegedly dispensed a misbranded product as the result of a medication error. Patient was prescribed Suboxone, quantity 45 and pharmacist allegedly dispensed Suboxone, quantity 90. 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. 13-0099B. Pharmacist allegedly dispensed a misbranded product as the result of a medication error. Patient was prescribed Suboxone, quantity 45 and pharmacist allegedly dispensed Suboxone, quantity 90. 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. 13-0100A. Pharmacy permit holder allegedly sold a misbranded product as a result of medication error. Patient allegedly was dispensed mirtazapine instead of the prescribed lamotrigine. Alleged violation of law: KRS 217.065(1). CRC Recommendation: Case is dismissed.

Case No. 13-0100B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error. Patient was prescribed lamotrigine and pharmacist dispensed mirtazapine instead. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: Case is dismissed.

Case No. 13-0104A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to deliver medication in a timely manner. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0104B. Pharmacist allegedly engaged in unprofessional or unethical conduct by transferring the incorrect medication. Pharmacist allegedly transferred Foradil instead of Perforomist. 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. 13-0106A. Pharmacy permit holder allegedly engaged in or aided and abetted the unlawful distribution of legend medications. 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. 13-0106B. Pharmacist-in-charge allegedly failed in his responsibility of procurement, storage, security and disposition of drugs. Alleged violation of law: 201 KAR 2:205 Section 2 (3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0106C. Pharmacy technician allegedly diverted a bottle of 30 buprenorphine 8mg. 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. 13-0107A. Pharmacy permit holder allegedly sold a misbranded product as the result of an incorrect quantity. Patient allegedly received 138 tablets of oxycodone/acetaminophen 10mg/325mg instead of the prescribed 150 tablets. Alleged violation of law: KRS 217.065(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0107B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error in dispensing the incorrect quantity. Patient allegedly received 138 tablets of oxycodone/acetaminophen 10mg/325mg instead of the prescribed 150 tablets. 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. 13-0109A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 13-0109B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed pharmacy technician to divert a controlled substance from the pharmacy of employment. Alleged violation of law: 201 KAR 2:205 Section 2(3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0109C. Pharmacy technician allegedly diverted approximately 60 hydrocodone/APAP of various strengths, in small quantities over several weeks. 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. 13-0110. Pharmacy technician allegedly engaged in unprofessional and unethical behavior by diverting 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. 13-0111A. Pharmacy disciplined in home state for multiple violations concerning sterile compounding stemming from multiple product recalls by the FDA. 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. 13-0111B. Pharmacist-in-charge disciplined in home state for multiple violations concerning sterile compounding stemming from multiple product recalls by the FDA. 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. 13-0114A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy technician diverted controlled substances from the pharmacy of employment. Alleged violation of law: 201 KAR 2:100. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 13-0114B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy technician diverted controlled substances from the pharmacy of employment. 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. 13-0114C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted 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. 13-0116A. 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. 13-0116B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 3/22/2013. 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. 13-0117A. 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. 13-0117B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/9/2013 to 3/30/2013. 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. 13-0118A. 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. 13-0118B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2012 to 4/1/2013. 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. 13-0119A. 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. 13-0119B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2012 to 4/1/2013. 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. 13-0120A. 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. 13-0120B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 3/19/2013. 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. 13-0121A. 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. 13-0121B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/27/2012 to 3/20/2013. 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. 13-0122A. 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. 13-0122B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2012 to 3/25/2013. 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. 13-0123A. 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. 13-0123B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 2/25/2013 to 3/20/2013. 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. 13-0124A. 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. 13-0124B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2013 to 5/3/2013. 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/RELICENSE/INTERNSHIP/PHARMACY TECHNICANS:

Pharmacy Technician Registrant JL. Dr. Greenwell moved to renew pharmacy technician registration for JL provided he signs an Agreed Order with probation for 2 years, 3 drug screens per year, and standard PRN language. Mr. Hadley seconded, and the motion passed unanimously.

Pharmacy Technician Registrant JR. Dr. Greenwell moved to renew pharmacy technician registration for JR provided he signs and Agreed Order with probation for 2 years, 6 drug screens per year, and standard PRN language. Dr. Hanna seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

UPS Pharmacy/Pete Vowels. Pharmacist-in-charge Pete Vowels requested an exemption to the refrigerator and reference materials requirements. UPS Pharmacy only dispenses prescription medical devices. Dr. Greenwell moved to approve Pete Vowels request for an exemption to the refrigerator and reference material for UPS Pharmacy. Mr. Hadley seconded, and the motion passed unanimously.

Dr. Greenwell requested research into creating a medical device permit.

PETNET/Tigran Sinanian. Tigran Sinanian requested an exemption so that PETNET would not need to be permitted as an out of state pharmacy by the Kentucky Board of Pharmacy. PETNET manufactures and distributes FDG from a St. Louis facility into Kentucky only when the Kentucky facility is unable to supply FDG. Dr. Greenwell moved to deny Tigran Sinanian's request for an exemption so that PETNET would not need to be permitted as an out of state pharmacy by the Kentucky Board of Pharmacy. Ms. Brewer seconded, and the motion passed unanimously.

Dorneyville Pharmacy/Thomas Silvonek. Thomas Silvonek requested an exemption so that Dorneyville Pharmacy would not need to be permitted as an out of state pharmacy by the Kentucky Board of Pharmacy. Mr. Silvonek anticipated only providing one to two prescriptions monthly into Kentucky. Dr. Greenwell moved to deny Thomas Silvonek's request for an exemption so that Dorneyville Pharmacy would not need to be permitted as an out of state pharmacy by the Kentucky Board of Pharmacy. Dr. Hanna seconded, and the motion passed unanimously.

Walgreens. Board Members reviewed correspondence between Mr. Burleson and Change to Win regarding the Walgreens presentation from the December 12, 2012 Board Meeting.

NABP: Mr. Burleson expressed his sincere appreciation of the support he received from the Board during his year as President of NABP.

LEGISLATION/REGULATION:

Collaborative Care Agreement/Pharmacy Practice. Jan Gould explained the wording changes to the collaborative care agreement definition previously presented by the MTM Committee at the November 2, 2012 Board Meeting. Dr. Greenwell moved to support the wording changes to the definition of collaborative care agreement as presented. Dr. Hanna seconded, and the motion passed unanimously.

201 KAR 2:074 Pharmacy Technician Certification. 201 KAR 2:074 requires pharmacy technicians to be certified in order to perform certain functions. Dr. Hanna moved to allow pharmacy technicians to perform these functions without being certified until March 31, 2014. After March 31, 2014, pharmacy technicians must be certified in order to perform these functions. Mr. Hadley seconded, and the motion passed unanimously.

CONTINUING EDUCATION: Dr. Greenwell moved to approve continuing education programs 13-23 through 13-36 as recommended. Ms. Brewer seconded, and the motion passed unanimously.

OLD BUSINESS:

PRN Contingency: Kentucky Cloud Backup. Dr. Greenwell moved to use SOS Online Backup as the cloud solution for the business continuity planning for PRN backup. Ms. Brewer seconded, and the motion passed unanimously.

Kroger Request. The Kroger request from the November 2, 2012 Board Meeting is slated to be on the November 2013 Board Meeting Agenda.

NEW BUSINESS:

AMA 2013 Resolution. The American Medical Association (AMA) passed a resolution at the AMA 2013 Annual Meeting that inquiries from pharmacists regarding prescriptions, diagnoses and treatment plans are an interference with the practice of medicine and unwarranted. The Board reminds pharmacists that they have a corresponding responsibility along with prescribers to determine the legitimacy of prescriptions.

201 KAR 9:016. The Kentucky Board of Medical Licensure is in the process of amending 201 KAR 9:016, Restrictions on use of amphetamine and amphetamine-like anorectic controlled substances. Mr. Burleson was directed to keep the Board informed of the progress.

ADJOURNMENT: On motion by Ms. Brewer, seconded by Dr. Hanna and passed unanimously, President Thornbury adjourned the Board Meeting at 12:20 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on September 11, 2013, at the University Of Kentucky College Of Pharmacy in Lexington, Kentucky.

Michael Burleson, R.Ph.
Executive Director