

KENTUCKY BOARD OF PHARMACY

Board Meeting

125 Holmes Street, Suite 300

Frankfort, KY 40601

March 27, 2013

9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

*A. January 9, 2013

III. APPEARANCES

*A. Steven Paul Allen: Request Reinstatement 9:15a.m.

IV. INTERAGENCY

V. BOARD REPORTS

A. Board Executive Director

*1. eMARS (December 2012; January 2013, February 2013 for FY 2013) and
Financial Reports

2. NABP/AACP District III Meeting August 3-5, 2013

VI. CURRENT/PENDING CASES

A. OAG-Cheryl Lalonde

*B. Case Update

*C. Case Review

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

*A. Geridan Greenwell: Pharmacy Technician Review

*B. Pharmacy Technician Summary

VIII. CORRESPONDENCE/COMMUNICATION

*A. Rice's Pharmacy: Dual PIC Request and Dual Equipment Request

*B. KPhA Mobile Pharmacy: Waiver Equipment and Hours Request

*C. IHS Acquisition: Waiver of Equipment

*D. Advanced RX Pharmacy: Waiver of Equipment

IX. NABP

X. LEGISLATION/REGULATION

*A. 201 KAR 2:074 Review of Comments Received

XI. CONTINUING EDUCATION

*A. CE Programs: 13-12 to 13-20 (13-14 Void)

XII. FINES

XIII. OLD BUSINESS

A. Executive Session: Individual adjudication pursuant to KRS 61.810(1)(c)(j)

XIV. NEW BUSINESS

XV. FYI

- A. Four continuing education expunged

*Information enclosed with this agenda

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

March 27, 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, Deborah Brewer, Brian DeWire, Scott Greenwell, and Cathy Hanna. 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; Cheryl Lalonde, Assistant Attorney General; Brian Fingerson, Pharmacist Recovery Network Committee; and Lisa Atha, Executive Secretary. Guests: Chris Killmeier, Walgreens; Anne Policastri, KSHP; Ralph Bouvette, and Tien Dang, APSC; Jan Gould, Kentucky Retail Federation; Megan Kappes, Meijer; Robert McFalls, KPhA; Julie Owen and Dennis Jacobi, Pharmerica; Amber Kayse, Kim Arvin and Katie Arnold, Kroger; Amy James; Geriden Greenwell; and Meghann New, pharmacy student. Terri Pelosi, Court Reporter, recorded the meeting. Board Member Larry Hadley was absent.

MINUTES: On motion by Dr. DeWire, seconded by Dr. Greenwell and passed unanimously, the Minutes of January 9, 2013, Board Meeting were approved.

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. Dr. Hanna seconded, and the motion passed unanimously. President Thornbury requested Mr. Burleson, Mr. Hart, Mr. Losch and Ms. Lalonde stay for the Executive Session.

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

Dr. Greenwell moved to invite Gerald Weigel to a future Board Meeting to reconsider his petition to sit for the Kentucky pharmacist's licensure exams in order to have his Kentucky pharmacist's license reinstated. Dr. Hanna seconded, and the motion passed unanimously.

Dr. DeWire moved to contract with a third party to analyze Kentucky Pharmacist Network Recovery Committee data in regards to missed drug screens and relapses and include national data if available. Dr. Greenwell seconded, and the motion passed unanimously.

APPEARANCES: **Steve Allen.** Mr. Allen was sworn in by Terri Pelosi, Court Reporter. Mr. Allen was appearing before the Board to request reinstatement of his Kentucky pharmacist's license. Mr. Allen gave a brief overview of the events that led to the loss of his pharmacist's license. Mr. Allen was licensed as a pharmacist in Kentucky in 1984. In 2001, Mr. Allen began abusing Tussionex. Around 2011, Mr. Allen switched from Tussionex to the tablet form of hydrocodone/acetaminophen. In December 2010, Mr. Allen was charged with a DUI. In July 2012, Mr. Allen was charged with a second DUI that was later dismissed. Mr. Allen checked in to Recovery Works in Georgetown, Kentucky in July for an inpatient stay. Mr. Allen signed a KYPRN Agreement August 16, 2012. His sobriety date is July 11, 2012.

After discussion, Dr. Greenwell moved to deny Mr. Allen's request for reinstatement of his Kentucky pharmacist's license, and he may not reappear before the September 2013 Board Meeting. Mr. Allen must maintain his relationship with KY PRN. Dr. DeWire seconded, and the motion passed unanimously.

INTERAGENCY: Mr. Burleson gave a brief summary of the second interagency PILLS meeting required by HB 1. The next PILLS meeting will be at the Board of Pharmacy on June 18, 2013 at 1 p.m.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly report for December, January and February FY 2013 and a Financial Report Summary were presented to the Board. 2) Dr. Hanna moved to allow all Board Members and staff to travel to the NABP District III meeting in Nashville, TN, August 3-5, 2013. Dr. DeWire seconded, and the motion passed unanimously.

Board President. 1) President Thornbury reported the Compounding Work Group has met 3 times. The Group is very comfortable with in-state facilities. The Group has designed a survey to be sent to resident and non-resident pharmacies in the near future. The results of this survey will be presented at a future Board Meeting. 2) President Thornbury gave a brief update on the Regulations Committee work regarding long term care pharmacy in Kentucky. KPhA asked for time to review the proposed changes. President Thornbury thanked Amey Hugg and Phil Losch for their work on the Regulations Committee. The Regulations Committee members are Abby Albright, Ralph Bouvette, Katie Busroe, Leon Claywell, Cathy Hanna, Steve Hart, Micky Monroe, Lewis Wilkerson and representatives from KPhA and KSHP.

CURRENT/PENDING CASES:

Case Updates: Dr. DeWire moved to accept Case Updates for Case Numbers 12-0051A; 12-0051B; 12-0114; 12-0202A; 12-0205G; 12-0209C; 12-0211C; 12-0222A; 12-0222B; 12-0225A; 12-0227B; 12-0231C; 12-0232; 12-0234; 12-0237A; 12-0237B; 12-0238A; 12-0239B; 12-0240A; 12-0240B; 12-0241A; 12-0241B; 12-0242A; 12-0242B; 12-0244A; 12-0244B; 12-0245A; 12-0246A; 12-0246B; 12-0247A; 12-0247B; 12-0249A; and 12-0249B as written. Dr. Hanna seconded, and the motion passed unanimously.

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

Case No. 12-0218A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Pharmacy permit holder allegedly sold pravastatin 20 mg for a prescription written for 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. 12-0218B. Pharmacist allegedly dispensed a misbranded product as the result of a medication error. Pharmacist allegedly committed a medication by dispensing pravastatin 20 mg for a prescription written for paroxetine 20 mg. 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. 12-0224A. 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

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 developed and the investigator is directed to conduct further investigation.

Case No. 12-0243A. REVISIT. Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. **New Information:** A letter was received stating the technician was NOT assisting in the practice of pharmacy during the time stated, she was participating the training modules. Alleged violation of 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. 12-0243B. REVISIT. Pharmacy Technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/22/2012 to 10/01/2012. **New Information:** A letter was received stating the technician was NOT assisting in the practice of pharmacy during the time stated, she was participating the training modules. Alleged violation of 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. 12-0250A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing 11,799 hydrocodone/apap 10/500 mg to be diverted from the pharmacy. 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. 12-0250B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by not ensuring the procurement, storage, security and disposition of drugs. Alleged violation of law: 201 KAR 2:205 Section 2(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0250C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required without first receiving 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 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. 12-0255A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert controlled substances. 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. 12-0255B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by not ensuring the procurement, storage, security and disposition of drugs. Alleged violation of law: 201 KAR 2:205 Section 2(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 12-0255C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct admitting to stealing 15 hydrocodone/apap, 5 alprazolam and 16 diazepam tablets. 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. 12-0258A. Pharmacy permit holder allegedly allowed a medication error by giving the wrong patient the wrong medication. 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. 12-0258B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error. 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. 12-0261A. Pharmacy permit holder allegedly sold a misbranded product as the result of an incorrect quantity. Pharmacy permit holder sold 30 tablets of lorazepam .5 mg tablets for a prescription written for 10 tablets. Alleged violation of law: KRS 217.065(2)(b). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 12-0261B. Pharmacist allegedly committed a medication error by dispensing 30 tablets of lorazepam .5 mg tablets for a prescription written for 10 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. 12-0261C. Pharmacist allegedly committed a medication error by dispensing 30 tablets of lorazepam .5mg tablets for a prescription written for 10 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. 12-0261D. Pharmacist allegedly committed a medication error by dispensing 30 tablets of lorazepam .5mg tablets for a prescription written for 10 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. 13-0001A. Pharmacy permit holder allegedly dispensed a misbranded product as a result of the medication error. Pet allegedly received the wrong insulin. 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. 13-0001B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by giving a pet the wrong insulin. 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. 13-0002. Pharmacy permit holder failed to have a pharmacist-in-charge from 11/07/2012 until 1/4/2013. Alleged violations of law: 201 KAR 2:225 Section 2(1)(b) and 201 KAR 2:205. 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. 13-0003. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 2 hours before January 1, 2013. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 13-0004A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Pharmacy permit holder sold 12 fentanyl 50 mcg/hr patches for a prescription labeled as 15 fentanyl 50 mcg/hr patches. 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. 13-0004B. Pharmacist allegedly committed a medication error by dispensing a misbranded product as the result of a medication error. Pharmacist dispensed 12 fentanyl 50 mcg/hr patches for a prescription labeled as 15 fentanyl 50 mcg/hr patches. 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. 13-0010A. 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. 13-0010B. 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. 13-0011A. Pharmacy permit holder allegedly sold a misbranded drug as a result of a medication error. Synthroid was dispensed instead of Seroquel. 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. 13-0011B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by dispensing Synthroid instead of Seroquel. 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. 13-0012A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by intentionally and recklessly injuring the reputation and business relationship of a physician's office. 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. 13-0012B. Pharmacist allegedly engaged in unprofessional or unethical conduct by intentionally and recklessly injuring the reputation and business relationship of a physician's office. 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. 13-0013A. Pharmacy permit holder allegedly engaged in unprofessional and unethical conduct by employing a pharmacist who allegedly failed to perform a prospective drug utilization review. 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. 13-0013B. Pharmacist allegedly failed to perform a prospective drug utilization review. Alleged violations of law: KRS 315.121(2)(d) and 201 KAR 2:210 Section 4. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0014A. Pharmacy permit holder allegedly dispensed a misbranded product as the result of a medication error. Patient allegedly received ropinirole (Requip) instead of the prescribed risperidone (Risperdal). 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. 13-0014B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by allegedly dispensing ropinirole (Requip) instead of the prescribed risperidone (Risperdal). 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. 13-0015A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by intentionally and recklessly injuring the reputation and business relationship of a physician's office. 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. 13-0015B. Pharmacist allegedly engaged in unprofessional or unethical conduct by intentionally and recklessly injuring the reputation and business relationship of a physician's office. 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. 13-0016A. 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. 13-0016B. 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. 13-0016C. Pharmacy technician allegedly diverted approximately 200 hydrocodone/APAP, 150 diazepam, and 500 tramadol tablets over a six month period. 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. 13-0017A. 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 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. 13-0017B. 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. 13-0017C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. 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. 13-0018. Pharmacist/physician was allegedly indicted on seven counts of first degree trafficking in a controlled substance, each a class C felony. Alleged violation of law: KRS 315.121(1)(c). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 13-0019A. 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. 13-0019B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacist-in-charge 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. 13-0019C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. 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. 13-0020A. 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. 13-0020B. 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. 13-0020C. 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. 13-0020D. 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. 13-0020E. Pharmacy technician allegedly diverted approximately 3500 controlled substances from 2 different pharmacies over a 14 day period. 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. 13-0022A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. 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. 13-0022B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. 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. 13-0022C. 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. 13-0023A. 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 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. 13-0023B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacist-in-charge 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. 13-0023C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. 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. 13-0024A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing employee pharmacist to engage in conduct likely to deceive, defraud, or harm the public. 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. 13-0024B. Pharmacist allegedly engaged in conduct likely to deceive, defraud, or harm the public. Pharmacist became hostile during an interaction with the complainant and allegedly failed to add the complainant's purchase to the complainant's Kroger Plus Card. Alleged violations of law: KRS. 315.121(1)(a) and 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. 13-0024C. Pharmacist allegedly engaged in conduct likely to deceive, defraud or harm the public. Pharmacist allegedly became hostile and attempted to mislead complainant regarding complainant's medication profile. Alleged violations of law: KRS. 315.121(1)(a) and 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. 13-0026A. 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 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. 13-0026B. 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 Nos. 13-0027, 13-0028 and 13-0029. Pharmacy permit holders allegedly had interruption of formal business activity resulting from government action, resulting in the facilities being unable to do business since January 4, 2013. Alleged violation of law: 201 KAR 2:106. 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. 13-0031A. 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. 13-0031B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacist-in-charge 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. 13-0031C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. 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. 13-0032. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug. Pharmacist allegedly diverted butalbital/acetaminophen/caffeine 50mg/325mg/40mg tablets and butalbital/acetaminophen/caffeine 50mg/500mg/40mg tablets from the pharmacy shelf and consumed medication while working in the pharmacy. 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. 13-0034. Pharmacy permit holder allegedly failed to report a change in the facility's pharmacist-in-charge which occurred in April/May 2012. Alleged violation of law: KRS 315.0351(7). 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. 13-0035. Pharmacist allegedly violated her Agreed Order of Reinstatement by testing positive for ethyl alcohol. 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. 13-0036A. 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. 13-0036B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2012 to 11/28/2012. 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. 13-0037A. 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. 13-0037B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 12/17/2012.

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. 13-0038A. 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. 13-0038B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 10/16/2012 to 12/11/2012. 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. 13-0039A. 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. 13-0039B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2012 to 12/17/2012. 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. 13-0040A. 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. 13-0040B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 11/26/2012 to 2/8/2013. 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. 13-0041A. 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. 13-0041B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 12/18/2012 to 2/12/2013. 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. 13-0042A. 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. 13-0042B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 11/01/2012 to 12/14/2012. 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. 13-0043A. 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. 13-0043B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2012 to 12/11/2012. 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. 13-0044A. 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. 13-0044B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 11/19/2012 to 12/26/2012. 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. 13-0045A. 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. 13-0045B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 11/12/2012 to 1/16/2013. 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. 13-0046A. 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. 13-0046B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 5/15/2012 to 2/7/2013. 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. 13-0047. Pharmacy technician allegedly violated Agreed Order of Registration with Restriction by failing to comply with KYPRN Agreement. 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. 13-0048. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0049. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0050. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0051. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0052. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 11 hours before January 1, 2013. Alleged violation of law: 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. 13-0053. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 8 hours before January 1, 2013. Alleged violation of law: 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. 13-0054. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0055. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0056. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 6 hours before January 1, 2013. Alleged violation of law: 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. 13-0058. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 8.5 hours before January 1, 2013. Alleged violation of law: 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. 13-0059. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 5 hours before January 1, 2013. Alleged violation of law: 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. 13-0060. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0061. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 14.5 hours before January 1, 2013. Alleged violation of law: 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. 13-0062. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 4 hours before January 1, 2013. Alleged violation of law: 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. 13-0063. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 2 hours before January 1, 2013. Alleged violation of law: 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. 13-0064. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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. 13-0065. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 12.5 hours before January 1, 2013. Alleged violation of law: 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. 13-0066. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 13 hours before January 1, 2013. Alleged violation of law: 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. 13-0067. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 13 hours before January 1, 2013. Alleged violation of law: 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. 13-0068. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed 6 hours before January 1, 2013. Alleged violation of law: 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. 13-0069. Pharmacist self-reported alleged failure to complete the required 15 hours of continuing education for 2012. Pharmacist successfully completed no hours before January 1, 2013. Alleged violation of law: 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.

RECIPROCITY/RELICENSE/INTERNSHIP/PHARMACY TECHNICANS:

Geridan Green. Mr. Green requested the Board reconsider its denial of his pharmacy technician registration. 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. Dr. DeWire seconded, and the motion passed unanimously. President Thornbury requested Mr. Burleson and Ms. Lalonde stay for the Executive Session.

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

Dr. Greenwell moved to approve Geridan Green's application for pharmacy technician registration provided he signs an Agreed Order with standard language that includes probation for three years and up to 6 drug screens per year with a PRN Agreement, and 12 AA/NA meetings per month for the first year, then 6 AA/NA meetings per month for the second and third years of probation. Ms. Brewer seconded, and the motion passed unanimously.

Pharmacy Technician Registrant KA. Dr. Hanna moved to approve the new application for pharmacy technician registrant KA provided he signs an Agreed Order with standard language that includes probation for two years and up to 3 drug screens per year with a PRN Agreement. Ms. Brewer seconded, and the motion passed unanimously.

Pharmacy Technician Registrant JB. Dr. Greenwell moved to approve the new application for pharmacy technician registrant JB provided he signs an Agreed Order with standard language that includes probation for two years and up to 3 drug screens per year with a PRN Agreement. Dr. Hanna seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

Rice's Pharmacy. Rice's Pharmacy requested to be allowed to have a dual pharmacist-in-charge for both Rice's Specialty Pharmacy and Rice's Compounding Pharmacy and for both permits to share equipment. Dr. Greenwell moved to allow dual pharmacist-in-charge Rice's Specialty Pharmacy and Rice's Compounding Pharmacy and for the permits to share equipment. Dr. Hanna seconded, and the motion passed unanimously.

KPhA Mobile Pharmacy. Leah Tolliver requested an equipment waiver and hours waiver for the KPhA Mobile Pharmacy. Ms. Brewer moved to grant the equipment waiver and hours waiver for the KPhA Mobile Pharmacy. Dr. Hanna seconded, and the motion passed unanimously.

IHS Acquisition. IHS Acquisition requested an equipment waiver. Dr. Hanna moved to approve IHS Acquisition's request for an equipment waiver. Ms. Brewer seconded, and the motion passed unanimously.

Advanced RX Pharmacy. Advanced RX Pharmacy requested an equipment waiver. Dr. Greenwell moved to approve Advanced RX Pharmacy's request for an equipment waiver. Dr. DeWire seconded, and the motion passed unanimously.

LEGISLATION/REGULATION:

201 KAR 2:074 Review of Comments Received. Comment 1. Dr. Catina Hasty, Director of Pharmacy at Rockcastle County Hospital, requested to change 201 KAR 2:074 Section 7 (3) and (4) so that a non-certified pharmacy technician may stock the automated dispensing systems in a hospital. After discussion, it was decided that hospitals had been consulted on the use of certified pharmacy technicians versus non-certified pharmacy technicians and most hospitals currently require certification of pharmacy technicians. The hospital requesting the change is in the minority. Dr. Greenwell moved to leave the regulation as is. Dr. Hanna seconded, and the motion passed unanimously. **Comment 2.** Dr. Amey Hugg requested wording changes to 201 KAR 2:074 Section 7 (2) from “pharmacy compounding robotics” to “centralized automated pharmacy system” and in Section 7 (12) from “pharmacy compounding robotics” to “centralized automated pharmacy system.” After discussion, Dr. Greenwell moved to amend 201 KAR 2:074 Section 7 (2) and (12) to read, “centralized automated pharmacy system.” Dr. DeWire seconded, and the motion passed unanimously. **Comment 3.** Dr. Stephen Kung submitted 8 questions regarding 201 KAR 2:074. It was determined these were questions regarding the regulation and not comments. After discussion, Dr. Greenwell moved to direct Mr. Burleson to answer Dr. Kung’s questions. Ms. Brewer seconded, and the motion passed unanimously.

CONTINUING EDUCATION: Dr. Greenwell moved to approve continuing education programs 13-12 through 13-20 as recommended. Ms. Brewer seconded, and the motion passed unanimously.

OLD BUSINESS: There was a discussion regarding the amount of information provided to the Board Members regarding impairment cases.

FYI: Four continuing education violations have been expunged.

ADJOURNMENT: On motion by Dr. Greenwell, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the Board Meeting at 12:50 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on May 8, 2013, at the Sullivan College of Pharmacy, Louisville, Kentucky.

Michael Burleson, R.Ph.
Executive Director