

KENTUCKY BOARD OF PHARMACY
Board Meeting
State Office Building Annex Suite 300
125 Holmes Street
Frankfort Kentucky 40601
December 17, 2014
9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

- *A. November 7-8, 2014
- *B. December 11, 2014 Special Called Board Meeting

III. APPEARANCES

IV. INTERAGENCY

V. BOARD REPORTS

- A. Board Executive Director
 - *1. eMARS (October and November 2014 FY 2015) and Financial Report
 - *2. Security Charges for FY 2015 and FY 2016
 - 3. APhA March 2015 (President and Executive Director
 - 4. National Prescription Drug Abuse Summit April 2015

VI. CURRENT/PENDING CASES

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

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

VIII. CORRESPONDENCE/COMMUNICATION

- *A. Continuing Education Wavier: Nancy Bryan

IX. NABP

X. LEGISLATION/REGULATION

- *A. Compounding/Inspections: Proposed Draft Bill
- B. Collaborative Care Update
- C. HME Update
- D. Naloxone Update

XI. CONTINUING EDUCATION

- *A. CE Programs: 14-41 to 14-45

XII. FINES

XIII. OLD BUSINESS

- *A. State Record Retention of correspondence
- B. Attorney for Board
- C. Surescripts Invitation Update
- D. USP review of expiration date on prescription label Update

XIV. NEW BUSINESS

- *A. Process for new technology and/or procedures
- B. Election of Officers for 2015

XV. FYI

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY
State Office Building Annex, Ste.300
125 Holmes Street
Frankfort, KY 40601

December 17, 2014

CALL TO ORDER: A regular meeting was held at the Kentucky Board of Pharmacy at the Board Office at 125 Holmes Street, State Office Building Annex, Ste. 300, Frankfort, Kentucky. President Hanna called the Meeting to order at 9:06 a.m.

Members present: Cathy Hanna, Deborah Brewer, Brian DeWire, Scott Greenwell, Larry Hadley and Joel Thornbury. Staff: Michael Burlson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Christina Amburgey, Katie Busroe, Amanda Harding, and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General and Board Counsel; Brian Fingerson, Pharmacist Recovery Network Committee; and Lisa Atha, Executive Secretary. Guests: Chris Killmeier, Walgreens; Chad Downing, CVS; Ralph Bouvette , APSC; Anne Policastri, KSHP; Robert McFalls, KPhA; Jan Gould, Kentucky Retail Federation; Ryan Haggard, University of Kentucky College of Pharmacy; Lauren Willis, Sullivan University College of Pharmacy; Jacob Beck; Briana J. Kocher; Julie Losch; and Andrew Losch. Clarice H. Howard, Court Reporter, recorded the meeting.

MINUTES: On motion by Dr. DeWire, seconded by Mr. Hadley and passed unanimously, the Minutes of November 7, 2014 and December 11, 2014 were approved.

BOARD REPORTS:

Board Executive Director. 1) Emars reports for October 2014 and November 2014 and Financial Report were presented to the Board. 2) Mr. Burlson explained the charges for security of the building. 3) Mr. Hadley moved to approve travel for Mr. Burlson and the Board President to attend the APhA Annual Meeting, March 27-30, 2015, in San Diego. Dr. Greenwell seconded, and the motion passed unanimously. Mr. Thornbury moved to approve Brian Fingerson to attend the APhA Annual Meeting, March 27-30, 2015, in San Diego. Mr. Hadley seconded, and the motion passed unanimously. 4) Ms. Brewer moved to approve up to 3 Board Members and the Executive Director to attend the National Prescription Drug Abuse Summit, April 6-9, 2015, in Atlanta, Georgia. Dr. Greenwell seconded, and the motion passed unanimously.

CURRENT/PENDING CASES:

Case Updates: Mr. Thornbury moved to accept Case Updates as presented for Case Numbers 13-0160; 14-0093; 14-0103; 14-0128; 14-0259A; 14-0259B; 14-0263; 14-0266; 14-0267; 14-0270; 14-0271; 24-0272; 24-0273; 14-0275; 14-0277; 14-0279; 14-0280; 14-0285; 14-0292; 14-0294; 14-0295; 14-0297; 14-0299; 14-0300; 14-0301; 14-0303; 14-0304; 14-0314; 14-0321; 14-0324; 14-0326; 14-0327; 14-0328; 14-0329; 14-0333; 14-0336A; 14-0338A; 14-0338B; 14-

0339A; 14-0340A; 14-0341A; 14-0342B; 14-0344A; 14-0345A; 14-0346A; 14-0346B; 14-0347A; and 140348. Dr. Greenwell seconded, and the motion passed unanimously.

CASE REVIEW SUMMARY:

President Hanna recused herself and left the room for discussion of Case No. 14-00437A and B. Vice President Brewer chaired the Meeting. Dr. Greenwell moved to accept Case Review recommendation as written for Case No. 14-0437A and B. Mr. Thornbury seconded, and the motion passed unanimously.

Case No. 14-0437A. Pharmacy permit holder allegedly aided and 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. 14-0437B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/3/14 to 10/2/14. 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.

President Hanna returned and resumed chairing the Meeting.

Mr. Hadley recused himself and left the room for discussion of Case No. 14-0438A and B. Mr. Thornbury moved to accept Case Review recommendation as written for Case No. 14-038A and B. Dr. Greenwell seconded, and the motion passed unanimously.

Case No. 14-0438A. Pharmacy permit holder allegedly aided and 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. 14-0438B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/12/14 to 10/23/14. 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.

Ms. Brewer recused herself and left the room for discussion of Case No. 14-0439A and B. Dr. Greenwell moved to accept Case Review recommendation as written for Case No. 14-0439A and B. Mr. Thornbury seconded, and the motion passed unanimously.

Case No. 14-0439A. Pharmacy permit holder allegedly aided and 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. 14-0439B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/19/14 to 9/30/14. 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.

Dr. Greenwell moved to accept the following Case Review recommendations as written. Mr. Thornbury seconded, and the motion passed unanimously.

Case No. 13-0196. REVISIT. Pharmacist-in-charge allegedly did not provide notification in writing to the Board of Pharmacy within fourteen days of any change in the employment of pharmacist-in-charge. Alleged violation of law: 201 KAR 2:205 Section 2(2)(d)(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 14-0067. REVISIT. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a drug for himself for which a prescription drug order is required without having first a prescription drug order for the drug. New Information: Credentials of nurse practitioner presented. 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. 14-0250A. REVISIT. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct; allegedly failed to follow USP <797> and <795> when compounding sterile and nonsterile products; allegedly allowed a person to assist with the practice of pharmacy without being registered as a technician; allegedly engaged in the practice of pharmacy without a licensed pharmacist; allegedly dispensed misbranded

prescriptions; allegedly failed to have in place a procedure for performing drug utilization reviews; allegedly failed to follow policies and procedures; and allegedly failed to have a viable quality assurance program. Alleged violations of law: KRS 315.121(1)(a); KRS 217.015(31); KRS 315.121(1)(g); KRS 315.020(3); KRS 315.010(19); KRS 217.065(2); 201 KAR 2:210 Section 4; and 201 KAR 2:205(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. 14-0250B. REVISIT. Pharmacist allegedly engaged in unprofessional or unethical conduct; allegedly failed to follow USP <797> and <795> when compounding sterile and nonsterile products; allegedly allowed a person to assist with the practice of pharmacy without being registered as a technician; allegedly engaged in the practice of pharmacy without a licensed pharmacist; alleged dispensed misbranded prescriptions; allegedly failed to have in place a procedure for performing drug utilization reviews; allegedly failed to follow policies and procedures; and allegedly failed to have a viable quality assurance program. Alleged violations of law: KRS 315.121(1)(a); KRS 217.015(31); KRS 315.121(1)(g); KRS 315.020(3); KRS 315.010(19); KRS 217.065(2); 201 KAR 2:210 Section 4; and 201 KAR 2:205(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. 14-0250C. REVISIT. 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. 14-0391. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, dispensing, and ingesting a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug. Alleged violations of law: KRS 315.121(1)(a) and KRS 315.121(2). 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. 14-0408A. Pharmacy permit holder allegedly sold a misbranded medication. The patient was prescribed 180 hydrocodone/acetaminophen 10 mg/325mg tablets and was dispensed only 120 tablets. 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. 14-0408B. Pharmacist alleged committed a medication error by dispensing the quantity. The patient was prescribed 180 hydrocodone/acetaminophen 10 mg/325mg tablets and was dispensed only 120 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. 14-0413A. 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. 14-0413B. Pharmacist allegedly engaged in unprofessional or unethical 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. 14-0426A. Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. Patient allegedly received diazepam 10mg in a prescription vial labeled as cetirizine 10mg. 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. 14-0426B. Pharmacist allegedly committed a medication error by dispensing diazepam 10mg instead of the prescribed cetirizine 10mg. 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. 14-0428A. Pharmacy permit holder allegedly engaged in or aided and abetted the unlawful distribution of legend medication and failed to report any relevant information to the Board. 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. 14-0428B. Pharmacist is allegedly impaired. Alleged violations of law: KRS 315.121(2)(f)(g) and (i) and KRS 217.181. 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. 14-0432A. Pharmacy permit holder allegedly sold two different prescription of prednisone to the same patient that was misbranded. One prescription was allegedly short ½ tablet and the other was allegedly short 2 tablets. The second prescription of prednisone also allegedly had an incorrect doctor listed as the prescriber. 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. 14-0432B. Pharmacist allegedly dispensed one prednisone prescription to a patient that was short ½ tablet. The prednisone prescription was allegedly short 2 tablets and also allegedly had an incorrect doctor listed as the prescriber. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

Case No. 14-0434A. Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. Patient was dispensed levetiracetam 750mg instead of the prescribed levofloxacin 750mg. 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. 14-0434B. Pharmacist allegedly committed a medication error by dispensing levetiracetam 750mg instead of the prescribed levofloxacin 750mg. 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. 14-0434C. Pharmacist allegedly committed a medication error by dispensing levetiracetam 750mg instead of the prescribed levofloxacin 750mg. 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. 14-0435A. During a routine inspection this hospital it was found that the pharmacy was closed and there was no pharmacist present during the scheduled hours of operations for this day. Alleged violation of law: 201 KAR 2:106 Section 2(2)(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. 14-0435B. During a routine inspection this hospital it was found that the pharmacy was closed and there was no pharmacist present during the scheduled hours of operations for this day. Alleged violation of law: 201 KAR 2:106 Section 2(2)(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. 14-0440A. Pharmacy permit holder allegedly aided and 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. 14-0440B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/31/14 to 9/26/14. 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. 14-0441A. Pharmacy permit holder allegedly aided and 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. 14-0441B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 6/4/14 to 7/15/14. 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. 14-0442A. Pharmacy permit holder allegedly aided and 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. 14-0442B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/7/14 to 10/10/14. 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. 14-0443A. Pharmacy permit holder allegedly aided and 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. 14-0443B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/25/14 to 9/18/14. 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. 14-0444A. Pharmacy permit holder allegedly aided and 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. 14-0444B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 4/8/14 to 8/29/14. 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. 14-0445A. Pharmacy permit holder allegedly aided and 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. 14-0445B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/25/14 to 9/29/14. 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. 14-0446A. Pharmacy permit holder allegedly aided and 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. 14-0446B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/27/14 to 10/13/14. 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. 14-0448A. Pharmacy permit holder allegedly aided and 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. 14-0448B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/14 to 10/8/14. 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. 14-0448C. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/14 to 10/8/14. 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 14-0449. Non Resident pharmacy self-reported that prescriptions were allegedly shipped into the Commonwealth prior to obtaining a Kentucky nonresident permit in December 2013. Alleged violation of law: KRS 315.0351(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. 14-0450. Pharmacist allegedly failed to attend CAPTASA, SEPRN or University of Utah School within the one year timeframe state in his agreed order that was executed on November 15, 2012. 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. 14-0451. Pharmacist reported alleged failure to provide proof of the required 15 hours of continuing education during audit conducted by Board staff. 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.

CORRESPONDENCE/COMMUNICATION:

Continuing Education Wavier/Nancy Bryan. Pharmacist Nancy Bryan failed to obtain 15 hours of continuing education for 2013 due to an unexpected hospitalization. Ms. Bryan requested an extension to complete the 2013 continuing education requirements. Mr. Thornbury moved to deny Nancy Bryan's request for an extension to complete her 2013 continuing education requirements. Ms. Brewer seconded, and the motion passed unanimously.

NABP: Mr. Hadley gave a brief overview of the Active Board Member Forum he attended at NABP on December 2-3, 2014.

LEGISLATIVE/REGULATION:

Compounding/Inspections: Proposed Draft Bill. Mr. Thornbury moved to approve the proposed draft of KRS 315.0351 as presented. Mr. Hadley seconded. There was discussion. Mr. Thornbury moved to amend his original motion to change the inspection of out of state facilities from annually to a minimum of every 2 years to mirror the in-state inspections. Mr. Hadley seconded the amended motion, and the motion passed unanimously.

Collaborative Care Update. Jan Gould, Kentucky Retail Federation, gave an update on the Collaborative Care bill.

HME Update. Mr. Burleson has reached out to key HME personnel and will bring an update to the January 2015 Board Meeting. There was discussion about permitting HME facilities.

Naloxone Update. Representative Tilley has pre-filed a bill allowing properly certified pharmacists to prescribe naloxone. Mr. Thornbury moved to support Representative Tilley's pre-filed bill allowing properly certified pharmacists to prescribe naloxone. Dr. Greenwell seconded, and the motion passed unanimously.

Third Party Logistics (3PLs). There was discussion regarding the permitting of 3PLs.

CONTINUING EDUCATION:

Dr. Greenwell moved to approve continuing education programs 14-41 through 14-45 as recommended. Dr. DeWire seconded, and the motion passed unanimously.

There was discussion regarding the Board continuing to approve non-ACPE approved continuing education. Mr. Burleson was directed to get more information and bring it back to the Board.

OLD BUSINESS:

State Record Retention of Correspondence. The Board is required to keep correspondence not addressed to a licensee for 2 years.

Surecripts Invitation Update. Surecripts accepted the invitation to appear before the Board of Pharmacy at the January 2015 Meeting.

USP Review of Expiration Date on Prescription Label Update. USP does not have anything specific on the expiration date having to be on the prescription label.

NEW BUSINESS:

Process for New Technology and/or Procedures. Mr. Thornbury moved to accept the process for new technology and/or procedures presented by the Advisory Council with changes from the use of the phrase "Pilot Project" to "New Technology and/or Procedures." Ms. Brewer seconded, and the motion passed unanimously.

Mr. Burleson was directed to bring information to the January 2015 Board Meeting regarding pilot projects and changes needed to the statute to allow pilot projects.

Election of Officers. Ms. Brewer nominated Mr. Thornbury for President. Mr. Hadley seconded, and there were no other nominations. Mr. Thornbury was elected by acclamation.

Mr. Thornbury nominated Mr. Hadley for Vice President. Ms. Brewer seconded, and there were no other nominations. Mr. Hadley was elected by acclamation.

Recognition of Phil Losch. Phil Losch was recognized for 21 years of service to the Kentucky Board of Pharmacy, as a Board Member and Pharmacy and Drug Inspector. Mr. Losch is retiring December 31, 2014.

Mr. Thornbury moved to go into Executive Session pursuant to KRS 61.810(1)(c)(j) to discuss proposed or pending litigation and individual adjudications with Mr. Burleson, Mr. Hart and Ms. Lalonde in attendance and pursuant to KRS 61.810(1)(f) to discuss possible appointment of an employee with the Board Members only in attendance. Dr. Greenwell seconded, and the motion passed unanimously.

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

Dr. Greenwell moved the Board received an update regarding the Chris Frasure case and no further action is required. Mr. Thornbury seconded, and the motion passed unanimously.

Attorney for the Board. Mr. Thornbury moved to place interviews for the Board Attorney on January 2015 Board Meeting Agenda. Dr. Greenwell seconded, and the motion passed unanimously.

ADJOURNMENT: On motion by Mr. Thornbury, seconded by Dr. DeWire and passed unanimously, President Hanna adjourned the Board Meeting at 11:50 a.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on January 14, 2015, at the Board Office, 125 Holmes Street, Frankfort, Kentucky.

Mike Burleson, R.Ph.