

KENTUCKY BOARD OF PHARMACY

Board Meeting

125 Holmes Street, Suite 300

Frankfort, KY 40601

January 22, 2014

9:00 a.m.

Agenda

I. CALL TO ORDER

II. ELECTION OF OFFICERS

III. MINUTES

*A. December 18, 2013

IV. APPEARANCES

*A. Walgreens: Al Carter, R.Ph,
*B. PCA Pharmacy Anthony Jensen, R.Ph.

V. INTERAGENCY

VI. BOARD REPORTS

A. Board Executive Director
1. Tri-Regulator/NABP Executive Committee Feb 4-7, 2014: Mike

VII. CURRENT/PENDING CASES

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

VIII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

*A. Research Intern Hours Request: Minji Sohn

IX. CORRESPONDENCE/COMMUNICATION

*A. Multiple PIC: Jerry Barnette, R.Ph.
*B. Dual PIC: Joshua Smallwood, R.Ph.
*C. Equipment Waiver-Kosair Hospital: Matthew Casper, R.Ph.

X. NABP

*A. Number of Tests Response: Maria Boyle, R.Ph.

XI. LEGISLATION/REGULATION

*A. Collaborative Care Revision
*B. Request from Compounding Study Group regarding KRS 315.0351
*C. Request from Compounding Study Group regarding Outsourcing Facility
*D. SB 76: Home Medical Equipment

XII. CONTINUING EDUCATION: NONE

XIII. FINES

XIV. OLD BUSINESS

*A. Advisory Council Appointment

XV. NEW BUSINESS

XVI. FYI

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY

State Office Building Annex
125 Holmes Street
Frankfort, Kentucky 40601

January 22, 2014

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 9:19 a.m.

Members present: Joel Thornbury, Deborah Brewer, Brian DeWire, Scott Greenwell and Cathy Hanna. Staff: Michael Burlison, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, 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: Al Carter, Debra Harris and Chris Killmeier, Walgreens; Ralph Bouvette , APSC; Anne Policastri, KSHP; Robert McFalls and Chris Clifton, KPhA; Chad Peters, CVS; Anthony Jensen and Bill Hurley, PCA; Matthew Painter, C and W; Wayne Knewasser, KMESA; and MacKenzie Ghormley and Amy Rogers, College of Pharmacy students. Kem Marshal, Court Reporter, recorded the meeting. Board Member Larry Hadley was not present.

ELECTION OF OFFICERS: Reappointed Board Members Deborah Brewer, Brian DeWire and Scott Greenwell were sworn in by Cheryl Lalonde, Assistant Attorney General and Board Counsel.

Dr. DeWire nominated Cathy Hanna as President. Dr. Greenwell seconded, and there were no other nominations. Dr. Hanna was elected by acclamation.

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

Dr. Hanna began presiding over the Board Meeting.

Dr. Hanna presented Mr. Thornbury with a plaque and past president's pin.

MINUTES: On motion by Dr. DeWire, seconded by Dr. Greenwell and passed unanimously, the Minutes of December 18, 2013, were approved.

APPEARANCES:

Al Carter, Walgreens. Al Carter was sworn in by Kem, Marshall, Court Reporter. Dr. Carter is the Director of Professional Affairs for Walgreens. Dr. Carter appeared at the December 12, 2012, Board Meeting and was appearing this day to seek approval of the Well Experience and answer any questions from the Board. Walgreens has received approval from 28 states to implement the Well Experience. Dr. Carter presented the three main issues Boards of Pharmacy find concerning regarding the Well Experience: technician supervision, new technology and centralization. Walgreens has made some changes to the model since Dr. Carter's appearance in December 2012. After discussion, the Board requested additional information from Walgreens including updated blueprints of the new layout, diversion of controlled substances data, feedback from pharmacists and employees regarding the Well Experience, and data supporting improved pharmacist quality of work such as medication error reduction, patient contact and counseling. Mr. Thornbury moved to table the request by Walgreens to implement the Well Experience in Kentucky until more data is provided. Ms. Brewer seconded, and the motion passed unanimously.

Anthony Jensen, PCA Pharmacy. Anthony Jensen was sworn in by Kem Marshall, Court Report. Mr. Jensen is the pharmacist-in-charge of PCA Pharmacy, a pharmacy servicing long term care facilities. Mr. Jensen was appearing before the Board to request approval of technology that would have the pharmacist performing the final check of the product at the time the product was loaded into a robot instead of at the end of the prescription filling process. After discussion, Mr. Thornbury moved to have Board Members visit PCA Pharmacy in Louisville before the March 2014 Board Meeting, making arrangements through Executive Director Burlison. Dr. Greenwell seconded, and the motion passed unanimously. Mr. Thornbury moved to table PCA Pharmacy's request regarding the use of technology until the March 2014 Board Meeting. Dr. Greenwell seconded, and the motion passed unanimously.

President Hanna discussed the need for the Board to be informed and knowledgeable regarding all the technology issues being brought before the Board for consideration. She suggested the need for a Technology Work Group which would gather information and ask questions for the Board, not set policy. She asked Board Members to consider this idea for discussion at the March Board Meeting.

INTERAGENCY: Anne Policatri, Executive Vice President of KSHP, and Bob McFalls, Executive Director of KPhA, gave a brief overview of plans for the \$30,000 allotted to further the discussion of substance abuse. The goal is to start a train the trainer program. The plan is to have two programs, one for schools and one for adults. The \$30,000 will be used to develop these presentations. A formal proposal will be brought forward at a later date.

BOARD REPORTS:

Board Executive Director. 1) Mr. Thornbury moved to approve Executive Director Burleson to travel to the Tri-Regulator/NABP Executive Committee Meeting February 4-7, 2014, in Dallas, Texas, at no expense to the Board. Ms. Brewer seconded, and the motion passed unanimously. 2) Mr. Burleson gave an update on the on-line renewal process which was functioning as of January 22, 2014.

CURRENT/PENDING CASES:

Case Updates: Mr. Thornbury moved to accept Case Updates as presented for Case Numbers 13-0081B; 13-0111A; 13-0111B; 13-0135B; and 13-0142B as written. Dr. Greenwell seconded, and the motion passed unanimously.

CASE REVIEW SUMMARY:

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

Case No. 12-0048 A and B. Pharmacy permit holder and pharmacist allegedly billed various third party providers for multiple prescriptions for various individuals that were not dispensed or authorized by a prescriber. Alleged violations of law: KRS 315.121(1)(c)(1) and (2)(d)(e) and (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. 13-0108 A and B. Revisit. Pharmacy permit holder and pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing controlled substance medication to be diverted from the pharmacy. Alleged violations of law: KRS 315.121(1)(a) and 2(f) and 201 KAR 2:205 Section 2(3)(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. 13-0144. Revisit. 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. 13-0164A Revisit. Pharmacy permit holder allegedly sold an incorrect medication as the result of a dispensing error. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 13-0164B Revisit. Pharmacist allegedly committed a dispensing error. Patient requested metoprolol but was dispensed losartan. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 13-0164C Revisit. Pharmacy technician allegedly assisted in the commission of a dispensing error. Patient requested metoprolol but was dispensed losartan. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 13-0170A. 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 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. 13-0170B. 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. 13-0170C. Pharmacy technician allegedly stole approximately 1550 hydrocodone/APAP over a two year 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. 13-0184. Home medical equipment provider allegedly did not renew permit by the required September 30, 2013 deadline and continued to operate. Alleged violation of law: KRS 315.520(4). 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. 13-0187. Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing a medication to a patient without the patient's knowledge or consent. 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. 13-0189A. Pharmacy permit holder allegedly sold a misbranded drug as a result of clonidine being dispensed instead of clonazepam. 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. 13-0189B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by dispensing clonidine instead of clonazepam. 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. 13-0190A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs, by allowing a pharmacy technician to divert controlled substances from the pharmacy. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 13-0190B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs, by allowing a pharmacy technician to divert controlled substances from the pharmacy. Alleged violation of law: 201 KAR 2:205 Section (3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0190C. Pharmacy technician allegedly engaged in unethical or unprofessional conduct by diverting controlled substances from the pharmacy. 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. 13-0194. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by divulging or revealing to unauthorized persons patient

information without the patient's express consent. 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. 13-0195. 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 (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. 13-0196. Pharmacist-in-charge allegedly did not provide notification in writing to the Board of Pharmacy within fourteen (14) calendar days of any change in the employment as pharmacist-in-charge. Alleged violation of law: 201 KAR 2:205 Section 2(2)(d)(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. 13-0199A. Pharmacy permit holder allegedly provided improper drug utilization review resulting in a prescription of Bromfed DM being sold to a patient with hypertension and seizure disorder. 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. 13-0199B. Pharmacist allegedly failed to perform proper drug utilization and allegedly failed to provide patient counseling. Alleged violations of law: KRS 315.121(2)(d) and 201 KAR 2.210 Section 2 and Section 4. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0200A. 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. 13-0200B. 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. 13-0200C. Pharmacy technician allegedly stole approximately 1400 hydrocodone/APAP between 7/2013 – 11/2013. 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. 13-0201A. 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. 13-0201B. 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. 13-0201C. Pharmacy technician allegedly stole 2 pints of promethazine with codeine on 11/06/2013. 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. 13-0202A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient allegedly received Armour Thyroid 5 grains instead of the prescribed Armour Thyroid 0.5 grains. 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. 13-0202B. Pharmacist allegedly committed a medication error. The pharmacist dispensed Armour Thyroid 5 grains instead of the prescribed Armour Thyroid 0.5 grains. 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. 13-0203A. Pharmacy permit holder allegedly engaged in unethical or unprofessional behavior due to patient not receiving the entire quantity of his prescription. 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. 13-0203B. Pharmacist allegedly engaged in unethical or unprofessional behavior by engaging in conduct likely to deceive, defraud, or harm the public by not dispensing a patient's prescription in the entirety. 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. 13-0204. Home Medical Equipment permit holder allegedly failed to renew permit in a timely manner and continued to operate as a home medical equipment provider. Alleged violation of law: KRS 315.514(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. 13-0206A. 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. 13-0206B. 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. 13-0206C. Pharmacy technician allegedly stole various small quantities of alprazolam, hydrocodone/APAP, azithromycin, triazolam and metaxalone. 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. 13-0207A. Pharmacy permit holder allegedly allowed a misbranded product to be dispensed as the result of a medication error. Patient was prescribed simvastatin 20mg and the pharmacist allegedly dispensed simvastatin 40mg labeled as 20mg. Alleged violation of law: KRS 216.065(1). CRC Recommendation: There is insufficient

evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 13-0207B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by dispensing simvastatin 40mg labeled as 20mg, instead of simvastatin 20mg that was prescribed. 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. 14-0003A. Pharmacy permit holder allegedly allowed a misbranded product to be dispensed as the result of a medication error. Patient was dispensed amitriptyline 10mg instead of amlodipine 10mg that was prescribed. Alleged violation of law: KRS 216.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 14-0003B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by dispensing amitriptyline 10mg instead of amlodipine 10mg that was prescribed. 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.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:

Minji Sohn. Minji Sohn requested up to 400 hours of internship credit be granted for research. Dr. Greenwell moved to allow Minji Sohn to earn up to 400 hours internship credit for research. Mr. Thornbury seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

Multiple PIC/Jerry Barnette. Pharmacist Jerry Barnette requested permission to be temporary pharmacist-in-charge of three new pharmacies he is opening in Eminence, Lawrenceburg and Owenton, Kentucky, until he can find permanent pharmacists-in-charge. Mr. Thornbury moved to deny Jerry Barnette's request to be pharmacist-in-charge of three pharmacies located in Eminence, Lawrenceburg and Owenton, Kentucky. Ms. Brewer seconded, and the motion passed unanimously.

ARH Hospital/Jeff Akers. Jeff Akers requested pharmacist Joshua Smallwood be allowed to be pharmacist-in-charge of Whitesburg ARH Hospital pharmacy, open 66 hours/week and ARH Mary Breckinridge Hospital pharmacy, open 40 hours/week. Dr. Greenwell moved to deny the request for Joshua Smallwood to be pharmacist-in-charge of Whitesburg ARH Hospital pharmacy and ARH Mary Breckinridge Hospital pharmacy. Ms. Brewer seconded, and the motion passed unanimously.

Kosair Children’s Medical Center/Matthew Casper. Matthew Casper requested an exemption for Kosair Children’s Medical Center to not have compounding equipment. Mr. Thornbury moved to approve Matthew Casper’s request for Kosair Children’s Medical Center to be exempt from having compounding equipment, but if the practice changes the exemption will be reconsidered. Ms. Brewer seconded, and the motion passed unanimously.

NABP: Number of Tests Limitation Response/Maria Boyle. Maria Boyle, Competency Assessment Senior Manager for NABP, sent a response for NABP’s rationale for limiting the number of attempts to pass pharmacy examinations to five. Dr. Greenwell moved to not limit the attempts to pass the Kentucky pharmacy examinations. Mr. Thornbury seconded, and the motion passed unanimously.

LEGISLATION: STATUTE/REGULATION:

Collaborative Care Revision. The proposed language was presented to the Board. Ralph Bouvette, Trish Freeman, Jan Gould and Bob McFalls met with KMA lobbyists and had positive feedback.

Request from Compounding Study Group regarding KRS 315.0351. The Compounding Study Group requested support from the Board for KRS 315.0351 to be amended to add every out of state pharmacy “shall submit to an inspection. The inspection shall be completed by an inspector of the Board or by a third party agency approved by the Board. All costs of the inspection are to be paid by the applicant. All current out-of-state pharmacies permitted by the Board shall submit to an inspection by the Board or a third party agency approved by the Board before June 30, 2015. Thereafter, each out-of-state pharmacy shall, at a minimum, be inspected by the Board or by a third party approved by the Board every three (3) years and the cost of the inspection is to be paid by the out-of-state pharmacy permit holder.” After discussion, Mr. Thornbury moved to approve the request to pursue changing KRS 315.0351 as presented by the Compounding Study Group. Dr. DeWire seconded, and the motion passed 3 to 1, with Ms. Brewer, Dr. DeWire and Mr. Thornbury voting for the motion and Dr. Greenwell opposing the motion.

Request from Compounding Study Group regarding Outsourcing Facility. There was a discussion regarding the impact of the new FDA classification of an outsourcing facility. Dr.

Greenwell moved to have the Assistant Attorney General and Board Counsel perform an analysis of the existing Kentucky laws in comparison to the Federal outsourcing facility laws including the effect of Federal laws on office use compounding for in-state prescribers by Kentucky pharmacies. Mr. Thornbury seconded, and the motion passed unanimously.

Dr. Greenwell moved to not consider a new permit for outsourcing facilities because current Kentucky wholesaler and pharmacy laws are sufficient for the activities occurring. Mr. Thornbury seconded, and the motion passed unanimously.

SB 76: Home Medical Equipment. SB 76 was presented to the Board. After discussion, Dr. Greenwell moved to suggest eliminating the requirements mandating an out-of-state provider be physically located in a contiguous state and treat out-of-state home medical equipment providers the same as out-of-state pharmacies and eliminating the mandate of two individuals representing the home medical equipment industry be appointed to the Advisory Council. Mr. Thornbury seconded, and the motion passed unanimously. Dr. Greenwell moved to direct Executive Director Burleson to deliver the information from the previous motion to the sponsor of SB 76. Mr. Thornbury seconded, and the motion passed unanimously.

OLD BUSINESS:

Advisory Council Appointment. There were thirty-two applicants for the Advisory Council appointment. A vote was taken via secret ballot. After voting, Mr. Thornbury moved to appoint Leon Claywell to the Advisory Council for a 4 year term. Ms. Brewer seconded, and the motion passed unanimously.

ADJOURNMENT: On motion by Dr. DeWire, seconded by Ms. Brewer and passed unanimously, President Hanna adjourned the Board Meeting at 12:30 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on March 12, 2014, at Sullivan College of Pharmacy in Louisville, Kentucky.

Michael Burleson, RPh