

KENTUCKY BOARD OF PHARMACY

Board Meeting

Sullivan College of Pharmacy

2100 Gardiner Lane

Louisville KY 40205

March 11, 2015

9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

*A. January 14, 2015

III. APPEARANCES

*A. Med Care Pharmacy: Work Load Balancing Joe Mashni, R. Ph.

IV. INTERAGENCY

V. BOARD REPORTS

A. Board Executive Director

- *1. eMARS (December 2014 and January 2015 FY 2015) and Financial Report
2. Board Retreat location
3. MPJE Item Writing: Chicago Executive Director March 18-20: No cost
4. NABP Annual Meeting
 - a. Travel
 - b. Delegate and Alternate Delegate
5. DEA meeting regarding electronic prescribing: March 9-12: No cost Mike

VI. CURRENT/PENDING CASES

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

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- *A. Reciprocity Request: Gregory Chase Richardson
- *B. Initial Application: Alex Matthew Klingenbeck

VIII. CORRESPONDENCE/COMMUNICATION

- *A. Dual PIC: Lindsey Peden, R, Ph.
- *B. Continuing Education Exemption: Kevin Burns, R, Ph.
- *C. Equipment Waiver: Craig Mack, R. Ph.

IX. NABP

X. LEGISLATION/REGULATION

XI. CONTINUING EDUCATION

*A. CE Programs: 15-03 to 15-07

XII. FINES

XIII. OLD BUSINESS

- A. Regulations
 - 1. Long Term Care
 - 2. Pharmacist/Patient Interaction on a change in a prescription drug order

XIV. NEW BUSINESS

XV. FYI.

- A. Two cases expunged regarding continuation education

XVI. EXECUTIVE SESSION

- A. Pursuant to KRS 61.810(1)(f) to discuss possible appointment of an employee with the Board.

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY
Sullivan College of Pharmacy
2100 Gardiner Lane
Louisville, Kentucky 40205

March 11, 2015

CALL TO ORDER: A regular meeting was held at Sullivan College of Pharmacy at 2100 Gardiner Lane, Louisville, Kentucky. President Thornbury called the Meeting to order at 9:07 a.m.

Members present: Joel Thornbury, Deborah Brewer, Scott Greenwell, and Cathy Hanna. Staff: Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Caleb Benningfield, Katie Busroe, and Amanda Harding, 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 and Debbie Harris, Walgreens; Anne Policastri, KSHP; Bob Oakley, KPhA; Brittany Reid, Walmart; and Sullivan College of Pharmacy students. Gina Pintozzi, Court Reporter, recorded the meeting. Board Members Brian DeWire and Larry Hadley and staff members Mike Burleson, Executive Director, and Christina Amburgey, Pharmacy and Drug Inspector, were not present.

MINUTES: On motion by Dr. Greenwell, seconded by Dr. Hanna and passed unanimously, the Minutes of January 14, 2015 were approved.

APPEARANCES:

Med Care Pharmacy: Work Load Balancing/Bernard Gregorowicz. Pharmacist-in-charge of Med Care Pharmacy, Jeffersontown, Bernard Gregorowicz, appeared before the Board requesting permission to balance work load between four Med Care Pharmacies all located within Kentucky. Currently the pharmacies are operating independently. One server manages the four pharmacies but each pharmacy has a unique facsimile number, and this would continue. For example, the Florence Med Care orders would remain in the Florence Med Care queue but each of the other pharmacies has access to the queue. There is a tracking mechanism to identify each person who accesses and has any part in filling and dispensing the prescription. The final check and dispensing would be performed by pharmacists at the location to which the prescription was originally sent. This process would not include controlled substance prescriptions. Dr. Greenwell moved to approve the request by Med Care Pharmacy to balance workload as presented between the four Kentucky located pharmacies with identification of who performed each step in the process and final check and dispensing from the pharmacy to which the prescription was originally sent, and not to include controlled substance prescriptions. If any part of the process as presented changes, Med Care Pharmacy must reappear before the Board and request permission to implement the change. Dr. Hanna seconded, and the motion passed unanimously.

INTERAGENCY:

KSHP. Anne Policastri, Executive Vice President of Kentucky Society of Health-System Pharmacists (KSHP), thanked the Sullivan College of Pharmacy students for their participation in KSHP. The 2015 Spring Meeting will be May 8, 2015 at the Hyatt Downtown Lexington.

KPhA. Bob Oakley, President of Kentucky Pharmacists Association (KPhA), thanked the Sullivan College of Pharmacy students for their participation in KPhA. The 2015 Annual Meeting will be June 25-28, 2015 in Bowling Green.

BOARD REPORTS:

Board Executive Director, presented by Steve Hart, Pharmacy Inspections and Investigations Coordinator. 1) EMars monthly report for December 2014 and January 2015 FY 2015 and a Financial Report Summary were presented to the Board. 2) President Thornbury tabled discussion regarding 2015 Board Retreat location until the May 2015 Board Meeting. Kentucky is hosting MALTAGON in October 2015, and there is consideration to combine MALTAGON and the Board Retreat. 3) Ms. Brewer moved to approve Executive Director Mike Bursleson to travel to the MPJE Item Writing Workshop at NABP, March 18-20, 2015, at no expense to the Board. Dr. Hanna seconded, and the motion passed unanimously. 4a) Dr. Hanna moved to approve travel for Board Members and Executive Director to attend the Annual NABP Meeting, May 16-19, 2015 in New Orleans. Dr. Greenwell seconded, and the motion passed unanimously. 4b) Dr. Greenwell moved for Board President Joel Thornbury to be the Delegate and Vice President Larry Hadley to be the Alternate Delegate at the Annual NABP Meeting. Ms. Brewer seconded, and the motion passed unanimously. 5) President Thornbury approved Executive Director Mike Bursleson to travel to DEA Meeting regarding electronic prescribing, March 9-12, 2015, at no expense to the Board. Dr. Greenwell moved to ratify the approval of Executive Director Mike Bursleson to travel to DEA Meeting regarding electronic prescribing, March 9-12, 2015, at no expense to the Board. Dr. Hanna seconded, and the motion passed unanimously. 6) The Board office has developed a new sterile compounding inspection form.

CURRENT/PENDING CASES:

Case Updates: Dr. Hanna moved to accept Case Updates for Case Numbers 11-088C; 13-0380C; 13-0380E; 14-0151; 14-0238; 14-0253C; 14-0259; 14-0291; 14-0308; 14-0313; 14-0324; 14-0351; 14-0352A; 14-0353C; 14-0355; 14-0356; 14-0357; 14-0359; 14-0362; 14-0363; 14-0368; 14-0370; 14-0371; 14-0376A; 14-0378B; 14-0378C; 14-0379A; 14-0380A; 14-0380B; 14-0380D; 14-0383B; 14-0389; 14-0391; 14-0393; 14-0394; 14-0395C; 14-0399A; 14-0400A; 14-0401A; 14-0402A; 14-0403A; 14-0406C; 14-0408B; 14-0409C; 14-0410C; 14-0413B; 14-0414B; 14-0434B; 14-0437A; 14-0438A; 14-0438B; 14-0439A; 14-0439B; 14-0440A; 14-0441A; 14-0441B; 14-0443B; 14-0444A; 14-0444B; 14-0445A; 14-0445B; 14-0446A; and 14-0448A. Ms. Brewer seconded, and the motion passed unanimously. It was requested the Case Updates be presented keeping each case together with an update to each part.

CASE REVIEW SUMMARY:

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

Case No. 14-0367. Revisit. Pharmacy permit holder allegedly failed to place a pharmacist-in-charge of pharmacy from June 24, 2014 to July 25, 2014. Alleged violation of law: KRS 315.020(1). CRC Recommendation: Case is dismissed.

Case No. 14-0381A. Revisit. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of approximately 14,500 tablets of various controlled substances attributed to technician diversion. 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. 14-0381B. Revisit. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of approximately 14,500 tablets of various controlled substances attributed to technician diversion. Alleged violation of law: 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. 14-0382A. Revisit. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of approximately 3300 dosage units of multiple controlled substances attributed to technician diversion over a six month period. Permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violations of law: 201 KAR 2:100 Section 1 and 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. 14-0427A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of approximately 1500 ml of promethazine with codeine syrup attributed to technician diversion. 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. 14-0427B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of approximately 1500 ml of promethazine with codeine syrup attributed to technician diversion. 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. 14-0427C. Registered 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. 14-0433. Pharmacist's Ohio license summarily suspended by the Ohio Board of Pharmacy for unprofessional conduct related to the pharmacist abuse of liquor. Pharmacist's Ohio license was suspended on November 12, 2014. 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. 14-0436A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 7,000 tablets of hydrocodone/acetaminophen 10/325mg over a period of 14 months. 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. 14-0436B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 7,000 tablets of hydrocodone/acetaminophen 10/325mg over a period of 14 months. Alleged violation of law: 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. 14-0436C. Registered 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. 14-0447. Pharmacist allegedly has a mental or physical incapacity that prevents licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and 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. Alleged violations of law: KRS 315.121 (1)(b) and 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. 14-0457A Pharmacy permit holder allegedly sold a misbranded drug due to medication errors. Patient allegedly received methimazole 10mg instead of methimazole 5mg on one occasion and Flexeril 10mg instead of methimazole 5mg on another occasion. 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. 14-0457B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing medication errors. Patient allegedly received methimazole 10mg instead of methimazole 5mg on one occasion and Flexeril 10mg instead of methimazole 5mg on another occasion. 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. 14-0458. Wholesale permit holder allegedly falsified original application in October 2013 by answering “No” to the question concerning convictions by any partner, officer or employee of the company of any controlled drug laws. Alleged violation of law: KRS 315.121(1)(e). 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. 15-0001A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient allegedly was dispensed a prescription for 30 Adderall XR 20mg capsules that contained one venlafaxine ER 150mg capsule. 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. 15-0001B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly was dispensed

a prescription for 30 Adderall XR 20mg capsules that contained one venlafaxine ER 150mg capsule. 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. 15-0002. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 13.75 hours of continuing education in 2014. 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. 15-0003. Pharmacist self-reported alleged failure to complete 0.9 CEU's, (9 contact hours), of the required 1.5 CEU's of pharmacy continuing education in 2014. 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. 15-0004. Pharmacist self-reported alleged failure to complete 1.0 CEU's, (10 contact hours), of the required 1.5 CEU's of pharmacy continuing education in 2014. 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. 15-0006. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 1 hours of continuing education in 2014. 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. 15-0007. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 12.5 hours of continuing education in 2014. 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. 15-0008. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 15 hours of continuing education in 2014. 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. 15-0009. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 9.5 hours of continuing education in 2014. 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. 15-0010A. Pharmacy permit holder allegedly failed to provide adequate safeguards against improper manipulation or alteration of the data in a computerized recordkeeping system and allegedly failed to maintain an accurate record of each day's prescription data. Alleged violations of law: 201 KAR 2:170 Section 1 (6) and (8). 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. 15-0010B. Pharmacist allegedly failed to perform a proper prospective drug use review prior to dispensing a prescription. Alleged violation of law: 201 KAR 2:210 Section 4 (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. 15-0011. Pharmacy permit holder allegedly failed to place a pharmacist-in-charge of pharmacy from November 14, 2014 to January 1, 2015. Alleged violation of law: KRS 315.020(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. 15-0012. Pharmacist allegedly has a mental or physical incapacity that prevents licensee from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public and 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. Alleged violations of law: KRS 315.121(1)(b) and (2)(f). CRC Recommendation: There is sufficient 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. 15-0013A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. Physician prescribed Clomiphene 50mg tablets and Clomipramine 50mg capsules were allegedly dispensed to a patient. 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. 15-0013B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacist allegedly dispensed Clomipramine 50mg capsule rather than the prescribed Clomiphene 50mg tablet. 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. 15-0013C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. 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. 15-0014. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 6 hours of continuing education in 2014. 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. 15-0015A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. Physician prescribed Concerta 45mg but Concerta 54mg was knowingly dispensed to 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. 15-0015 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury and dispensing a drug for which a prescription drug order is required, without first having received a prescription drug order for the drug. Physician prescribed Concerta 45mg but pharmacist knowingly dispensed Concerta 54mg to patient. Alleged violations of law: KRS 315.121(2)(d) 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. 15-0016. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 3 hours of continuing education in 2014. 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. 15-0017. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 7 hours of continuing education in 2014. 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. 15-0018. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 15 hours of continuing education in 2014. 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. 15-0019. Pharmacy technician allegedly violated terms of amended Agreed Order with restrictions by testing positive for ethyl alcohol. 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. 15-0020. Pharmacy permit holder allegedly failed to place a pharmacist-in-charge of pharmacy from December 21, 2014 to January 26, 2015. Alleged violation of law: KRS 315.020(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. 15-0021. Pharmacy technician allegedly knowingly made or caused to be made any false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal of a license, permit, or certificate. Alleged violation of law: KRS 315.121 (1)(e). 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. 15-0022A. Pharmacy permit holder allegedly failed to maintain a patient record that enabled the pharmacist to determine the impact of previously dispensed drugs and known disease conditions upon the newly submitted prescriptive drug order. Alleged violation of law: 201 KAR 2:210 Section 1 (d)(3). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 15-0022B. Pharmacist allegedly failed to perform a proper prospective drug use review prior to dispensing a prescription. Alleged violation of law: 201 KAR 2:210 Section 4 (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. 15-0023. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 3 hours of continuing education in 2014. 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. 15-0024. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 6 hours of continuing education in 2014. 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. 15-0025. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 8 hours of continuing education in 2014. 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. 15-0026. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 9 hours of continuing education in 2014. 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. 15-0027. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 15 hours of continuing education in 2014. 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. 15-0028. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 3 hours of continuing education in 2014. 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. 15-0029. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 6 hours of continuing education in 2014. 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. 15-0030. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 12 hours of continuing education in 2014. 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. 15-0031. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 7 hours of continuing education in 2014. 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. 15-0032A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient allegedly was dispensed a prescription for 30 sertraline 50mg tablets that contained one hydrocodone/acetaminophen 10mg/325mg tablet. Alleged violation of law: 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. 15-0032B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly was dispensed a prescription for 30 sertraline 50mg tablets that contained one hydrocodone/acetaminophen 10mg/325mg tablet. 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. 15-0036. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 6 hours of continuing education in 2014. 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. 15-0037. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 5.5 hours of continuing education in 2014. 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. 15-0038. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 15 hours of continuing education in 2014. 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. 15-0039. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 2 hours of continuing education in 2014. 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. 15-0040. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 1 hour of continuing education in 2014. 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. 15-0041. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 3 hours of continuing education in 2014. 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. 15-0042. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 15 hours of continuing education in 2014. 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. 15-0043. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 2 hours of continuing education in 2014. 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. 15-0044. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 6.5 hours of continuing education in 2014. 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. 15-0045. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 3 hours of continuing education in 2014. 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. 15-0051. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 0.5 hours of continuing education in 2014. 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. 15-0052. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 13 hours of continuing education in 2014. 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. 15-0053. Pharmacist self-reported to the Board office upon renewal an alleged deficiency of 1 hour of continuing education in 2014. 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/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:

Reciprocity Request/Gregory Chase Richardson. Gregory Chase Richardson requested to reciprocate his pharmacist's license from Tennessee to Kentucky. Dr. Richardson graduated from the University of Tennessee College of Pharmacy in May 2011. In the past 3 years, Dr. Richardson has had 2 alcohol related events. On November 18, 2012, Dr. Richardson was arrested for driving under the influence and implied consent, with the charges amended to reckless endangerment. During his probation period, on August 25, 2013, he was arrested for public intoxication. Dr. Richardson has completed a yearlong probation period, paid court costs and fines, completed over 24 hours of community service, and completed a number of different alcohol education and counseling services. Dr. Greenwell moved to grant Gregory Chase Richardson a Kentucky pharmacist's license without restriction upon successful completion of the Kentucky Pharmacist Licensure Examination. Dr. Hanna seconded, and the motion passed unanimously.

Initial Application/Alex Matthew Klingenbeck. Alex Matthew Klingenbeck requested permission to sit for the Kentucky Pharmacist's Licensure Examinations. Mr. Klingenbeck is a registered intern in Kentucky and Ohio. He is attending the University of Cincinnati College of Pharmacy. On February 22, 2014, Mr. Klingenbeck was charged with Operating a Motor Vehicle While Intoxicated (DVI). He was convicted of a Tier 1 DVI, a misdemeanor. Mr. Klingenbeck reported the incident to the Ohio Board of Pharmacy who renewed his pharmacist intern license without restriction. Mr. Klingenbeck did not report the incident to the Kentucky Board of Pharmacy until completing the Initial Application for Pharmacist Licensure. Dr. Greenwell moved to grant Alex Matthew Klingenbeck a Kentucky pharmacist's license without restriction upon successful completion of the Kentucky Pharmacist Licensure Examinations. Dr. Hanna seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

Dual Pharmacist-in-Charge/Lindsey Peden. Lindsey Peden is currently pharmacist-in-charge of Ely Drugs of Bowling Green and Ely Home Infusion. Dr. Peden requested to be pharmacist-in-charge of Ely Specialty Pharmacy in addition to Ely Drugs of Bowling Green and Ely Home Infusion. All 3 pharmacy permits are located in the same building and there are no physical barriers to divide the separate pharmacies. Dr. Peden requested permission to share equipment and reference material between the 3 pharmacies. Dr. Hanna moved to approve Lindsey Peden to be pharmacist-in-charge of Ely Drugs of Bowling Green, Ely Home Infusion and Ely Specialty Pharmacy and allow the 3 pharmacy permits to share equipment and reference material. Ms. Brewer seconded, and the motion passed unanimously.

Continuing Education Exemption/Kevin Burns. Kevin Burns requested a onetime exemption to obtaining continuing education in 2014 and be allowed to apply 2015 continuing education hours to the 2014 requirement. Dr. Burns did answer the question regarding continuing education as "No" on his 2015 Kentucky Pharmacist Licensure Renewal. Dr. Greenwell moved to deny granting a onetime exemption to obtaining continuing education hours in 2014 and allowing Kevin Burns to apply 2015 continuing education hours to the 2014 requirements but to issue an Agreed Order with a fine of \$250 and double of the number of continuing education hours Dr. Burns was deficient in 2014. Dr. Hanna seconded, and the motion passed unanimously.

Equipment Waiver/Craig Mack. Craig Mack, pharmacist-in-charge of ContinueCare Hospital at Baptist Health Corbin, requested an exemption to pharmacy equipment. There will be no compounding performed at this location. Dr. Greenwell moved to grant Craig Mack's request for an exemption for pharmacy equipment for ContinueCare Hospital at Baptist Health Corbin as long as no compounding is performed, however, if compounding is performed, equipment must be obtained. Dr. Hanna seconded, and the motion passed unanimously.

NABP: The Annual NABP Meeting is May 16-19, 2015, in New Orleans.

LEGISLATIVE/REGULATION:

Medication Synchronization. The Kentucky Legislature passed SB44, Medication Synchronization.

CONTINUING EDUCATION:

Dr. Greenwell moved to approve continuing education programs 15-03 through 15-07 as recommended. Dr. Hanna seconded, and the motion passed unanimously.

OLD BUSINESS:

Regulations:

- 1. Long Term Care.** The Long Term Care regulation is being worked on by the Regulation Committee.
- 2. Pharmacist/Patient Interaction on a change in a prescription drug order.** A new part of 201 KAR 2:210 to require pharmacists to counsel patients on changes in prescription drug orders is being worked on by the Regulation Committee.
- 3. E-Prescribing Committee.** President Thornbury replaced Dr. Greenwell with Dr. Hanna as the Chair of the E-Prescribing Committee. Dr. Greenwell will continue as a member of the committee.

FYI: Two continuing education cases were expunged.

EXECUTIVE SESSION:

Dr. Greenwell moved to go into Executive Session pursuant to KRS 61.810(1)(f) to discuss possible appointment of an employee with Board Members and Board Attorney in attendance. Dr. Hanna seconded, and the motion passed unanimously.

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

Dr. Greenwell moved to extend the period to receive applications for the Executive Director position until April 5, 2015. Ms. Brewer seconded, and the motion passed unanimously.

The Board will meet on April 15, 2015, for a Special Called Board Meeting for the purpose of appointing an Executive Director.

ADJOURNMENT: On motion by Dr. Greenwell, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the Board Meeting at 12:45 p.m. The next Board

Meeting is a Special Called Board Meeting scheduled to begin at 10 a.m. on April 15, 2015 at the Board Office in Frankfort, Kentucky. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on May 13, 2015 at the Board Office in Frankfort, Kentucky.

Mike Burleson, R.Ph.