

**KENTUCKY BOARD OF PHARMACY**

**Board Meeting**

**125 Holmes Street, Suite 300**

**Frankfort, KY 40601**

**January 13, 2016**

**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- A. \*December 16, 2015

**III. APPEARANCES**

- A. \*Jamie Lane R.Ph                      Hardin Memorial Hospital
- B. \*Caroline Payne                      Request Reinstatement Pharmacist License

**IV. INTERAGENCY**

**V. BOARD REPORTS**

- A. Board Executive Director
  - 1. CAPTASA Meeting January 29-30 2016
  - 2. \*eMars- December 2015
  - 3. Travel approval:
    - a. NABP Annual meeting May 13 – 18
    - b. \*NABP MPJE Annual Item Writing Workshop – March 15 – 16
  - 4. \*NABP Delegate

**VI. CURRENT/PENDING CASES**

- A. General Counsel - Cheryl Lalonde
  - 1. Case Management
  - 2. Case No. 13-0193 [Closed Session]
- B. \*Case Update
- C. Case Review: No Report

**VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS**

- A. \*Essa Mashni – Reciprocal

**VIII. CORRESPONDENCE/COMMUNICATION**

- A. \*Cindy Egelhoff – CE Extension Request

**IX. NABP**

**X. LEGISLATION/REGULATION**

- A. \*315.400
- B. \*Medical Gas Wholesaler
- C. \*In-state Outsourcing Facility
- D. \*Out-of-state Outsourcing Facility
- E. \*315.010

**XI. CONTINUING EDUCATION**

- A. \*CE Programs – 16-01

**XII. FINES\***

**XIII. OLD BUSINESS**

- A. \*Sterile Compounding Task Force Regulation Recommendation
  - 1. 201 KAR 2:076

**XI. NEW BUSINESS**

**XII. FYI**

- A. Expungement
  - 1. Case No. 12-0024 Short CE hours
  - 2. Case No. 08-0101 Short CE hours

\*Information enclosed with this agenda

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

**January 13, 2016**

**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 Thornbury called the Meeting to order at 9:10 a.m.

Members present: Joel Thornbury, Deborah Brewer, Scott Greenwell, and Cathy Hanna. Staff: Steve Hart-Executive Director; Katie Busroe-Pharmacy Inspections and Investigations Supervisor; Shannon Allen, Christina Amburgey, and Amanda Harding-Pharmacy and Drug Inspectors; Cheryl Lalonde-Board Counsel; Brian Fingerson-Pharmacist Recovery Network; and Lisa Atha-Executive Secretary. Guests: Anne Policastri and Mike Herald-KSHP; Robert McFalls and Chris Clifton-KPhA; Joe Elmes, Bill Hurley and Peter Hovis-PCA Pharmacy; Brittany Reid-Walmart; Kevin Sullivan and Dana Noland-Hardin Memorial Hospital; Rich Palombo-Express Scripts; Jordan Smith, Khaai Lee, Emily Blaiklock, and Caitlin Sinclair-pharmacy students. Melody Curtis, Court Reporter, recorded the meeting. Larry Hadley and Brian DeWire were absent from the meeting.

**MINUTES:** On motion by Dr. Hanna, seconded by Dr. Greenwell and passed unanimously, the Minutes of December 16, 2015 were approved.

**APPEARANCES:**

**Jamie Lane and Kevin Sullivan.** Dr. Lane and Dr. Sullivan from Hardin Memorial Hospital appeared before the board asking for approval of a new process to fill their medication carts. They are asking that the final manual check by the RPh or CPhT be eliminated and replaced with the use of barcode medication verification (BMV) at the time of initial cart filling. After discussion it was determined that the board needs a visual of what is actually happening and how pharmacists are being utilized.

**Carolyn Payne.** Ms. Payne was sworn in by Ms. Curtis. Ms. Payne appeared before the Board to request reinstatement of her Kentucky pharmacist's license. Ms. Payne gave a brief overview of the events that led to the loss of her pharmacist's license. She began using pain medication as a result of back and hip pain, and then surgery. As the pain from surgery increased and required more medication she became addicted to the pain medication. There was a board investigation that discovered that she had forged prescriptions for herself. She surrendered her license to the board on 11/24/14. She completed Brentwood Meadows' inpatient and intensive outpatient treatment, and was discharged on 1/5/15. According to her Agreed Order, Ms. Payne forged some prescriptions. Dr. Greenwell moved to go into Executive Session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and an individual adjudication, with Ms. Lalonde and Mr. Hart 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 deny Ms. Payne's request for reinstatement based on the fact we do not have the complete history on what actually transpired. Dr. Hanna seconded, and the motion passed unanimously.

**INTERAGENCY:** Bob McFalls invited everyone to visit KPhA's new building.

## **BOARD REPORTS:**

**Board Executive Director.** 1) Mr. Hart encouraged everyone to go online and register for CAPTASA, Jan. 29-30. 2) eMARS and financial reports for December 2015 were presented to the Board 3) Ms. Brewer moved to approve travel for board members, staff, and the Executive Director to attend the annual NABP Meeting, May 13-18, 2016 in San Diego, CA. Dr. Hanna seconded, and the motion passed unanimously. 3b) Dr. Greenwell moved to approve the Executive Director's travel to the MPJE Item Writing Workshop at NABP, March 15-16, 2016, at no expense to the Board. Dr. Hanna seconded, and the motion passed unanimously. 4) Dr. Greenwell moved for the President to be the delegate and the Vice President to be the alternate delegate at the annual NABP meeting. Dr. Hanna seconded, and the motion passed unanimously.

## **CURRENT/PENDING CASES:**

**Case Updates:** Ms. Brewer moved to accept Case Updates for Case Numbers 11-0125B; 12-0121B; 14-0381C; 14-0396; 15-0035A&15-0258A; 15-0057C; 15-0069B; 15-0101; 15-0308A; 15-0311B; 15-0313B; 15-0316B; 15-0323A; 15-0333; 15-0342B; 15-0343A; 15-0343B; 15-0345A; 15-0346A; 15-0346B; 15-0347A; 15-0347B; 15-0349A; 15-0349B; 15-0350A; 15-0351A; 15-0352B. Dr. Hanna seconded, and the motion passed unanimously.

Dr. Greenwell moved to go into Executive Session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and an individual adjudication in Case No. 13-0193, with Ms. Lalonde and Mr. Hart in attendance. Dr. Hanna seconded, and the motion passed unanimously. Dr. Hanna moved to come out of executive session, seconded by Dr. Greenwell and passed unanimously. There was no further action on Case No. 13-0193.

## **RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:**

**Essa Mashni/Reciprocity Request.** Essa Mashni requested to reciprocate his pharmacist's license from Michigan to Kentucky. In Michigan, Mr. Mashni was fined \$10,000 and his license was suspended for three months, followed by probation for two years. Dr. Greenwell moved to deny Mr. Mashni's request to reciprocate his pharmacy license to Kentucky. Dr. Hanna seconded and the motion passed unanimously.

## **CORRESPONDENCE/COMMUNICATION:**

**Continuing Education Waiver/Cindy Egelhoff.** Cindy Egelhoff requested a waiver for 2014 continuing education requirements due to a medical issue. Dr. Greenwell moved to deny Ms. Egelhoff's request for a 2014 continuing education waiver and requested that staff investigate her ability to practice safely. Dr. Hanna seconded, and the motion passed unanimously.

**North Carolina State University.** North Carolina State University College of Veterinary Medicine requested a waiver of an out-of-state pharmacy permit. Dr. Greenwell moved to deny this request. Dr. Hanna seconded and the motion passed unanimously.

## **NABP**

FYI - District III is in Alabama the second week of August 2016. District III is in Kentucky in 2017; Mr. Hart has spoken with Sullivan about hosting in Louisville.

## **LEGISLATIVE/REGULATION:**

**KRS 315.400.** This proposed statute will align Kentucky with federal regulations for third-party logistics providers. Dr. Greenwell moved to move forward with this statute. The motion was seconded by Dr. Hanna and passed unanimously.

**Medical Gas Wholesaler.** Dr. Hanna moved to approve an amendment to the statute, to create a medical gas wholesaler permit. Dr. Greenwell seconded, and the motion passed unanimously.

**Outsourcing Legislation.** Ms. Brewer moved to approve the creation of a new permit for outsourcing facilities. Dr. Hanna seconded, and the motion passed unanimously.

**KRS 315.010.** Dr. Greenwell moved to approved changes to definitions in KRS 315.010. Ms. Brewer seconded, and the motion passed unanimously.

**CONTINUING EDUCATION:**

Dr. Greenwell moved to approve continuing education programs as recommended. Ms. Brewer seconded, and the motion passed unanimously.

**OLD BUSINESS:**

The work of the Sterile Compounding Committee has concluded. President Thornbury thanked Ms. Busroe for her work on this committee. The committee recommended amendments to 201 KAR 2:076. Dr. Greenwell moved to accept and go forward with the changes. After discussion, the motion died for lack of a second. Dr. Greenwell moved to table until the next meeting. Dr. Hanna seconded, and the motion passed unanimously.

**NEW BUSINESS:**

There was no new business to consider.

**FYI:**

Expungement of Cases No. 12-0024 and No. 08-0101 per 201 KAR 2:270, Section 2(1)(b).

**ADJOURNMENT:** On motion by Dr. Hanna, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the meeting at 12:32 p.m. The next regularly scheduled meeting is scheduled for 9:00 a.m. on March 9, 2016 at Sullivan College of Pharmacy, 2100 Gardiner Lane, Louisville, KY.

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B. Steven Hart, R.Ph.

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Date