

**KENTUCKY BOARD OF PHARMACY**

**Board Meeting**

**125 Holmes Street Suite 300**

**Frankfort KY 40601**

**July 13, 2016**

**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- \*A. May 11, 2015

**III. APPEARANCES**

- \*A. Tommie Lynn Johnson Reinstatement
- \*B. Lindsay Collett Reinstatement
- \*C. Kim Russo MedsOnCue

**IV. INTERAGENCY**

- \*A. Larry Brown Occupations and License

**V. BOARD REPORTS**

- A. Board Executive Director
  - \*1. eMARS (May 2016, and June 2016 FY 2016) and Financial Report
  - 2. NABP Interactive Executive Officer Forum October 4-5, 2016
  - 3. NABP Interactive Member Forum November 30- December 1, 2016
  - 4. Outsourcers and Third Party Logistics update

**VI. CURRENT/PENDING CASES**

- \*A. Case Update
- \*B. Case Review
- \*C. Final Orders

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

- \*A. Pharmacy Technician Summary

**VIII. CORRESPONDENCE/COMMUNICATION**

- \*A. Omnicare of Louisville-waiver request
- \*B. Omnicare of Henderson-waiver request
- \*C. Omnicare of Henderson-waiver request
- \*D. Elaine Bedell-CE deferral
- \*E. David Ruth-dual PIC request
- \*F. Frank La Corte- dual PIC request
- \*G. Richard Slone-dual PIC request
- \*H. Morgan County/McDowell ARH-equipment waiver

**IX. NABP**

**X. LEGISLATION/REGULATION**

- A. 201 KAR 2:350 HME Repeal update
- \*B. 201 KAR 2:240 Charitable donations
- \*C. 201 KAR 2:370 Automation in LTC
- \*D. 201 KAR 2:076 Compounding

**XI. CONTINUING EDUCATION**

- \*A. CE Programs: 16-22 through 16-32

**XII. OLD BUSINESS**

- A. KY PRN review update

**XIII. NEW BUSINESS**

- \*A. RX 30 Counseling statement
- \*B. St. Elizabeth Healthcare
- \*C. LifePoint Health

**XIV. FYI.**

\*Information enclosed with this agenda

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
**July 13, 2016**

**CALL TO ORDER:** A regular meeting was held at the Kentucky Board of Pharmacy, 125 Holmes Street, State Office Building Annex, Ste. 300, Frankfort, Kentucky. President Greenwell called the meeting to order at 9:00 a.m.

Members present: Brian Dewire, Scott Greenwell, Craig Martin, Larry Hadley and Cathy Hanna. Staff: Steve Hart, Executive Director; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Shannon Allen, Paul Daniels, Jessica Williams and Amanda Harding, Pharmacy and Drug Inspectors; Cheryl Lalonde, General Counsel; Brian Fingerson, Pharmacist Recovery Network; and Lisa Atha, Executive Secretary. Guests: Anne Policastri, KSHP; Trish Freeman, KPhA; Chris Killmeier, Walgreens; Ralph Bouvette, APSC; Katie Petrone and Mallory Durham, Sullivan COP; Joel Tjeedrsma, Cubex; Krista Kemp, Hazelwood Center; Darren Parks, Omnicare; Kim Russo, VUCA Health; Virginia Whitt, student Sullivan COP; Nicholas Wren, Stephen Crutcher, Claire Hafner, Megan Phelps, Kaitlyn Thomason and Shelby Williams, students UK COP; Fred Marlan, UK COP; Tommie Johnson, Lindsey Collett; Melanie Curtis, Court Reporter, recorded the meeting. Deborah Brewer was absent from the meeting.

**MINUTES:** On motion by Dr. Hanna, seconded by Mr. Hadley and passed unanimously, the Minutes of May 11, 2016 were approved with one correction.

**APPEARENCES:**

**Tommie Lynn Johnson:** Ms. Johnson was sworn in by Melanie Curtis, Court Reporter. Ms. Johnson appeared before the Board to request reinstatement of her Kentucky pharmacist's license. Ms. Johnson gave a brief overview of the events that led to the loss of her pharmacist's license. She was licensed as a pharmacist in Kentucky in 2012. Ms. Johnson's license was suspended in North Carolina in September 2014 based on her arrest on March 4, 2014 for Obtaining a Controlled Substance by Prescription Misrepresentation/Fraud. Ms. Johnson entered into an Agreed Order of Suspension with the Kentucky Board of Pharmacy on August 26, 2015. She signed an amended Agreed Order of Suspension on March 25, 2016. Ms. Johnson has admitted to drug addiction; she entered Quest House, and started her sobriety there. Her sobriety date is April 2014. She is continuing her recovery.

Mr. Hadley moved to reinstate Ms. Johnson's pharmacist's license with stipulations as follows: five years of probation; perpetual inventory at all places of employment for Schedule II drugs; electronic tracking of Schedule III-V drugs and expired controlled substances; perpetual inventory available; audits; 12 monthly AA/NA meetings; inspections; maximum work hours with no overtime, no night shift [midnight to 6:00 AM]; copy of Agreed Order to all employers and pharmacists-in-charge; KYPRN; signed release of medical records; monthly report of AA/NA meetings; observed urine, other body fluid, or hair samples for drug/alcohol screens; prohibited from accepting position as pharmacist-in-charge, power of attorney, or preceptor; attendance within 1 year of entry of this Agreed Order at Utah School or CAPTASA; monthly written self-performance evaluations. Ms. Johnson stated she understood that any violation of the Agreed Order of Reinstatement shall cause her to automatically lose her license to practice

pharmacy for not less than five years and one day and shall require individual to petition the Board for reinstatement only after she has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. Ms. Johnson shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Dr. Hanna seconded, and the motion passed unanimously.

**Lindsey Collett:** Ms. Collett was sworn in by Melanie Curtis, Court Reporter. Ms. Collett appeared before the Board to request reinstatement of her Kentucky pharmacist's license. Ms. Collett gave a brief overview of the events that led to the loss of her pharmacist's license. She was licensed as a pharmacist in Kentucky in 2009. Ms. Collett entered into an Agreed Order of Suspension with the Kentucky Board of Pharmacy on May 14, 2014 for diversion of controlled substances. Ms. Collett has admitted to drug addiction; she entered Stepworks and the Laurel County Drug Court Program and started her sobriety there. Her sobriety date is June 14, 2013. She is continuing her recovery. Mr. Hadley moved to go into Executive Session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed reinstatement with Ms. Lalonde and Mr. Hart in attendance. Dr. Hanna seconded, and the motion passed unanimously. Mr. Hadley moved to come out of Executive Session. Dr. Hanna seconded, and the motion passed unanimously.

Dr. Martin moved to reinstate Ms. Collett's pharmacist's license with the following stipulations: ten years of probations; 12 monthly AA/NA meetings; inspections; maximum work hours with no overtime, no employer with a DEA registration; copy of Agreed Order to all employers and pharmacists-in-charge; KYPRN; signed release of medical records; monthly report of AA/NA meetings; observed urine, other body fluid, or hair samples for drug/alcohol screens; prohibited from accepting position as pharmacist-in-charge, power of attorney, or preceptor; attendance within 1 year of entry of this Agreed Order at Utah School or CAPTASA; monthly written self-performance evaluations. Ms. Collett stated she understood that any violation of the Agreed Order of Reinstatement shall cause her to automatically lose her license to practice pharmacy for not less than five years and one day and shall require individual to petition the Board for reinstatement only after she has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. Ms. Collett shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Mr. Hadley seconded, and the motion passed 3 to 1 with Dr. Martin, Mr. Hadley and Dr. Hanna voting for the motion and Dr. DeWire voting against the motion.

**Kim Russo, MedsOnCue:** Ms. Russo appeared before the Board seeking approval to offer MedsOnCue, digital medication guides as an alternative to the traditional paper leaflets. Arizona, Florida, Illinois, Indiana, Louisiana, Minnesota, North Carolina, Ohio, South Dakota, and Texas previously confirmed MedsOnCue does not conflict with their state laws. The Board stated 201 KAR 2:210 allows for digital medication guides to be provided to patients.

### **INTERAGENCY:**

**Larry Brown, Office of Occupations and Professions.** As of July 15, 2016, the Kentucky Board of Durable Medical Equipment Suppliers is in the Office of Occupations and Professions (O&P) and durable medical equipment suppliers will not be overseen by the Board of Pharmacy.

Mr. Brown requested the Board of Pharmacy and O&P enter into an agreement to share the services of Pharmacy and Drug Inspectors, beginning July 15, 2016. Mr. Brown does not have inspectors at O&P who can inspect the Durable Medical Equipment Suppliers. After discussion, the Board of Pharmacy was reluctant to inspect for another board. Dr. Hanna moved to give Mr. Hart the ability to work with Dr. Greenwell and Mr. Brown to create an interim plan until the September Board meeting at which time details of any further assistance to O&P must be presented. Dr. Martin seconded, and the motion passed unanimously.

**Trish Freeman, Kentucky Pharmacists Association (KPhA).** Dr. Freeman announced KPhA submitted the following names for the Board of Pharmacy to the Governor's office: Leon Claywell, Craig Martin, Cathy Shely, Joe Mashni and Ron Poole.

### **BOARD REPORTS:**

**Board Executive Director.** 1) eMARS and financial reports for May and June 2016 were presented to the Board.

2) Mr. Hadley moved for Mr. Hart to attend the NABP Interactive Executive Officer Forum on October 4-5, 2016 at no cost to the Board. Dr. Hanna seconded and the motion passed unanimously.

3) Mr. Hadley moved to allow Mr. Hart and one Board Member to travel to the NABP Interactive Member Forum on November 30- December 1, 2016 at no cost to the Board. Dr. Hanna seconded, the motion passed unanimously.

4). Steve Hart met with Eric Adams, Deputy Chief of Staff for the Governor's Office, regarding the Board of Pharmacy's lack of oversight of Outsourcers and Third Party Logistics providers. Board Counsel Ms. Lalonde met with the Deputy Chief Counsel for the Governor regarding the situation. A follow-up meeting will be held in the future.

### **CURRENT/PENDING CASES:**

Ms. Lalonde proposed internally processing cases without going through Case Review for the following:

- Continuing education violations (self reports: Agreed Order with \$250 fine and double the CE deficiency; audits: Agreed Order with \$500 fine and double the CE deficiency)
- Pharmacy technician works in a pharmacy without being appropriately registered for a year or less (Agreed Order \$100 fine for pharmacy and \$25 for pharmacy technician).

Dr. Hanna moved to accept processing these cases as recommended. Dr. Martin seconded and the motion passed unanimously.

Ms. Lalonde also suggested that cases informally resolved consistent with stated Board parameters may be signed by the President. Mr. Hadley moved to approve this suggestion and instructed the Case Review Committee to develop parameters for the processing of these cases. Dr. Hanna seconded and the motion passed unanimously.

**Case Updates:** Mr. Hadley moved to accept Case Updates; Case No. 14-0456C, 15-0095, 15-0250, 15-0292C, 15-0356, 16-0013A, 16-0013B, 16-0015A, 16-0016A, 16-0017A, 16-0024B, 16-0024C, 16-0024D, 16-0059, 16-0080C, 16-0084, 16-0088, 16-0094B, 16-0106, 16-0107B,

16-0119, 16-0125, 16-0156, 16-0131, 16-0132, 16-0136, 16-0137, 16-0145, 16-0146, 16-0150, 16-0153, 16-0155, 16-0158, 16-0161, 16-0164, 16-0165, 16-0167, 16-0168, 16-0170, 16-0171, 16-0174, 16-0175, 16-0176, 16-0178, 16-0180, 16-0182, 16-0183, 16-0188, 16-0189, 16-0190, 16-0194, 16-0199, 16-0200, 16-0201, 16-0202, 16-0204, 16-0206, 16-0209, 16-0210, 16-0211, 16-0213, 16-0214, 16-0216, 16-0220, 16-0223, 16-0227, 16-0228, 16-0229, 16-0230, 16-0234, 16-0239, 16-0241, 16-0242, 16-0244, 16-0247, 16-0249, 16-0251, 16-0253, 16-0255, 16-0258, 16-0260, 16-0262, 16-0266, 16-0270, 16-0272, 16-0279, 16-0281, 16-0282, 16-0284, 16-0285, 16-0286, 16-0287, 16-0288, 16-0298, 16-0299, 16-0301, 16-0303, 16-0304, 16-0307, 16-0311, 16-0312, 16-0317, 16-0321, 16-0325, 16-0328, 16-0330, 16-0337, 16-0340, 16-0341, 16-0343. Dr. Hanna seconded, and the motion passed unanimously.

Mr. Hadley moved to accept Case Review Committee recommendations as presented;

**Case No. 14-0317B Revisit.** Pharmacist allegedly failed to provide adequate security by allowing a pharmacy technician to enter the pharmacy without a pharmacist being present. Alleged violation of law: 201 KAR 2:205, section 3(3)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 15-0338B REVISIT.** Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging to unauthorized persons patient information without the patient's express consent or without order or direction of the court and by engaging in conduct likely to harm the public. Alleged violation of law KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0001 Revisit.** Out of state pharmacy allegedly shipped diabetic supplies and prescriptions into KY without a permit. Alleged violation of law: KRS 315.035(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 16-0024E Revisit.** Intern allegedly divulged patient information to unauthorized person without the patient's consent. NEW INFORMATION: The intern's attorney would like her comments to be further considered by the case review committee. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 16-0085 Revisit.** Pharmacist allegedly engaged in unprofessional or unethical conduct by violating a previously signed Agreed Order. 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. 16-0086A Revisit.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing Duloxetine to be dispensed to a patient instead of the

prescribed Dexilant 60mg. Alleged Violation of Law: KRS 315.121 (1) (a). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 16-0086B Revisit.** Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public by dispensing the wrong medication to a patient. Duloxetine was allegedly dispensed to a patient instead of the prescribed Dexilant 60mg. 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 16-0093A Revisit.** Pharmacist allegedly failed to perform a prospective drug utilization review. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0093B Revisit.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by employing a pharmacist who allegedly failed to perform a prospective drug utilization review. Alleged violation of law: 201 KAR 2:210 Section 4. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0135 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0143 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0156A.** Permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 4,818 hydrocodone/apap 10mg/325mg tablets over the course of 10 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 16-0156B.** Pharmacist in charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 4,818 hydrocodone/apap 10mg/325mg tablets over the course of 10 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. 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 16-0156C.** 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 16-0226 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0237. Revisit.** Pharmacist allegedly failed to complete 15 hours of continuing education in 2015. NEW INFORMATION: Pharmacist previously submitted his 2015 CE but there was a glitch in printing so the total hours were not noted. He resubmitted his CE for 2015, and the total exceeds the 15 hours required by our law. Alleged violation of law: 201 KAR 2:015, section 5(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0264 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0283 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0305 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-310 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0313 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0360 Revisit.** Pharmacist allegedly failed to obtain 15 hours of continuing education in 2015. New Information: CE was produced. Alleged Violation of Law: KRS 315.065(2) and 201 KAR 2:015(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0367 Revisit.** Pharmacist failed to obtain 15 hours of continuing education in 2015. NEW INFORMATION: Produced 15 hours of continuing education obtained in 2015. Alleged violation of law: KRS 315.065(2) and 201 KAR 2:015 (1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0384A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by selling a prescription to the incorrect 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 16-0384B.** Pharmacist allegedly engaged in conduct likely to harm the public with or without established proof of actual injury by dispensing a prescription to the incorrect patient. 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 16-0384C.** Intern allegedly engaged in conduct likely to harm the public with or without established proof of actual injury by selling a prescription to the incorrect 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 16-0385A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported the following losses: 45 apap/codeine #3 tabs, 106 apap/codeine #4 tabs, 7 hydrocodone 5/325mg tabs, 81 hydrocodone 10/325mg tabs, 4 oxycodone 10mg tabs, 6 morphine er 30mg tabs, 5 morphine 60mg er tabs, and 60 oxycodone 5/325mg tabs. Alleged violations of Law: 201 KAR 2:100 Section 1.

**Case 16-0385B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported the following losses: 45 apap/codeine #3 tabs, 106 apap/codeine #4 tabs, 7 hydrocodone 5/325mg tabs, 81 hydrocodone 10/325mg tabs, 4 oxycodone 10mg tabs, 6 morphine er 30mg tabs, 5 morphine 60mg er tabs, and 60 oxycodone 5/325mg tabs. Alleged violations 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 16-0385C.** 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 violations 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 16-0387A.** Special pharmacy permit holder allegedly closed facility without prior notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106 section 2(1)(c). 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 16-0387B.** Pharmacist in charge allegedly did not notify the Board of Pharmacy of closure of medical gas permit location. Alleged violation of law: 201 KAR 2:205 section 2(3)(e). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0389A.** Special pharmacy permit holder allegedly closed facility without prior notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106 section 2(1)(c). 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 16-0389B.** Pharmacist in charge allegedly did not notify the Board of Pharmacy of closure of medical gas permit location. Alleged violation of law: 201 KAR 2:205 section 2(3)(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 16-0392A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of a 100-count stock bottle of hydrocodone/apap 7.5/325mg tablets. Alleged violation of law: 201KAR 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 16-0392B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of a 100-count stock bottle of hydrocodone/apap 7.5/325mg tablets. 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 16-0392C.** 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 Violations 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 16-0394A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the following losses over a period of three months: 34 methylphenidate ER 36mg tablets, 30 Vyvanse 70mg capsules, and 2 amphetamine-dextroamphetamine mixed salts ER 30mg capsules. 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 16-0394B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported the following losses over a period of three months: 34 methylphenidate ER 36mg tablets, 30 Vyvanse 70mg capsules, and 2 amphetamine-dextroamphetamine mixed salts ER 30mg capsules. Alleged violation of law: 201KAR 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 16-0394C.** 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 Violations 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 16-0395.** Pharmacy technician allegedly violated a Kentucky Professionals Recovery Network Agreement. Alleged Violations of Law: KRS 315.121(1)(a) and (h) and 201 KAR 2:250 Section 3(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 16-0396A.** Pharmacy permit holder allegedly showed unprofessional or unethical conduct by violating patient confidentiality. 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 16-0396B.** Pharmacy-in-charge allegedly showed unprofessional or unethical conduct by violating patient confidentiality. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0396C.** Technician allegedly violated patient confidentiality. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0399A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0399B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 9/9/15 to 3/28/16. Alleged violation of law: KRS 315.138(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 16-0400A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0400B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/2/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0401A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0401B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/16 to 4/4/16. Alleged violation of law: KRS 315.138(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. 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 16-0402A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0402B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/16/16 to 4/18/16. Alleged violation of law: KRS 315.138(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 16-0403A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0403B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/7/16. Alleged violation of law: KRS 315.138(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 16-0404A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged

violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0404B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/18/16 to 4/29/16. Alleged violation of law: KRS 315.138(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 16-0405A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0405B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/29/16. Alleged violation of law: KRS 315.138(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 16-0406A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0406B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/2/16 to 4/9/16. Alleged violation of law: KRS 315.138(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 16-0407A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a

violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0407B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/8/16 to 4/8/16. Alleged violation of law: KRS 315.138(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 16-0408A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0408B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0409A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0409B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/3/16 to 4/8/16. Alleged violation of law: KRS 315.138(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 16-0410A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt

resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0410B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/2/16 to 4/4/16. Alleged violation of law: KRS 315.138(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 16-0411A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0411B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/4/16. Alleged violation of law: KRS 315.138(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 16-0412A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0412B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/16 to 4/4/16. Alleged violation of law: KRS 315.138(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 16-0413A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0413B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/11/16 to 4/12/16. Alleged violation of law: KRS 315.138(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 16-0414A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0414B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/4/16. Alleged violation of law: KRS 315.138(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 16-0415A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0415B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0416A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0416B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0417A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0417B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0418A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0418B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0419A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0419B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 4/5/16. Alleged violation of law: KRS 315.138(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 16-0420A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0420B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 5/16/16 to 5/25/16. Alleged violation of law: KRS 315.138(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 16-0421A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0421B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 5/23/16 to 5/25/16. Alleged violation of law: KRS 315.138(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 16-0422A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0422B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 5/23/16. Alleged violation of law: KRS 315.138(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 16-0423A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0423B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 5/23/16. Alleged violation of law: KRS 315.138(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 16-0424A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0424B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/25/16 to 5/27/16. Alleged violation of law: KRS 315.138(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 16-0425A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0425B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/2/16 to 5/4/16. Alleged violation of law: KRS 315.138(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 16-0426A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0426B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/16 to 5/12/16. Alleged violation of law: KRS 315.138(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 16-0427A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0427B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 4/18/16 to 5/5/16. Alleged violation of law: KRS 315.138(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 16-0428A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0428B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 5/5/16. Alleged violation of law: KRS 315.138(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 16-0429A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case 16-0429B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/16 to 5/10/16. Alleged violation of law: KRS 315.138(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.

Dr. Hanna seconded and the motion passed unanimously.

**Final Orders.** Mr. Hadley moved to accept the final orders for Cases 16-0384A, B, and C as recommended. Dr. Hanna seconded and the motion passed unanimously.

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

**Pharmacy Technician Registrant, Case 16-0386.** Dr. Hanna moved to approve a new application for pharmacy technician registration for EC provided she signs an Agreed Order with standard KYPRN language that includes 1 year probation, up to 4 drug screens and 4 AA meetings per month. Dr. Martin seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0397.** Dr. Martin moved to approve a new application for pharmacy technician registration for SL provided she signs an Agreed Order with standard KYPRN language that includes 2 years probation and up to 3 drug screens. Mr. Hadley seconded, and the motion passed 3 to 1 with Dr. Martin, Mr. Hadley and Dr. Hanna voting for the motion and Dr. DeWire voting against the motion.

**Pharmacy Technician Registrant, Case 16-0430.** Dr. DeWire moved to approve a new application for pharmacy technician registration for PL provided she signs an Agreed Order with

standard KYPRN language that includes 1 year probation and up to 3 drug screens. Dr. Martin seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0431.** Dr. Hanna moved to approve a renewal application for pharmacy technician registration for JT provided he signs an Agreed Order with standard KYPRN language that includes 1 year probation and up to 3 drug screens. Dr. Martin seconded, and the motion passed unanimously.

### **CORRESPONDENCE/COMMUNICATION:**

**Omnicare of Louisville-waiver request.** Darren Parks, Omnicare of Louisville, requested a waiver to the limit of emergency stock set forth in 201 KAR 2:370(4)(a), increasing it to 25 individual doses at the Regis Woods facility. Dr. Hanna moved to deny based on current regulation and lack of information. Dr. DeWire seconded, and the motion passed unanimously.

**Omnicare of Henderson, Parkview-waiver request.** Darren Parks, Omnicare of Henderson, requested a waiver to the limit of emergency stock set forth in 201 KAR 2:370(4)(a), increasing it to 25 individual doses at the Owensboro Center facility. Dr. Hanna moved to deny based on current regulation and lack of information. Dr. DeWire seconded, and the motion passed unanimously.

**Omnicare of Henderson, Owensboro-waiver request.** Darren Parks, Omnicare of Henderson, requested a waiver to the limit of emergency stock set forth in 201 KAR 2:370(4)(a), increasing it to 25 individual doses at the Parkview facility. Dr. Hanna moved to deny based on current regulation and lack of information. Dr. DeWire seconded, and the motion passed unanimously.

**Elaine Bedell-CE deferral.** Elaine Bedell requested a deferral of her 2015 continuing education requirements due to medical issues. Dr. DeWire moved to approve Elaine Bedell's request for a deferral of her 2015 continuing education requirements. Dr. Martin seconded, and the motion passed unanimously.

**David Ruth-dual PIC request.** David Ruth requested to be pharmacist-in-charge of Campton Discount Drug and the charitable pharmacy, Faith Pharmacy. Mr. Hadley moved to approve David Ruth's request to be pharmacist-in-charge of Campton Discount Pharmacy and the charitable pharmacy, Faith Pharmacy. Dr. Martin seconded, and the motion passed unanimously.

**Frank La Corte- dual PIC request.** Frank La Corte requested to be pharmacist-in-charge of Direct Source Pharmacy and Complete Pharmacy and Medical Solutions located in two different communities in Florida. Mr. Hadley moved to deny Frank La Corte's request to be pharmacist-in-charge of Direct Source Pharmacy and Complete Pharmacy and Medical Solutions. Dr. Hanna seconded, and the motion passed unanimously.

**Richard Slone-dual PIC request.** Richard Slone requested Roger Combs be pharmacist-in-charge of Clay Discount Pharmacy, where the previous PIC died unexpectedly, and RX Discount Pharmacy #17 which is not yet open, until RX Discount Pharmacy #17 opens. Dr. Martin moved

to approve Richard Slone's request for Roger Combs to be pharmacist-in-charge of Clay Discount Pharmacy and RX Discount Pharmacy #17 which is not yet open, until RX Discount Pharmacy #17 opens. Mr. Hadley seconded, and the motion passed unanimously.

**Morgan County/McDowell ARH-equipment waiver.** Lisa Carrol requested an exemption for Morgan County ARH Retail Pharmacy, not yet in operation, from a funnel, filter papers and a heating unit. Mr. Hadley moved to approve Morgan County ARH Retail Pharmacy's request for an exemption for having a funnel, filter paper and a heating unit so long as practice does not change to where this equipment would be needed. Dr. Hanna seconded, and the motion passed unanimously.

**NABP:** NABP/AACP District III Meeting will be held in Point Clear, AL on August 14-16, 2016. Those attending will be Mr. Hart, Mr. Hadley, Dr. Hanna, Ms. Brewer and Dr. Martin.

### **LEGISLATION/REGULATION:**

Dr. DeWire moved to have Board staff review 201 KAR 2:350, 201 KAR 2:240, 201 KAR 2:370 and 201 KAR 2:076, and report the September Board meeting. Dr. Hanna seconded the motion that passed unanimously.

### **CONTINUING EDUCATION:**

Dr. DeWire moved to approve continuing education programs 16-22 through 16-32. Dr. Hanna seconded, and the motion passed unanimously.

### **OLD BUSINESS:**

**Executive Director Annual Evaluation.** Dr. Hanna moved to perform an evaluation with Mr. Hadley, with findings to be presented to the Board at its next meeting. Mr. Hadley seconded and the motion passed unanimously.

**KY PRN review update.** Mr. Hart, President Greenwell and Mr. Fingerson had a discussion that resulted in an understanding that Mr. Fingerson will report compliance and non-compliance of KYPRN participants.

### **NEW BUSINESS:**

**RX 30 Counseling statement.** At the point of sale, RX 30 software has the following statement, "I have received counseling on my prescription(s) and have no further questions or need no counseling" as a means to document a patient's refusal of counseling. Dr. Hanna moved to direct Mr. Hart to communicate with RX 30 to resolve the confusion in counseling statement generated by RX 30 software. Mr. Hadley seconded, and the motion passed unanimously.

**St. Elizabeth Healthcare.** John Giordullo requested clarification regarding an oncology practice in Ohio compounding and distributing phase 2 or phase 3 study medications to patients of the oncology practice in Kentucky. The compounding is being performed by pharmacists in the

oncology offices. Mr. Hadley moved for Mr. Hart and Ms. Lalonde to investigate the situation further and report the findings at the September Board meeting. Dr. Martin seconded, and the motion passed unanimously.

**LifePoint Health.** Paige Porter, LifePoint Health, requesting clarification on the texting of medication orders. There was a long discussion.

**ADJOURNMENT:** On motion by Mr. Hadley, seconded by Dr. DeWire, and passed unanimously, President Greenwell adjourned the meeting at 12:57 p.m. The next regularly scheduled meeting begins at 9 a.m. on September 7, 2016 at the University Of Kentucky College Of Pharmacy in Lexington, Kentucky.

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B. Steven Hart, R.Ph.  
Executive Director

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Date