

**KENTUCKY BOARD OF PHARMACY**  
**Board Meeting and Retreat**  
**The Frankfort Country Club**  
**101 Duntreath St**  
**Frankfort, KY**  
**November 4<sup>th</sup> and 5<sup>th</sup> 2016**  
**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- \*A. September 14, 2016

**III. APPEARANCES**

- \*A. Eric Reid

**IV. INTERAGENCY**

- \*A. General Protocol proposal- KPhA
- \*B. 315.010 (21) "Practice of pharmacy," 315.205 Notification of immunization to minor's primary care provider. -KPhA

**V. BOARD REPORTS**

- A. Board Executive Director
  - \*1. eMARS
  - 2. Travel CLEAR Mid-Year meeting Executive Director 1/10-15/2017
  - 3. Travel APhA 2016 President and Executive Director 3/24-27/2017

**VI. CURRENT/PENDING CASES**

- \*A. Case Updates and Fine Report
- \*B. Case Review
- \*C. Final Orders

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

- \*A. Pharmacy Technician Summary
- \*B. Daniel Lasselle Initial Licensure
- \*C. Tiffany Kummer Intern application
- \*D. Bernard N. Onyenze Relicensure
- \*E. Kwadwo Amankwa Reciprocity

**VIII. CORRESPONDENCE/COMMUNICATION**

- \*A. Michael Mapes- Cordant Pharmacy Solutions Equipment waiver

**IX. LEGISLATION/REGULATION**

- \*A. Tobacco Cessation Protocol regulation

**X. CONTINUING EDUCATION**

- \*A. CE Programs: 16-43 thru 16-50
- \*B. Walgreens Naloxone Training Program

**XI. OLD BUSINESS**

- \*B. KYPRN Appointments

**XII. NEW BUSINESS**

\*A. BR 59 Representative Daniel Elliott

AN ACT relating to prescriptive authority for physician assistants.

**XIII. FYI.**

A. Expungements

98-0078 CE violation

10-0170 CE violation

11-0019 CE violation

12-0052 CE violation

**XV. RECESS**

**XVI. Board Retreat**

\*A. Compounding Review

\*B. PRN contract violations

\*C. Board approved CE

\*D. Needle exchange programs

\*E. Disciplinary actions for non-resident permits and licensees

\*F. Automation in long term care

\*Information enclosed with this agenda

**NOVEMBER BOARD MEETING AND RETREAT**  
**KENTUCKY BOARD OF PHARMACY**  
**November 4-5, 2016**

**CALL TO ORDER:** A regular meeting was held at the Frankfort Country Club, 101 Duntreath Street, Frankfort, Kentucky. President Greenwell called the meeting to order on November 4, 2016 at 9:18 a.m.

Members present: Brian Dewire, Deborah Brewer, 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; and Darla Sayre, Executive Staff Advisor. Guests: Anne Policastri, KSHP; Trish Freeman, KPhA; Chris Killmeier, Walgreens; Ralph Bouvette, APSC; Robert McFalls, KPHA; Michael Wyant, Cardinal Health; Dean Cindy Stowe, Sullivan; Taryn Howell, Highlands Medical; Joel Thornbury; and Shannon Stiglitz, Kentucky Retail Federation.

**MINUTES:** On motion by Mr. Hadley, seconded by Ms. Brewer and passed unanimously, the Minutes of September 7, 2016 were approved.

**APPEARANCES:** **Eric Reid.** Eric Reid did not appear.

**INTERAGENCY:**

**General Protocol Proposal - Trish Freeman, KPhA.** Dr. Freeman proposed using generic language in all proposals for greater flexibility; otherwise, the Board will have to promulgate myriad regulations. She asked the Board to consider this as an updated request to the Smoking Cessation Protocol Regulation draft language that was submitted at the September meeting. Ms. Lalonde advised that LRC was doubtful to approve generic language in a regulation, and suggested listing disease states and particular services in the protocol. Dr. Freeman and Ms. Stiglitz suggested broad language would give greater flexibility to the Board, and urged the Board to consider protocols on a case by case basis similar to how the Board approves continuing education. Dr. Hanna moved to draft regulation altered to Board approved protocols. Mr. Hadley seconded, the motion passed unanimously.

**KRS 315.010 (21) – Trish Freeman, KPhA.** Dr. Freeman shared KPhA proposed amendments to allow administering immunizations down to the age of 9. Dr. Hanna moved to show Board support for the proposed amendments; Dr. Martin seconded the motion that passed unanimously.

**BOARD REPORTS:** **Board Executive Director, Steve Hart**

1. Financial reports and eMARS were presented for September 2016 and October 2016. President Greenwell inquired into the financial audit process for the Commonwealth of Kentucky. Mr. Hart will find recommendations previously suggested by former State Auditor Crit Luallen and work with the Budget Analyst to confirm compliance.
2. Mr. Hadley moved to allow Mr. Hart to travel to CLEAR Mid-Year Meeting, January 10-15, 2017. Dr. Martin seconded, the motion passed unanimously.
3. Mr. Hadley moved to allow Mr. Hart and the Board President to travel to APhA 2017, March 24-27, 2017. Dr. Hanna seconded, the motion passed unanimously.

## **CURRENT/PENDING CASES**

**Case Updates and Fine Report:** Mr. Hadley moved to accept Case Updates; Case Numbers 16-0003, 16-0224C, 16-0388A, 16-0391D, 16-0393C, 16-0398B, 16-0412B, 16-0432B, 16-0435B, 16-0438B, 16-0438C, 16-0441C, 16-0443, 16-0457B, 16-0467A, 16-0467B, 16-0144, 16-0149, 16-0184, 16-0381B, 16-0413A, 16-0424B, 16-0427B, 16-0449A, 16-0449B, 16-0420A, 16-0451A, 16-0451B, 16-0453B, 16-0454A, 16-0454B, 16-0455A, 16-0458A, 16-0459A, 16-0159B, 16-0460A, 16-0460B, 16-0461A, 16-0461B, 16-0464A, 16-0464B, 16-0465A, 16-0466A, 16-0466B, 16-0468A, 16-0468B, 16-0469A, 16-0469B, 16-0470A, and 16-0470B. Dr. Hanna seconded, and the motion passed unanimously.

Mr. Hadley moved to accept Case Review Committee recommendations:

**Case 15-0251D Revisit.** Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, dispensing, and ingesting a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug. Alleged 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. Standard terms and one year suspension. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0012 Revisit.** Pharmacist may have a mental or physical incapacity that prevents her from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public. Alleged Violation of Law: KRS 315.121(1)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0100 Revisit.** Pharmacist allegedly has a mental or physical incapacity that prevents the licensee from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public. Alleged Violation of Law: KRS 315.121(1)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0113 Revisit.** Out of state pharmacy permit holder was disciplined in state of residence. Alleged Violation of Law: KRS 315.121(1)(c)(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$2500 administrative fine, cannot compound sterile until 2018 or until able to in Alabama. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0388B Revisit.** Pharmacist in charge allegedly failed to provide notification to the Board of closure of medical gas permit. 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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0438D Revisit.** 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 dispensing adulterated medication. Patient received controlled release morphine sulfate tablets that were cut in half. 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. Standard terms and \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention and an additional 6 hours of continuing education on pharmacy law. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0439A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing 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 (1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0439B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by dispensing 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0439C.** Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0440A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 212 Hydrocodone/Apap 10-325mg, 101 Oxycodone/Apap 7.5/325mg, 254 Oxycodone/Apap 10mg/325mg over a period of 6 months. Alleged Violation of Law: 201 KAR 2:100 Section 1. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 16-0440B.** Pharmacist in Charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 212 Hydrocodone/Apap 10-325mg, 101 Oxycodone/Apap 7.5/325mg, 254 Oxycodone/Apap 10mg/325mg over a period of 6 months. Alleged Violation of Law: 201 KAR 2:205

Section 2 (3) (b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 16-0440C.** 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 developed and the investigator is directed to conduct further investigation.

**Case 16-0444A.** Pharmacy permit holder allegedly dispensed a misbranded prescription. Patient allegedly received 100 alprazolam tablets instead of the labeled 120 tablets on two separate dispenses. Alleged violation of law: KRS 217.065 (2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0444B.** 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 received 100 alprazolam tablets instead of the labeled 120 tablets on two separate dispenses. 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 16-0447A.** Pharmacy permit holder allegedly sold an adulterated drug when a pharmacist allegedly dispensed an expired drug. Alleged Violation of Law: KRS 217.055(2). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0447B.** 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 allegedly dispensing an expired drug. 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 16-0448A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by employing a pharmacist who divulged or revealed patient information to an unauthorized person. 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 16-0448B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person. Alleged Violation of Law: KRS 315.121(2)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 16-0448C.** Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person. Alleged Violation of Law: KRS 315.121(2)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 16-0463A Revisit.** 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0463B Revisit.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 6/15/16 to 6/28/16. Alleged Violation of Law: KRS 315.138(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0471A Revisit.** Out of state pharmacy permit holder allegedly failed to comply with KRS 218A.202(3) by not reporting controlled substance prescriptions dispensed into Kentucky to the Kentucky All Scheduled Prescription Electronic Reporting (KASPER) system. Alleged Violation of Law: KRS 315.0351 (8). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0471B Revisit.** Pharmacist-in-charge allegedly failed to report the controlled substance prescriptions dispensed into Kentucky to the Kentucky All Scheduled Prescription Electronic Reporting (KASPER) system. Alleged Violation of Law: 201 KAR 2:205 Section 2(e). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0472A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by employing a pharmacist who divulged or revealed patient information to an unauthorized person. 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 16-0472B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person. 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 16-0472C.** Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person. 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 16-0473.** Permit holder allegedly failed to place a pharmacist in charge of a pharmaceutical manufacturing facility while operating from 6/30/2016 to 8/29/2016. Alleged Violation of Law: KRS 315.020 (2), 201 KAR 2:320 Section 5. 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. Standard terms and \$1000 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0476A.** Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient was allegedly dispensed a prescription for amitriptyline 10 mg tablets that contained amitriptyline 100 mg tablets. 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. Standard terms and \$1000 administrative fine, approved corrective action plan to prevent future occurrences. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0476B.** Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of injury by committing a medication error. Patient was allegedly dispensed a prescription for amitriptyline 10 mg tablets that contained amitriptyline 100 mg tablets. Alleged Violation of Law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0477A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 88 buprenorphine tablets. 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 16-0477B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 88 buprenorphine 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 16-0477C.** 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 having 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. Standard terms and revocation. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0478A.** Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly was dispensed a prescription for hydrocodone/apap 10/325mg that contained Imodium. 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 16-0478B.** 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 hydrocodone/apap 10/325mg that contained Imodium. 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 16-0480A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of 60 hydrocodone/apap 10/325mg tablets. 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 16-0480B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of 60 hydrocodone/apap 10/325mg 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 16-0480C.** 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. Standard terms and revocation. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0482.** Permit holder acquired ownership of a business and allegedly failed to submit an application for a new manufacturer permit and continued to operate under a permit issued to a

previous owner. Alleged Violation of Law: 201 KAR 2:320 Section 3 (4)(b)(2). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0483.** Permit holder acquired ownership of a business and allegedly failed to submit an application for a new manufacturer permit and continued to operate under a permit issued to a previous owner. Alleged Violation of Law: 201 KAR 2:320 Section 3 (4)(b)(2). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0486A.** Pharmacy permit allegedly sold a misbranded product due to a medication error. Patient received a prescription labeled as her prescription but was actually for another patient. 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 16-0486B.** 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 received a prescription labeled as her prescription but was actually for another 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. Standard terms and \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0487A.** Pharmacy permit holder allegedly sold a misbranded product due to a medication error. Pharmacist allegedly dispensed 167 hydrocodone/acetaminophen 10/325mg instead of the prescribed 180 tablets on one occasion and dispensed 166 hydrocodone/acetaminophen 10/325mg instead of the prescribed 180 tablets on a second 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 16-0487B.** 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 167 hydrocodone/acetaminophen 10/325mg instead of the prescribed 180 tablets on one occasion and dispensed 166 hydrocodone/acetaminophen 10/325mg instead of the prescribed 180 tablets on a second 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 16-0488.** Pharmacist allegedly engaged in unprofessional or unethical conduct by transferring prescriptions to another pharmacy without the permission of the patient; incorrectly filling the automated dispensing device; mislabeling prescriptions; had incorrect controlled substance inventory; did not remove out of date manufacturer stock bottles; had tablets on the floor of the pharmacy; would re-run prescriptions through the computer when they could not be found in the will call bin; and was 5 hours late for work on one occasion. Alleged Violations of Law: KRS 315.121(1)(a) and (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. Standard terms and \$500 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0492.** Pharmacist allegedly engaged in unprofessional and unethical conduct by being rude. 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 16-0494.** Pharmacist allegedly has a mental or physical incapacity that prevents the pharmacist from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public. Alleged Violation of Law: KRS 315.121(1)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case 16-0495.** Out of state pharmacy allegedly shipped one prescription into Kentucky without having a Kentucky pharmacy permit. Alleged Violation of Law: KRS 315.0351(1). CRC Recommendation: Case is dismissed.

**Case 16-0498A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 57 oxycodone/APAP tablets. 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 16-0498B.** Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 57 oxycodone/APAP 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 16-0498C.** 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. Standard terms and revocation. Upon resolution,

the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0499.** Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121(2)(j). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0501A.** Pharmacy permit holder allegedly failed to maintain accurate records of daily prescription data within a computerized recordkeeping system. Alleged Violation of Law: 201 KAR 2:170. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0501B.** Pharmacist failed to ensure the accuracy of each prescription refill entry into a computerized recordkeeping system. Alleged Violation of Law: 201 KAR 2:170 Section 1 (2). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0502.** Facility allegedly engaged in wholesale distribution of prescription drugs without a valid license between 9/30/2016 and 10/4/2016 after failing to submit a renewal application in a timely manner. Alleged Violation of Law: KRS 315.402 (1), 201 KAR 2:105 Section 2 (1) and Section 4 (4). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0504A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0504B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 7/5/2016 to 7/13/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0505A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine.

**Case 16-0505B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 7/6/2016 to 8/6/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0506A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0506B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 8/22/2016 to 8/26/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0507A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0507B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 8/7/2016 to 8/15/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0508A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0508B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 8/8/2016 to 8/16/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0509A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0509B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 8/1/2016 to 9/16/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0510A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy with 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. Standard terms and \$100 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

**Case 16-0510B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 9/13/2016 to 9/26/2016. 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. Standard terms and \$25 administrative fine. Upon resolution, the disciplinary action shall be reported to the NABP and is subject to disclosure under the Kentucky Open Records Act.

Dr. Martin seconded and the motion passed unanimously.

President Greenwell recused from the following cases with Board Member Larry Hadley chairing the CRC Meeting:

**Case 15-0362 Revisit.** Out of state pharmacy allegedly shipped 1339 diabetic supply claims and one prescription medication into Kentucky without having a Kentucky pharmacy permit for the time period of 02/27/2013 through 06/02/2015. Alleged Violation of Law: KRS 315.0351(1). CRC Recommendation: Case is dismissed.

**Case 16-0006 Revisit.** Out of state pharmacy allegedly shipped diabetic supplies into Kentucky without having a Kentucky pharmacy permit. Alleged Violation of Law: KRS 315.0351(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case 16-0500A.** Out of state pharmacy allegedly shipped diabetic supplies into Kentucky without having a Kentucky pharmacy permit. Alleged Violation of Law: KRS 315.0351(1). CRC Recommendation: Case is dismissed.

**Case 16-0500B.** Pharmacist-in-charge allegedly failed to have pharmacy properly permitted as an out of state pharmacy. Alleged Violation of Law: 201 KAR 2:205. CRC Recommendation: Case is dismissed.

Dr. Hanna seconded Mr. Hadley's motion, and the motion passed unanimously.

**Final Order.** Mr. Hadley moved to accept the Hearing Officer's Recommended Order, and issue the Final Order for Case 16-0107A as presented. Dr. Hanna seconded and the motion passed unanimously.

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

**Pharmacy Technician Registrant, Case 16-0484.** Mr. Hadley moved to approve an application for pharmacy technician registration provided applicant signs an Agreed Order with standard KYPRN language that includes 1 year probation and up to 3 drug screens per year. Dr. Martin seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0490.** Mr. Hadley moved to approve an application for pharmacy technician registration provided applicant signs an Agreed Order with standard KYPRN language that includes 1 year probation and up to 3 drug screens per year. Dr. Martin seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0491.** Mr. Hadley moved to approve an application for pharmacy technician registration provided applicant signs an Agreed Order with standard KYPRN language that includes 1 year probation and up to 3 drug screens per year. Dr. Martin seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0497.** Mr. Hadley moved to approve an application for pharmacy technician registration provided applicant signs an Agreed Order with standard KYPRN language that includes 1 year probation and up to 3 drug screens per year. Dr. Martin seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0489.** Dr. Martin moved to approve an application for pharmacy technician registration with no restrictions. Mr. Hadley seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant, Case 16-0496.** Dr. Hanna moved to approve an application for pharmacy technician registration with no restrictions. Mr. Hadley seconded, and the motion passed unanimously.

**Daniel Lasselle – Initial Licensure.** Dr. Hanna moved to approve an initial application for pharmacist licensure with a letter of reprimand. Mr. Hadley seconded, and the motion passed unanimously.

**Bernard Onyenze – Re-licensure.** Dr. Martin moved to allow re-licensure provided payment of all renewal fees and delinquent fees. Applicant must successfully pass both the NAPLEX and the MPJE. Dr. Hanna seconded, and the motion passed unanimously.

**Kwadwo Amankwa – Reciprocity.** Dr. Martin moved to approve a reciprocal application for pharmacist licensure without restrictions. Mr. Hadley seconded, and the motion passed unanimously.

Mr. Hadley moved to go into closed session at 10:20 a.m. to discuss an intern registration application. Dr. Hanna seconded and the motion passed unanimously.

Mr. Hadley moved to come out of closed session at 10:36 a.m. Dr. Hanna seconded and the motion passed unanimously.

**Tiffany Kummer – Intern Registration Application.** Mr. Hadley moved to deny the application. Dr. Hanna seconded and the motion passed unanimously.

#### **CORRESPONDENCE/COMMUNICATION**

**Michael Mapes – Cordant Pharmacy Solutions - Equipment Waiver.** Michael Mapes requested a compounding equipment waiver for Cordant Pharmacy Solutions. They have no plans to compound at this time. Mr. Hadley moved to approve this request provided the Board is informed if their plans change. Dr. Hanna seconded, and the motion passed unanimously.

#### **LEGISLATION/REGULATION**

**Tobacco Cessation Protocol Regulation.** This was modified due to previous request by Dr. Freeman and new proposed language.

#### **CONTINUING EDUCATION**

Mr. Hadley moved to approve continuing education programs 16-43 through 16-50. Dr. Hanna seconded and the motion passed unanimously.

Mr. Hadley moved to approve the Walgreens Naloxone Training Program. Dr. Martin seconded and the motion passed unanimously.

#### **OLD BUSINESS**

**PRN Committee Appointments.** The Board voted to fill the three vacancies on the PRN Committee by ballot. The ballots were counted by Ms. Harding and Ms. Allen, Pharmacy and Drug Inspectors. The applicants appointed are Chris Killmeier, Karen Blumenschein and Joel Thornbury. Their terms will begin January 1, 2017.

**201 KAR 2:076.** Dr. Hanna moved to withdraw this regulation based on the comments received. Mr. Hadley seconded and the motion passed unanimously. A committee will be determined at the December Board meeting for further review.

**201 KAR 2:045.** Ms. Lalonde advised the Board that wording was changed in the proposed draft regulation after review comments by LRC. Dr. Martin moved to approve the proposed regulation as presented. Ms. Brewer seconded, and the motion passed unanimously.

**201 KAR 2:050.** Ms. Lalonde advised the Board that wording was changed in the proposed draft regulation after review comments by LRC. Dr. Martin moved to approve the proposed regulation as presented. Dr. Hanna seconded, and the motion passed unanimously.

#### **NEW BUSINESS**

**BR 59 Representative Daniel Elliott.** Mr. Hart presented notice of proposed changes to KRS 311.856 regarding physician assistants. Mr. McFalls informed the Board that KPha is still reviewing these changes and has no position at this time. KMA is opposed.

#### **FYI**

**Expungement.** Mr. Hart informed the Board that requests were received to expunge prior disciplinary actions. These actions meet the requirements of 201 KAR 2:270.

## **BOARD RETREAT**

**Compounding.** Ms. Busroe updated the Board on compounding inspections performed by Board Inspectors. The inspectors would like direction from the Board after the comments received on 201 KAR 2:076. The Board proposed no changes at this time until all comments are reviewed. Ms. Busroe said that next year's focus would be workflow policy and procedures. Due to training of new inspectors, additional workflow and training in USP inspections, the annual inspections of all permitted or licensed facilities will not get completed. Ms. Allen is devoting a quarter of her time to Drug Prevention Awareness; other inspectors are providing coverage in her area to allow this.

President Greenwell recessed at 11:22 a.m. for lunch.

President Greenwell reconvened the meeting at 12:51 p.m.

**PRN Contract Violations.** There was a brief discussion regarding violations of KYPRN contracts [missed call-ins]. The Board proposed the KYPRN Committee provide recommendations regarding non-compliance guidelines for KYPRN contracts at the December Board meeting.

**Board Approved Continuing Education.** There was a brief discussion regarding Board approved continuing education. Ms. Brewer moved to direct the Advisory Council to consider amending the regulation, including the approval process and the value of CE in general. Dr. Hanna seconded, and the motion passes unanimously.

**Needle Exchange Programs.** Martika Martin, Sullivan College of Pharmacy Intern, presented a report on needle exchange programs in other states. A letter from Justin Clark, Cabinet for Health and Family Services, Office of Inspector General stated the opinion of CHFS that neither pharmacies nor pharmacists are included in KRS 218A.500(5)'s exemption. Dr. Freeman indicated their contact at CHFS is considering more specific wording to include pharmacists and pharmacies in the exemption.

**Disciplinary Actions for non-resident permits and licenses.** There was a brief discussion regarding the processing of disciplinary actions reported to the Board by non-resident facilities and pharmacists working out of state. Dr. Hanna moved for a report of out of state permit disciplinary actions reported to the Board office be presented at the January Board meeting. Dr. Martin seconded, and the motion passed 4 to 1, with Dr. Hanna, Dr. Martin, Ms. Brewer and Mr. Hadley voting for the motion and Dr. Dewire voting against the motion.

President Greenwell recessed at 4:07 p.m.

President Greenwell reconvened the meeting at 9:10 a.m. Absent from the Board was Dr. Martin (Ms. Brewer arrived at 9:26 a.m.). Additional guests in attendance: Darren Parks, Omnicare; Brad Sparling, Capsa Solutions; Joel Tjeerdsma and Karen Nishi, Cubex; and Scott Anderson and Steve Stuerer, RX Now/Pharmerica.

**Automation in Long Term Care Facilities.** Presentations were made by Omnicare, Pharmerica, Capsa Solutions and Cubex. After a brief discussion, the Board proposed developing a small group to draft regulation. The proposed regulation will be presented at the March Board meeting.

**ADJOURNMENT:** On motion by Dr. Hanna, seconded by Mr. Hadley, and passed unanimously, President Greenwell adjourned the meeting at 11:38 a.m. The next regularly scheduled meeting begins at 9 a.m. on December 14, 2016 in Frankfort, Kentucky.

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B. Steven Hart, R.Ph.  
Executive Director

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Date