

KENTUCKY BOARD OF PHARMACY
Special Board Meeting
University of Kentucky College of Pharmacy
789 South Limestone
Lexington KY 40506
September 7, 2016
8:00 a.m.

Notice and Agenda

I. CALL TO ORDER

II. MINUTES

- *A. July 13, 2016

III. EXECUTIVE DIRECTOR PERFORMANCE EVALUATION

IV. APPEARANCE

- *A. Kathy Hardy

V. INTERAGENCY

- A. Report from KPhA/KSHP on Drug Education Grant
- *B. Sullivan University letter

VI. BOARD REPORTS

- A. Board Executive Director
 - *1. Board Calendar 2017
 - *2. eMARS July & August 2016 (FY 2017) Financial Report
 - *3. Federal Sharing Funds Report
 - 4. ASHP-December 4th – 8th Board Member & Executive Director
 - 5. FDA 2016 Intergovernmental Working Meeting on Pharmacy Compounding- Executive Director

VII. CURRENT/PENDING CASES

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

VIII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- A. Pharmacy Technician Summary
- *B. Jacob P. Meyer Initial licensure
- *C. Derek M. Rycek Initial licensure
- *D. Robert B. Clevenger Reciprocity
- *E. Vaughn Payne Reinstatement

IX. CORRESPONDENCE/COMMUNICATION

- *A. Laura Spencer Dual PIC
- *B. Jimmy Tudor Dual PIC
- *C. Mykel Tidwell Dual PIC
- *D. James Jenkins Equipment waiver
- *E. Dan Mueller Pharm-Care Inc. non-resident pharmacy waiver
- *F. Expungement Question

X. NABP

- *A. E-Prescribing Resolution
- *B. NAPLEX waiting period
 - *1. Emily R. Coleman request for waiver
 - *2. Patrick D. Roland request for wavier
 - *3. Jacob A. Dotson request for waiver
 - *4. Megan R. Mellert request for waiver

XI. LEGISLATION/REGULATION

- *A. 201 KAR 2:045. Technician certification exams
- *B. 201 KAR 2:351. Repeal of 201 KAR 2:350. HME
- *C. 201 KAR 2:050. Licenses and permits; fees. HME
- *D. 201 KAR 2:076. Compounding
- *E. 902 KAR 55:035 (Gabapentin)
- *F. Proposed Smoking Cessation Protocol Regulation

XII. CONTINUING EDUCATION

- *A. CE Programs: 16-33 through 16-42

XIII. OLD BUSINESS

- *A. Charitable Pharmacy Regulation
- B. PRN Committee Term Limit expiration
- *C. Database and Inspection Software Proposals
 - 1. Kentucky Interactive
 - 2. Outlier Technologies (Sanswrite)

XIV. NEW BUSINESS

- *A. Disciplinary actions by other jurisdictions
- B. Board Retreat Agenda
 - 1. Automation in long term care

XV. FYI.

- A. Expungement

XVI. EXECUTIVE SESSION**

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

XVII. USP 800 PRESENTATION BY KYBOP INSPECTION STAFF

ADJOURNMENT

- *Information enclosed with this agenda
- **If necessary

SPECIAL MEETING AND MEETING MINUTES
KENTUCKY BOARD OF PHARMACY
September 7, 2016

CALL TO ORDER: A special meeting was held at the University Of Kentucky College Of Pharmacy, 789 South Limestone, Lexington, Kentucky. President Greenwell called the meeting to order at 8:35 a.m.

EXECUTIVE DIRECTOR PERFORMANCE EVALUATION The Board performed a performance evaluation of the Executive Director, Steve Hart. Based on that evaluation, Mr. Hadley moved to increase Mr. Hart's salary by 4%. Dr. Martin seconded, and the motion passed unanimously. President Greenwell called for a recess at 8:55 a.m.

CALL TO ORDER: President Greenwell reconvened the meeting at 9:09 a.m. He welcomed the 2017 class of the University of Kentucky College of Pharmacy students and explained the makeup and function of the Board. Introductions were given of the Board Members, Executive Director and Board Staff.

Members present: 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; Kathy Hardy; Rich Palumbo, Express Scripts; Dane Utt, Rite-Aid Corporation; Robert McFalls, KPHA; Daril Montgomery, Wal-mart; Brittany Reid, Wal-mart; Amy Billimoria, UK; Kevin Sullivan, Mike Senay, Jamie Lane and Jamie Martin, Hardin Memorial Hospital; Gina Guarino, Kroger Pharmacy; Tod Adams, Lexington Compounding Pharmacy; Mary Cambron and David Fulkerson, Norton Healthcare; Robert Mayne, LifePoint Health; Scott Simon, Andrea Schumann and David Roth, St. Elizabeth Healthcare; Robin Walters, Pikeville Medical Center; Samantha Bochenek, Alicia Robinson, Kimberly Hite, Clayton Johnston and Philip Fields, UK Healthcare; Kirsten Pool, Drug Talk Inc.; Karen Hamm and Ashley Cambron, Ephraim McDowell; Kimberly Suggs, Commons Community Pharmacy; Beth Coyle and Helen Tussey, The Medicine Shoppe of Danville-Danville Compounding Center; Cathy Edwards and Kim Richards, Baptist Health Richmond; Tina Hasty, Rockcastle Regional; Michele Arledge, Vibra Healthcare; Susan Coffey, Kathy Hammond and Emily Farmer, Casey County Hospital; Rodney Ward, Three Rivers Medical Center; Matthew Casper and Brian Yarberrry, Kosair Children's Hospital; Kelly Zaccarelli, Rood & Riddle Vet Pharmacy; Erik Mays, Louisville Pharmacy; Suzi Francis, Kroger-Cincinnati; Michael Wyant; and the 2017 University of Kentucky College of Pharmacy student class.

MINUTES: On motion by Mr. Hadley, seconded by Dr. Hanna and passed unanimously, the Minutes of July 13, 2016 were approved with one correction.

APPEARANCE: **Kathy Hardy** – Ms. Hardy's attorney, Chad Elder, was present in the audience when Ms. Hardy appeared before the Board. Ms. Hardy was sworn in by Cheryl Lalonde, General Counsel. Ms. Hardy appeared before the Board to request reinstatement of her Kentucky pharmacist's license. Ms. Hardy 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 1990. Ms. Hardy surrendered her license in January 2014. She was indicted for obtaining/attempting to obtain a Controlled Substance by fraud/forgery in February 2014. Ms. Hardy admitted to drug addiction; she entered Questhouse in Bowling Green and started her sobriety there. Her sobriety date is January 17, 2014. She signed a KYPRN agreement on April 7, 2014.

She entered into an Agreed Order of Suspension with the Kentucky Board of Pharmacy on July 9, 2014. She is continuing her recovery.

Dr. Martin moved to reinstate Ms. Hardy'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; 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. Hardy 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 her to petition the Board for reinstatement only after she has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. Ms. Hardy 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. Ms. Brewer seconded, and the motion passed unanimously.

INTERAGENCY:

Anne Policastri, KSHP and Bob McFalls, KPhA. Dr. Policastri and Mr. McFalls gave a report on the status of the Drug Education Grant for the Kentucky Pharmacists Substance Abuse Awareness Collaborative Project. In order to help pharmacists, pharmacy technicians and pharmacist interns reach out to their communities regarding substance abuse prevention, a toolkit was developed with pre-made and customizable presentations targeting middle school aged children, parents and members of the community. To date 53 individuals have been trained in presenting this toolkit. Of the \$30,000 funds granted, \$984.72 has been used. Future plans include updating training materials to reflect current statistics and trends; preparation of a web-based training module; establishing training sessions for pharmacist interns at the University of Kentucky College of Pharmacy, Sullivan University College of Pharmacy and James L. Winkle College of Pharmacy; scheduling training sessions at locations throughout the state; exploring promotion directly to potential audiences to increase awareness of training sessions. Ms. Busroe suggested Ms. Allen be included in a work group for this program. Ms. Allen had used the NABP Drug Awareness Program in her area. Trish Freeman, KPhA, expressed interest in being included in this work group. Dr. Policastri informed the Board of an upcoming meeting of KSHP on October 13-14, 2016 at the Galt House in Louisville. Mr. McFalls informed the Board of the upcoming KPhA Legislative Conference to be held in Frankfort on November 11-12, 2016.

Dean Cindy Stowe, Sullivan College of Pharmacy; Trish Freeman, KPhA and Ralph Bouvette, APSC. The students at Sullivan University College of Pharmacy submitted a letter asking for a Board opinion on KRS 218A.500: Is it permissible for pharmacies to facilitate the delivery of authorized local health department services by serving as a needle-exchange site and will these pharmacies be afforded the exemption stated in KRS 218A.500? Ms. Lalonde advised the Board that the Cabinet for Health and Family Services administers KRS Chapter 218 pursuant to 218A.020(1). Ms. Freeman acknowledged that a request for opinion had been submitted to the Cabinet. Dr. Bouvette said that the letter requesting a Board opinion was submitted due to the Kentucky Board of Pharmacy's authority by KRS Chapters 217 and 218. Ms. Lalonde recommended waiting for an opinion from the Cabinet before providing a Board opinion. Dr. Martin and Dr. Hanna were in favor of granting exemption. Ms. Lalonde cautioned the

Board that it was premature to consider this matter until CHFS had the opportunity to first comment. This topic was tabled for further discussion and added to the agenda for the Board Retreat.

BOARD REPORTS: Board Executive Director, Steve Hart

1. Board Calendar 2017: On motion by Dr. Martin, seconded by Mr. Hadley and passed unanimously, the calendar was approved with the correction of September 13 for the meeting date.
2. Financial reports and eMARS were presented for July 2016, August 2016 and Fiscal Year 2016. Federal Sharing Funds report was presented to the Board.
3. Dr. Martin moved to allow Mr. Hart and one Board Member to travel to ASHP meeting on December 4 -8, 2016 in Las Vegas. Mr. Hadley seconded, the motion passed unanimously.
4. Dr. Hanna moved to allow Mr. Hart to travel to the FDA 2016 Intergovernmental Working Meeting on Pharmacy Compounding. Dr. Martin seconded, the motion passed unanimously.

CURRENT/PENDING CASES

Case Updates: Mr. Hadley moved to accept Case Updates; Case Numbers 15-0257B, 15-0289A, 16-0013A, 16-0024B, 16-0024C, 16-0024E, 16-0085, 16-0141, 16-0384C, 16-0387A and 16-0389A. Dr. Hanna seconded, and the motion passed unanimously.

Mr. Hadley moved to accept Case Review Committee recommendations:

Case 12-0111C Revisit. Pharmacist diverted controlled substances from employer pharmacy while under KYPRN and Agreed Order with the Board. CRC recommended a permanent revocation on July 9, 2016; the Board approved the recommendation at its next meeting. An Agreed Order was mailed to Respondent on August 8, 2016. To date, the case has not been settled through an Agreed Order or Final Order. Alleged Violation of Law: KRS 315.121 (1) (a) and (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 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 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 15-0049 Revisit. Pharmacist allegedly has a mental or physical incapacity that prevents licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public. 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 16-0003 Revisit. Pharmacy technician was convicted of a felony. Alleged Violation of Law: KRS 315.121(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 16-0071 Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct. Pharmacist allegedly reported on his 2016 Kentucky pharmacist's license renewal application that he was disciplined in another state. Pharmacist allegedly made a false, fraudulent or forged statement or misrepresentation of a material fact in securing issuance or renewal of a license. Alleged Violations of Law: KRS 315.121(1)(c)3 and KRS 315.121(1)(e). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0083 Revisit. Pharmacy technician was convicted of a felony. Alleged Violation of Law: KRS 315.121(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 16-0086A Revisit. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly was dispensed Duloxetine 60mg instead of the prescribed Dexilant 60mg. 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 16-0086B 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. Pharmacist allegedly dispensed Duloxetine 60mg to a patient instead of the prescribed Dexilant 60mg. 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 16-0090C Revisit. Pharmacist allegedly failed to perform a prospective drug use review prior to dispensing a prescription. Alleged Violation of Law: 201 KAR 2:210 Section 4. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0100. Pharmacist allegedly has a mental or physical incapacity that prevents the licensee 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

Case 16-0109A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by not receiving an e-prescription. Alleged Violation of Law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0109B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by not receiving an e-prescription. Alleged Violation of Law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0112A. Pharmacy permit holder allegedly engaged in unprofessional conduct by not receiving an e-prescription. Alleged Violation of Law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0112B. Pharmacist-in-charge allegedly engaged in unprofessional conduct by not receiving an e-prescription. Alleged Violation of Law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0113 Revisit. Out of state pharmacy permit holder was disciplined by the state board of pharmacy of the state in which it resides. 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.

Case 16-0122A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by not being appropriately staffed. 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 16-0122B. Pharmacist allegedly engaged in unprofessional or unethical conduct by not waiting on a patient in a timely manner. 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 16-0123A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. On two occasions, patient alleges she did not receive 30 tamoxifen 20 mg as prescribed. 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 16-0123B. Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error. On two occasions, patient alleges she did not receive 30 tamoxifen 20 mg as prescribed. 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 16-0144 Revisit. Pharmacist was audited by the Kentucky Board of Pharmacy and allegedly failed to complete 15 hours of continuing education for 2015. Alleged Violations of Laws: KRS 315.121(1)(e) and 201 KAR 2:015. 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 16-0149 Revisit. Pharmacist failed to complete 15 hours of continuing education in 2015. Alleged Violation of Law: 201 KAR 2:015, Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0224A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing controlled substances without adequate prospective drug use review. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient was prescribed diazepam and was dispensed alprazolam. Alleged Violations of Law: KRS 315.121 (1)(a) and 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 16-0224B. Pharmacist in charge allegedly engaged in unprofessional or unethical conduct when dispensing controlled substances. Pharmacist in charge allegedly failed to provide an adequate prospective drug use review. Alleged Violations of Law: KRS 315.121 (1)(a) and 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 16-0224C. 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 was prescribed diazepam and was dispensed alprazolam. Pharmacist allegedly engaged in unprofessional or unethical conduct when dispensing controlled substances. Pharmacist allegedly failed to provide an adequate prospective drug use review. Alleged Violations of Law: KRS 315.121 (1)(a), (2)(d) and 201 KAR 2:210 Section 4. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0224D. Pharmacist allegedly engaged in unprofessional or unethical conduct when dispensing controlled substances. Pharmacist allegedly failed to provide an adequate prospective drug use review. Alleged Violations of Law: KRS 315.121 (1)(a) and 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 16-0368. Medical gas permit holder allegedly engaged in drug manufacturing by transfilling medical oxygen cylinders without obtaining a permit from the Board of Pharmacy and failed to adequately track medical oxygen cylinders by lot number. Alleged Violations of Law: KRS 315.036

and 201 KAR 2:320 Section 1(1) and 21 CFR 211.130. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case 16-0383. Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct. Technician terminated from pharmacy for theft of cash from the pharmacy register. Alleged Violation of Law: KRS 315.121 (1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0388A. Special pharmacy permit holder for medical gasses allegedly failed to inform the Board of Pharmacy fifteen days prior to the closure of the permit. 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 16-0388B. 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.

Case 16-0390. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, dispensing, and ingesting drugs for which a prescription drug order is required, without having first received a prescription drug order for the drugs, phentermine 37.5mg and fluoxetine 20mg. 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 16-0391A. 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 16-0391B. 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 Violations of Law: KRS 315.121(2)(b) and (d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0391C. 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 Violations of Law: KRS 315.121(2)(b) and (d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0391D. Registered pharmacy technician 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 Violations of Law: KRS 315.121(2)(b) and (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 16-0393A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy permit holder reported a loss which occurred over a seven month period of 16 controlled substance medications, totaling 3468 dosage units. 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 16-0393B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss which occurred over a seven month period of 16 controlled substance medications, totaling 3468 dosage units. 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 16-0393C. Registered Pharmacy Technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering drugs for which a prescription drug order is required, without first receiving a prescription drug order for the drugs. 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 16-0398A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient was allegedly dispensed a prescription for prednisone 50mg tablets that contained prednisone 5mg tablets. 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 16-0398B. 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 was allegedly dispensed a prescription for prednisone 50mg tablets that contained prednisone 5mg 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.

Case 16-0414A 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 16-0414B Revisit. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0432A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly was dispensed a prescription for Metoprolol ER 100mg instead of the prescribed Metoprolol ER 50mg. 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 16-0432B. 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. Pharmacist allegedly dispensed Metoprolol ER 100mg to a patient instead of the prescribed Metoprolol ER 50mg. 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 16-0434A. Pharmacy permit holder allegedly sold a misbranded medication. Patient was dispensed 17 Amoxicillin-Clavulanic tablets instead of the labeled 20 tablets. 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 16-0434B. Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent and by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient was dispensed 17 Amoxicillin-Clavulanic tablets instead of the labeled and prescribed 20 tablets. Pharmacist allegedly failed to offer to counsel a patient upon presentation of an original prescription order. Alleged Violations of Law: KRS 315.121 (2)(b) and (d); 201 KAR 2:210 Section 2 (1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0435A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient was allegedly dispensed a prescription for hydrocodone/apap 5/325mg tablets that contained oxycodone/apap 5/325mg tablets. 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 16-0435B. 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 was allegedly dispensed a prescription for hydrocodone/apap 5/325mg that contained oxycodone/apap 5/325mg. 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 16-0436A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 2888 hydrocodone/APAP tablets over a year period of time. 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 16-0436B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 2888 hydrocodone/APAP tablets over a year period of time. 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 16-0436C. Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug. Alleged Violation of Law: KRS 315.121 (2) (f). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0437A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to process a mail order prescription in a timely manner. 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 16-0437B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by failing to process a mail order prescription in a timely manner. 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 16-0438A. Pharmacist in charge allegedly failed to implement a quality assurance program that was able to objectively and systematically monitor care or resolve identified problems. Two patients were allegedly dispensed adulterated medication. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0438B. 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. Two patients 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.

Case 16-0438C. 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. Two patients 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.

Case 16-0438D. 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.

Case 16-0441A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. A patient received another patient's medication. Alleged Violations of Law: KRS 315.121(1)(a) and 201 KAR 2:210 Section 3. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0441B. Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. A patient received another patient's medication. 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 16-0441C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by releasing confidential patient information. A patient received another patient's medication. 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 16-0442. Pharmacist allegedly violated her Kentucky Professionals Recovery Network Agreement. Alleged Violation of Law: KRS 315.121(1)(i). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0443. Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct. Technician employment terminated for theft of cash. Alleged Violation of Law: KRS 315.121

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

Case 16-0445A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. An unauthorized person picked up a patient's medication. Alleged Violations of Law: KRS 315.121 (1)(a) and 201 KAR 2:210 Section 3. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 16-0445B. Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. An unauthorized person picked up a patient's medication. 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 16-0445C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by releasing confidential patient information. An unauthorized person picked up a patient's medication. 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.

Cases 16-0449A. 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.

Cases 16-0449B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0450A. 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.

Cases 16-0450B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0451A. 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.

Cases 16-0451B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0452A. 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.

Cases 16-0452B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0453A. 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.

Cases 16-0453B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0454A. 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.

Cases 16-0454B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0455A. 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.

Cases 16-0455B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0456A. 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.

Cases 16-0456B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0457A. 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.

Cases 16-0457B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0458A. 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.

Cases 16-0458B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0459A. 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.

Cases 16-0459B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0460A. 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.

Cases 16-0460B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0461A. 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.

Cases 16-0461B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0462A. 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.

Cases 16-0462B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0463A. 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.

Cases 16-0463B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0464A. 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.

Cases 16-0464B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0465A. 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.

Cases 16-0465B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0466A. 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.

Cases 16-0466B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0467A. 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.

Cases 16-0467B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0468A. 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.

Cases 16-0468B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0469A. 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.

Cases 16-0469B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0470A. 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.

Cases 16-0470B. Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration. 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 16-0471A. 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 Violations of Law: KRS 315.121(1)(h) and KRS 315.0351 (8). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case 16-0471B. 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 sufficient evidence developed and the investigator is directed to conduct further investigation.

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 two prescription medications 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 315.035(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 16-0001 Revisit. Out of state pharmacy shipped diabetic supplies into Kentucky without having a Kentucky pharmacy permit. Alleged Violation of Law: KRS 315.0351 (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 16-0006 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 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 16-0099A Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by mailing prescriptions into states in which the pharmacy does not have the required non-resident pharmacy permit. Pharmacy permit holder allegedly failed to keep all prescription files, all legend drugs, and other items which are restricted to sale either by or under the personal supervision of a pharmacist in the pharmacy area. Pharmacy permit holder allegedly failed to store prepared prescription medications in the pharmacy. Alleged Violations of Law: KRS 315.121 (1)(a) and 201 KAR 2:100 Section 2 and Section 4. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0099B Revisit. Pharmacist in charge allegedly engaged in conduct likely to deceive, defraud, or harm the public with or without established proof of actual injury. Pharmacy mailed prescriptions into states in which the pharmacy does not have the required non-resident pharmacy permit. Pharmacist in charge allegedly failed to provide adequate storage and security of drugs. Alleged Violations of Law: KRS 315.121 (2)(d) and 201 KAR 2:205 Section 2 (3)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case 16-0433. Pharmacist allegedly engaged in unprofessional or unethical conduct by 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.

Dr. Hanna seconded 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 16-0092C as presented. Dr. Hanna seconded and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

Pharmacy Technician Registrant, Case 16-0474. Dr. Hanna moved to approve a renewal application for pharmacy technician registration provided applicant signs an Agreed Order with standard KYPRN language that includes 3 years probation, up to 6 drug screens per year and 8 AA meetings per month. Dr. Martin seconded, and the motion passed unanimously.

Pharmacy Technician Registrant, Case 16-0446. Mr. Hadley moved to deny the application for pharmacy technician registration based on the information provided. Dr. Martin seconded, and the motion passed unanimously.

Pharmacy Technician Registrant, Case 16-0475. Dr. Martin moved to approve a new application for pharmacy technician registration with no restrictions. Dr. Hanna seconded, and the motion passed unanimously.

Jacob Meyer – Initial Licensure. Dr. Hanna moved to approve an initial application for pharmacist licensure with no restrictions. Dr. Martin seconded, and the motion passed unanimously.

Derek Rycek – Initial Licensure. Dr. Martin moved to approve an initial application for pharmacist licensure with no restrictions. Mr. Hadley seconded, and the motion passed unanimously.

Robert Clevenger – Reciprocity. Dr. Hanna moved to approve an initial application for pharmacist licensure with no restrictions. Dr. Martin seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION

Laura Spencer – Dual PIC Request. Laura Spencer requested to be pharmacist in charge of Kmart Pharmacy #3646, and a new pharmacy to be located within a physician's office. Dr. Hanna moved to deny this request. Dr. Martin seconded, and the motion passed unanimously.

Jimmy Tudor – Dual PIC Request. Mr. Tudor requested to be pharmacist in charge at Rite-Aid pharmacy, and a new pharmacy, Delaney Pharmacy, opening in December. He will step down as pharmacist in charge at Rite-Aid before the opening of Delaney Pharmacy, and will not serve the dual role while both are in operation at the same time. Dr. Martin moved to approve this request. Ms. Brewer seconded, and the motion passed unanimously.

Mykel Tidwell – Dual PIC Request/Equipment Waiver. Mykel Tidwell requested to be pharmacist in charge of Duncan Prescription Center and Duncan Specialty Pharmacy, and to share the required compounding equipment; both pharmacies are located in the same building. Mr. Hadley moved to approve this request. Dr. Martin seconded, and the motion passed unanimously.

James Jenkins – Equipment Waiver. Mr. Jenkins requested a waiver for the required compounding equipment for Brook Hospital KMI. All compounded prescriptions are filled offsite by Omnicare of Louisville. Dr. Hanna moved to approve this request. Ms. Brewer seconded, and the motion passed unanimously.

Dan Mueller, Pharm-Care Inc – Non-Resident Pharmacy Permit Waiver. Dr. Mueller requested an exemption from a non-resident pharmacy permit requirement to ship prescriptions into Kentucky. Pharm-Care is under contract consideration to supply care for approximately 30 developmentally and intellectually disabled patients. Mr. Hadley moved to deny this request. Dr. Hanna seconded, and the motion passed unanimously.

Expungement Question – A letter requesting expungement of a previous disciplinary action was received by the Board. This action does not meet the criteria of 201 KAR 2:270. Dr. Martin moved to deny this request. Mr. Hadley seconded, and the motion passed unanimously.

NABP

E-Prescribing Resolution – Mr. Hart presented the electronic prescribing resolution submitted at the District III meeting of the NABP.

NAPLEX Waiting Period – Mr. Hart informed the Board that effective November 1, 2016 the waiting period to re-take the NAPLEX will change from 91 days to 45 days with a limit of three attempts in a 12 month period.

Emily Coleman – Request for Waiver. Ms. Coleman requested a waiver of the 91 day wait period to re-take the NAPLEX. Mr. Hadley moved to approve this request reducing the wait period to 45 days. Dr. Martin seconded, and the motion passed unanimously.

Patrick Roland – Request for Waiver. Mr. Roland requested a waiver of the 91 day wait period to re-take the NAPLEX. Mr. Hadley moved to approve this request reducing the wait period to 45 days. Dr. Martin seconded, and the motion passed unanimously.

Jacob Dotson – Request for Waiver. Mr. Dotson requested a waiver of the 91 day wait period to re-take the NAPLEX. Mr. Hadley moved to approve this request reducing the wait period to 45 days. Dr. Martin seconded, and the motion passed unanimously.

Megan Mellert – Request for Waiver. Ms. Mellert requested a waiver of the 91 day wait period to re-take the NAPLEX. Mr. Hadley moved to approve this request reducing the wait period to 45 days. Dr. Martin seconded, and the motion passed unanimously.

LEGISLATION/REGULATION

201 KAR 2:045. Dr. Hanna moved to approve the proposed draft regulation. Dr. Martin seconded, and the motion passed unanimously. A public hearing for this regulation is scheduled for October 31st at 9:00 a.m. at the Board office.

201 KAR 2:0351 (Repeal of 201 KAR 2:350-HME). Mr. Hadley moved to approve the proposed draft regulation. Dr. Hanna seconded, and the motion passed unanimously. A public hearing for this regulation is scheduled for October 31st at 9:00 a.m. at the Board office.

201 KAR 2:050 Licenses and Permits; fees (HME removal). Dr. Martin moved to approve the proposed draft regulation. Dr. Hanna seconded, and the motion passed unanimously. A public hearing for this regulation is scheduled for October 31st at 9:00 a.m. at the Board office.

201 KAR 2:076 (Compounding). Ms. Lalonde advised the Board that wording was changed in the proposed draft regulation after a review comment by LRC. Ms. Lalonde discussed the proposed amendment. Mr. Hadley moved to approve the proposed regulation as presented. Dr. Hanna seconded, and the motion passed unanimously. A public hearing for this regulation is scheduled for October 31st at 9:00 a.m. at the Board office.

902 KAR 55:035 Gabapentin. Mr. Hart presented the draft of 902 KAR 55:035 submitted by the Cabinet for Health and Family Services, Office of Inspector General, that changes Gabapentin to a Schedule V Controlled Substance.

Proposed Smoking Cessation Protocol Regulation – Trish Freeman, KPhA. Dr. Freeman proposed a Smoking Cessation Protocol Regulation to allow pharmacists to initiate the dispensing of tobacco cessation therapies to assist in the provision of safe and effective tobacco cessation drug therapy. Dr. Hanna moved to authorize staff to draft the regulation for presentation at the next scheduled Board meeting. Dr. Martin seconded, and the motion passed unanimously.

CONTINUING EDUCATION

Mr. Hadley moved to approve continuing education programs 16-33 through 16-42. Dr. Hanna seconded and the motion passed 3 to 1 with Mr. Hadley, Dr. Hanna and Ms. Brewer voting for the motion and Dr. Martin voting against the motion.

OLD BUSINESS

Charitable Pharmacy Regulation. Mr. Hart informed the Board that the Cabinet for Health and Family Services has authority to administer a Legend Drug Repository Program (See, KRS 194A.450, 194A.452, 194A.454 194A.456 and 194A.458). The Sullivan residents who requested that the Board promulgate an administration regulation on a repository program have been referred to CHFS.

PRN Committee Term Limit. Mr. Hart informed the Board that existing members of the PRN Committee expired August 31, 2016, unless the current terms are extended. A request for applicants has been issued, but Mr. Hart requested that members who expired August 31, 2016 be allowed to remain on the committee until December 31, 2016 since there is no legal expiration that governs. Additionally, he requested the term limits for all PRN Committee members be changed to an expiration date of December 31st of an applicable year. Dr. Hanna moved to approve these requests. Dr. Martin seconded, and the motion passed unanimously.

Database and Inspection Software Proposals. Mr. Hart presented the Board with a proposal from Kentucky Interactive for the development and implementation of a database at the cost of \$61,794. He presented to the Board a proposal from Outlier Technologies for data migration and compounding inspection development at the cost of \$53,500. Dr. Martin moved to approve both proposals. Dr. Hanna seconded, and the motion passed unanimously.

NEW BUSINESS

Disciplinary Actions by Other Jurisdictions. Mr. Hart requested the Board to develop a policy regarding disciplinary actions on Board licensees, registrants and permit holders by other jurisdictions. After discussion, this topic was tabled for further discussion and added to the agenda for the Board Retreat.

Board Retreat Agenda.

The proposed agenda topics for the Board Retreat are:

1. Automation in Long Term Care;
2. Disciplinary Action by Other Jurisdictions;
3. Needle Sharing and Pharmacies;
4. PRNC Non-Compliance/Violation Reporting; and
5. Board Approval of Continuing Education

Dr. Hanna moved for President Greenwell and Mr. Hart to amend as necessary, and determine the agenda for the Board Retreat. Dr. Martin seconded, and the motion passed unanimously.

FYI

Expungement. Mr. Hart informed the Board that a request was received to expunge a prior disciplinary action. This action meets the of 201 KAR 2:270.

President Greenwell opened the meeting to questions from students.

President Greenwell moved for a 5 minute recess.

A presentation regarding USP 800 was given by Katie Busroe, Pharmacy Inspections and Investigations Supervisor. This presentation was written by Ms. Busroe and Shannon Allen, Amanda Harding, Paul Daniels and Jessica Williams, Pharmacy and Drug Inspectors.

ADJOURNMENT: On motion by Dr. Martin, seconded by Dr. Hanna, and passed unanimously, President Greenwell adjourned the meeting at 1:31 p.m. The next regularly scheduled meeting begins at 9 a.m. on November 4, 2016 in Frankfort, Kentucky.

B. Steven Hart, R.Ph.
Executive Director

Date