

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

March 10, 2010

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

Members present: Joel Thornbury, Larry Hadley, Debra Brewer, Brian DeWire, Scott Greenwell, and Anne Policastri. Staff: Mike Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; Cheryl Lalonde, Assistant Attorney General and Board Counsel; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Chris Killmeier, Walgreens; Pete Orzali, Humana; Mike Wyant, Cardinal Health; Mike Leake, Louisville Pharmacy; Jeff Osman; Jody Jagers; Linda Young and Kristina Parks, College of Pharmacy students; Sullivan College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting.

MINUTES: On motion by Mr. Hadley, seconded by Ms. Brewer and passed unanimously, the Minutes of January 13, 2010 Board Meeting were approved as written.

Board Executive Director. 1) EMars monthly report for January 2010 was presented to the Board. 2) The Board Office will be moving to 125 Holmes Street, Frankfort, Kentucky, on March 21-22, 2010. Dr. Greenwell moved to spend up to \$6,900 on furniture to include tables, Board Member chairs and stackable audience chairs, for the Board Room at the new location. Ms. Brewer seconded, and the motion passed unanimously. 3) a) Mr. Hadley moved to allow Mr. Burleson to travel to NABP in Chicago for the MPJE Item Writing session on April 7-9, 2010 with no funds expended by the Board. Dr. Greenwell seconded, and the motion passed unanimously. b) Dr. Policastri moved to allow up to 3 Board Members to travel to the Utah School on Alcoholism and Other Drug Dependencies on June 20-25, 2010. Dr. DeWire seconded, and the motion passed unanimously. 4) Dr. DeWire moved to have the Board Retreat in Pike County, Kentucky, beginning on Friday, November 12, 2010 after the Board Meeting ends, and continuing through Saturday, November 13, 2010. Mr. Hadley seconded, and the motion passed 4 to 1 with Ms. Brewer, Dr. DeWire, Dr. Greenwell, and Mr. Hadley voting for the motion and Dr. Policastri voting against the motion. 5) Dr. Greenwell moved to have the September Board Meeting at the University of Kentucky College of Pharmacy on September 8, 2010 as originally planned. Dr. Policastri seconded, and the motion passed unanimously. 6) Mr. Hadley moved for the Board staff to look into the details, costs, and property availability for

the Board to purchase its own building. Ms. Brewer seconded, and the motion passed unanimously. 7) Approximately 35% of technicians have renewed. In an effort to remind technicians to renew, Board staff has contacted APSC, KPhA, KSHP and the chain pharmacies, sent an email blast to all pharmacists, and sent a post card to all permit holders.

CURRENT/PENDING CASES

Case Updates: Mr. Hadley moved to accept Case Updates as written. Dr. DeWire seconded, and the motion passed unanimously.

Case No. 08-0104; Case No. 09-0019; Case No. 09-0024A&B; Case No. 09-0032; Case No. 09-0042A&B; Case No. 09-0060; Case No. 09-0066A&B; Case No. 09-0068; Case No. 09-0079B; Case No. 09-0091B, C, D and E; Case No. 09-0092; Case No. 09-0094B; Case No. 09-0095; Case No. 09-0097B; Case No. 09-0098A&B; Case No. 09-0101B; Case No. 09-0103; Case No. 09-0105B; Case No. 09-0106B; Case No. 09-0109; Case No. 09-0113; Case No. 09-0115B; and Case No. 09-0117B.

Case Review: Dr. Policastri moved to accept the Case Review Committee recommendations as written. Mr. Hadley seconded, and the motion passed unanimously.

Case No. 07-0016. Pharmacist reported upon renewal of Kentucky pharmacist's license the suspension of Indiana pharmacist's license. Pharmacist committed a medication error on January 19, 2005 resulting in the hospitalization of a 6 year old patient. The Indiana Board of Pharmacy action included additional continuing education, 12 hours of community service, a mental and physical evaluation and suspension of licensure until completion of the requirements. The final action of the Indiana Board of Pharmacy was the acceptance of pharmacist's license as surrendered on December 14, 2009. Alleged violation of law: KRS 315.121. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0055 Revisit. Pharmacist allegedly pled guilty to 6 felony counts of trafficking in a controlled substance and 3 felony counts of trafficking in a controlled substance within 1000 yards of a school. Alleged violation of law: KRS 315.121(1)(c)(1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0037. Pharmacist reported upon renewal of Kentucky pharmacist's license the Emergency Suspension of his Alabama license due to his indictment by the Federal Government on 15 counts, which included drug conspiracy, drug distribution, and drug distribution to a person under the age of 21. 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 No. 09-0038. Pharmacist reported upon renewal of Kentucky pharmacist's license the pending action from the North Carolina Board of Pharmacy for failing to provide adequate security measures and failing to maintain an appropriate inventory of control system to detect and prevent the diversion of controlled substances. Alleged violation of law: KRS 315.121. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0069A Revisit. Pharmacy permit holder allegedly misfilled a bupropion XL prescription by dispensing an older prescription for the bupropion XL instead of the more recent bupropion XL prescription. Alleged violations of law: KRS 315.121(2)(d) and 201 KAR 2:210 Section 4(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 09-0069B Revisit. Pharmacist allegedly misfilled a bupropion XL prescription by dispensing an older prescription for the bupropion XL instead of the more recent bupropion XL prescription. Alleged violations of law: KRS 315.121 (2)(d) and 201 KAR 2:210 Section 4(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0118 Revisit. Pharmacy technician allegedly diverted hydrocodone/APAP 10/500 mg from hospital pharmacy where employed while working prn and as a technician student. New information: Inspector was unable to get statements from co-workers because no one witnessed any incriminating behavior by the technician. Alleged violations of law: KRS 315.121(1)(a), KRS 315.121(2)(f) and KRS 218A.1418. CRC Recommendation: There is

insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 09-0119. Pharmacy technician allegedly engaged in unprofessional and unethical conduct by diverting controlled substances for which a prescription drug order is required, without having first received a prescription drug order for the drug. Alleged violations of law: KRS 315.121(1)(a) and KRS 315.121(2)(f). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0120 Revisit. Pharmacy permit holder allegedly failed to provide adequate security of controlled substances. Alleged violation of law: 201 KAR 2:100 Section 1. **CRC Recommendation:** There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 09-0121. Pharmacy permit holder allegedly allowed an individual to assist with the practice of pharmacy without being registered as a technician. Alleged violation of law: KRS 315.121(1)(g). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-00124A. Special limited medical gas permit holder allegedly moved without proper notification to the Board office. Alleged violations of law: KRS 315.035(5), 201 KAR 2:225 Section 2(3) and 201 KAR 2:106 Section 2(1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-00124B. Special limited medical gas consultant pharmacist allegedly allowed permit to move without proper notification to the Board office. Alleged violations of law: KRS 315.035(5), 201 KAR 2:225 Section 2(3) and 201 KAR 2:106 Section 2(1). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0125A. Pharmacy permit holder allegedly sold a misbranded drug as a result of an incorrect strength of medication being dispensed. Alleged violations of law: KRS 315.121(2)(d), KRS 217.065(1) and 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 No. 09-0125B. Pharmacist allegedly committed a medication error by dispensing the incorrect strength of a medication. Alleged violations of law: KRS 315.121(2)(d), KRS 217.065(1) and KRS 217.065(2)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0126A. Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error and allegedly engaged in fraud. A prescription for a 90 day supply of lisinopril 5 mg was allegedly dispensed with only a 30 day supply, and a prescription for a 90 day supply of warfarin 10 mg was allegedly billed to insurance as a 30 day supply. Alleged violations of law: KRS 217.065(1), KRS 315.121(1)(f) and KRS 315.121(2)(d) and (h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 09-0126B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Pharmacists allegedly engaged in fraud. A prescription for a 90 day supply of lisinopril 5 mg was allegedly dispensed with only a 30 day supply, and a prescription for a 90 day supply of warfarin 10 mg was allegedly billed to insurance as a 30 day supply. Alleged violations of law: KRS 217.065(1), KRS 315.121(1)(f) and KRS 315.121(2)(d) and (h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 09-0126C. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Pharmacists allegedly engaged in fraud. A prescription for a 90 day supply of lisinopril 5 mg was allegedly dispensed with only a 30 day supply, and a prescription for a 90 day supply of warfarin 10 mg was allegedly billed to insurance as a 30 day supply. Alleged violations of law: KRS 217.065(1), KRS 315.121(1)(f) and KRS 315.121(2)(d) and (h). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 09-0128A. Pharmacy permit holder allegedly sold a misbranded drug as a result of an incorrect quantity. Alleged violations of law: KRS 315.121(2)(d), KRS 217.065(1) and 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 No. 09-0128B. Pharmacist allegedly committed a medication error by dispensing the incorrect quantity of a medication. Alleged violations of law: KRS 315.121(2)(d), KRS 217.065(1) and 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 No. 09-0129A. Pharmacy permit holder allegedly engaged in aiding an individual to engage or assist in the practice of pharmacy without a license or falsely using the title of pharmacy technician which might imply that the individual is a pharmacy technician. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 09-0129B. Pharmacist-in-charge allegedly engaged in aiding an individual to engage or assist in the practice of pharmacy without a license or falsely using the title of pharmacy technician which might imply that the individual is a pharmacy technician. 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 No. 10-0001A. Pharmacy permit holder allegedly dispensed a misbranded product by failing to reconstitute a cefprozil suspension prior to dispensing. Alleged violations of law: KRS 315.121(2)(d) and 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 No. 10-0001B. Pharmacist allegedly dispensed a misbranded product by failing to reconstitute a cefprozil suspension prior to dispensing. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(2)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0002A. Pharmacy permit holder allegedly allowed a medication error by filling a prescription for Focalin XR 20 mg with Kadian 20 mg. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0002B. Pharmacist allegedly committed a medication error by filling a prescription for Focalin XR 20 mg with Kadian 20 mg. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0005. Pharmacy technician allegedly diverted controlled substances from the pharmacy. Alleged violation of law: KRS 315.121(2)(f). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0007. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 5.5 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0008A. Pharmacy permit holder allegedly sold a misbranded drug as a result of an incorrect quantity of medication being dispensed. Alleged violations of law: KRS 315.121(2)(d), KRS 217.065(1) and KRS 217.065(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0008B. Pharmacist allegedly committed a medication error by dispensing the incorrect quantity of a medication. Alleged violations of law: KRS 315.121(2)(d), KRS 217.065(1) and KRS 217.065(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0009A. Pharmacy permit holder allegedly deemed a drug misbranded by it bearing a label with an inaccurate statement of the quantity in terms of numerical count. Alleged violations of law: KRS 217.065(2)(b) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0009B. Pharmacist allegedly engaged in unprofessional and unethical conduct by engaging in conduct likely to deceive, defraud or harm the public by

dispensing the incorrect quantity of a medication. Alleged violations of law: KRS 217.065(2)(b) and KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0009C. Pharmacist allegedly engaged in unprofessional and unethical conduct by engaging in conduct likely to deceive, defraud or harm the public by dispensing the incorrect quantity of a medication. Alleged violations of law: KRS 217.065(2)(b) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0009D. Pharmacist allegedly engaged in unprofessional and unethical conduct by engaging in conduct likely to deceive, defraud or harm the public by dispensing the incorrect quantity of a medication. Alleged violations of law: KRS 217.065(2)(b) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0012A. Pharmacy permit holder allegedly sold a misbranded drug as a result of an incorrect quantity. Alleged violations of law: KRS 217.065(2)(b) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0012B. Pharmacist allegedly committed a medication error by dispensing the incorrect quantity of a medication. Alleged violations of law: KRS 217.065(2)(b) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0014. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 10 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0015. Pharmacist allegedly has not progressed satisfactorily in a treatment or recovery program. Alleged violation of law: 201 KAR 2:250 Section 3(2). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed

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

Case No. 10-0016. Pharmacy permit holder allegedly failed to name a pharmacy-in-charge within 14 days. Previous pharmacist-in-charge notified the Board office of his departure on December 18, 2009, as of March 1, 2010 the position remains unfilled. Alleged violation of law: 201 KAR 2:205 Section 2(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0022. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 14.5 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0024. Pharmacist allegedly diverted controlled substances from pharmacy. Alleged violation of law: KRS 315.121(2)(f). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 10-0025. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 14 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing

Case No. 10-0029. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 14 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed

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

Case No. 10-0030. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 13.75 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing

Case No. 10-0034. Pharmacist is allegedly unable to engage in the practice of pharmacy with reasonable skill, competency and safety to the public due to impairment. Alleged violations of law: KRS 315.121(1)(b) and (2)(f). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing

Case No. 10-0035. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist successfully completed 10 hours of the 15 required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing

Case No. 10-0036. Pharmacist self reported failure to complete the required 15 hours of continuing education for license renewal. Pharmacist did not successfully complete any of the 15 hours required. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing

RECIPROCITY/RELICENSURE/INTERNSHIP

Kamil Aransi. Mr. Aransi requested that he be allowed to complete intern hours while he is not currently enrolled in the Appalachia College of Pharmacy due to personal reasons. Dr. DeWire moved to table Kamil Aransi's request for completing intern hours without being enrolled in a

college of pharmacy until additional information can be obtained from Mr. Aransi. Ms. Brewer seconded, and the motion passed unanimously.

Kiran Babu Siripurapu. Mr. Siripurapu requested he be granted permission to use research for part of his internship hours. Dr. Greenwell moved to table Kiran Babu Siripurapu's request to use research for internship hours until more information can be obtained from Mr. Siripurapu, including a letter from the preceptor, the time frame of the research, and the number of hours he is requesting. Mr. Hadley seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

EXPUNGEMENT 10-2. Mr. Hadley moved to expunge record 10-02. Dr. Greenwell seconded, and the motion passed unanimously.

Diane Eumenidi-Zorda. Ms. Eumenidi-Zorda requested to be allowed to serve as Kentucky pharmacist-in-charge for two different out of state pharmacies. Dr. Greenwell moved to allow Diane Eumenidi-Zorda be dual pharmacist-in-charge for Kentucky of two different out of state pharmacy permit holders. Dr. Policastri seconded, and the motion passed unanimously.

John Schmitt. Mr. Schmitt requested to modify his Agreed Order so that he may be pharmacist-in-charge and have power of attorney. Dr. Greenwell moved to modify John Schmitt's Agreed Order allowing him to be pharmacist-in-charge and have power of attorney. Dr. Policastri seconded. After discussion, it was discovered that Mr. Schmitt was not asking to be pharmacist-in-charge or have power of attorney at a specific pharmacy but wanted the approval for future use. Dr. Greenwell withdrew his motion with Dr. Policastri's permission. Dr. Greenwell moved to deny Mr. Schmitt's request to modify his Agreed Order so that he may serve as pharmacist-in-charge and have power of attorney because the request is too general. A future request may be considered if it is more specific, stating the pharmacy at which he would be pharmacist-in-charge and have power of attorney. Dr. Policastri seconded, and the motion passed unanimously.

PharmacistCARE. PharmacistCare is a nondispensing pharmacy that requested permission to be open 2 hours a week. Mr. Hadley moved to allow PharmacistCARE hours to be changed to 2 hours a week and the pharmacist-in-charge work only 2 hours a week as long as no drugs are dispensed and with the understanding that if there is any change PharmacistCARE must notify the Board. Dr. Policastri seconded, and the motion passed unanimously.

Corner Homecare/Linda Bullock. Linda Bullock requested permission to be pharmacist-in-charge of Corner Homecare Inc. LTC and Pharmacy Corner. Dr. Greenwell moved to allow Linda Bullock to be dual pharmacist-in-charge for Corner Homecare Inc. LTC and Pharmacy Corner. Mr. Hadley seconded, and the motion passed unanimously.

Pharmacy Technician Registrant JS. Mr. Hadley moved to approve the application for Pharmacy Technician Registrant JS provided he signs an Agreed Order with standard language that includes probation for one year with a PRN agreement and 3 drug screens a year. Dr. DeWire seconded, and the motion passed unanimously.

Pharmacy Technician Registrant SC. Dr. Greenwell moved to approve the application for Pharmacy Technician Registrant SC without restriction. Ms. Brewer seconded, and the motion passed unanimously.

Pharmacy Technician Registrant MP. Mr. Hadley moved to approve the application for Pharmacy Technician Registrant MP provided he signs an Agreed Order with standard language that includes probation for one year with a PRN agreement and 3 drug screens a year. Dr. DeWire seconded, and the motion passed unanimously.

Pharmacy Technician Registrant AL. Mr. Hadley moved to approve the application for Pharmacy Technician Registrant AL provided he signs an Agreed Order with standard language that includes probation for five years with a PRN agreement, 12 drug screens a year, and attendance at a minimum of 8 AA/NA meetings per month. Dr. DeWire seconded, and the motion passed unanimously.

Pharmacy Technician Registrant AW. Dr. Greenwell moved to approve the application for Pharmacy Technician Registrant AW provided he signs an Agreed Order with standard language that includes probation for two years with a PRN agreement and 6 drug screens a year. Mr. Hadley seconded, and the motion passed unanimously.

NABP: Dr. Greenwell moved that President Thornbury be the delegate to the 2010 Annual NABP Meeting May 22-25 with Mr. Hadley serving as alternate. Ms. Brewer seconded, and the motion passed unanimously.

CONTINUING EDUCATION:

Mr. Hadley moved to accept the continuing education programs 10-4 through 10-17 as recommended. Dr. DeWire seconded, and the motion passed unanimously.

ADJOURNMENT: On motion by Dr. Greenwell, seconded by Dr. DeWire and passed unanimously, President Thornbury adjourned the Board Meeting at 12:28 p.m. There will be a Special Called Board Meeting to begin at 10 a.m. on April 14, 2010 at the Board Office, 125 Holmes Street, Frankfort, Kentucky, for the purpose of Board Members having a mock Case Review Committee meeting and mock Pharmacist Recovery Network Committee meeting. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on May 12, 2010 at the Board office, 125 Holmes Street, Frankfort, Kentucky.

Michael Burleson, R.Ph.
Executive Director

