

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

July 14, 2010

**CALL TO ORDER:** A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at State Office Building Annex, 125 Holmes Street, Frankfort, Kentucky. President Thornbury called the meeting to order at 9:07 a.m.

Members present: Joel Thornbury, Larry Hadley, Debra Brewer, Brian DeWire, and Scott Greenwell. 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; Ralph Bouvette, APSC; Tobi Glasscock, Walmart; Sarah Freytag, CVS; Kim Morgan, Target; Michael James, Right Source; Jill Jones; and Jack McGuire, Casey Whittaker, Danielle Ware, Mackenzie Harbin, Jarred Crume, Kyle Harman, Amanda Peters, and Megan Darrell, College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting. Anne Policastri was absent, due to attendance at the American Association of Colleges of Pharmacy Annual Meeting in Seattle, Washington.

**MINUTES:** On motion by Dr. Greenwell, seconded by Mr. Hadley and passed unanimously, the Minutes of May 12, 2010 Board Meeting were approved as written.

**APPEARANCES:** **Jill Jones.** Ms. Jones was sworn in by Melanie Curtis, Court Reporter. Ms. Jones appeared before the Board asking for reinstatement of her Kentucky pharmacist's license. Ms. Jones gave a brief overview of the events that lead to the loss of her license. After discussion, Dr. Greenwell moved to deny Jill Jones' request for reinstatement of her Kentucky pharmacist's license. Ms. Brewer seconded. Dr. Greenwell and Ms. Brewer voted for the motion, and Mr. Hadley and Dr. DeWire voted against the motion. President Thornbury broke the tie by voting in favor of the motion.

**INTERAGENCY:** Mr. Burleson informed the Board that the position of Branch Manager of the Drug Enforcement and Professional Practices Branch of the Office of Inspector General has been posted and the position is for a non-pharmacist.

**BOARD REPORTS:**

**Board Executive Director.** 1) EMars monthly reports for April, May and June 2010 were presented to the Board. 2a) Mr. Hadley moved to allow Mr. Burleson to attend the NABP Executive Committee Meeting in Chicago on August 25-26, 2010, at no expense to the Board.

Dr. Greenwell seconded, and the motion passed unanimously. **b)** Mr. Hadley moved to allow one of the 3 new Board Members and the Executive Director to attend the New Board Member/Executive Director Meeting at NABP headquarters in Chicago on September 22-23, 2010, at no expense to the Board. Dr. Greenwell seconded, and the motion passed unanimously. **c)** Dr. Greenwell moved to allow Dr. Policastro to attend KSHP, October 7-8, 2010 in French Lick, IN. Ms. Brewer seconded, and the motion passed unanimously. **d)** Travel regarding MALTAGON was tabled until the September 2010 Board Meeting when an agenda can be reviewed. **3)** The Office of Drug Control Policy requested an opinion from the Board of Pharmacy if the Board would support legislation that would require all pharmacies to provide pharmacists access to the eKASPER program. Mr. Burluson was directed to get more information and if possible invite Van Ingram, Director of the Office of Drug Control Policy, to attend a Board of Pharmacy Meeting to discuss this issue. **4)** The Governor has enforced mandatory furlough days on September 3 and November 12, 2010 and May 27, 2011 and three other furlough days, one each to be taken in October, March and June at employee's choice of day. The Board Meeting/Retreat scheduled for November 12-13, 2010, will need to be changed. Mr. Hadley moved to change the Board Meeting/Retreat from November 12-13, 2010, to November 5-6, 2010. Dr. DeWire seconded, and the motion passed unanimously. Ms. Lalonde stated that this will be a special called meeting and the agenda will have to be set. **5)** The State is requiring each agency/board to cut its budget by 1.5% (about \$20,300) for the next fiscal year.

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

**Case Updates:** Ms. Brewer moved to accept Case Updates as written. Dr. DeWire seconded, and the motion passed unanimously.

**Case No. 06-0109F; 08-0115B; 09-0060; 09-0069B; 09-0116; 09-0121; 09-0124A&B; 10-0011B; 10-0017; 10-0020B; 10-0021B; 10-0023B; 10-0024; 10-0027B; 10-0028B; 10-0035; 10-0040B; 10-0044B; 10-0047; 10-0050; 10-0051; 10-0058; 10-0061B; and 10-0062A&B.**

**Case Review:** Dr. DeWire moved to accept the Case Review Committee recommendations with corrections. Mr. Hadley seconded, and the motion passed unanimously.

**Case No. 09-0082. Revisit.** Pharmacy technician allegedly diverted controlled substances from the pharmacy of employment, was arrested and convicted of theft of a controlled substance. Pharmacy technician also plead guilty to possession of marijuana. 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. 09-0083. Revisit.** Pharmacy technician allegedly diverted controlled substances, was reported to local law enforcement but no court action was taken. 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. 10-0031: Revisit.** Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, dispensing, and ingesting a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug. New Information: Board ordered mental and physical examination has been received. Alleged violations of law: KRS 315.121(1)(a) 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. 10-0037.** Pharmacy permit holder allegedly failed to register a pharmacy technician within the required 30 days. 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. 10-0038A.** Pharmacy permit holder allegedly sold a misbranded drug as the result of an incorrect quantity of medication being sold. Alleged violation of law: KRS 217.065(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0038B.** Pharmacist allegedly committed a medication error by dispensing the incorrect quantity of medication. Alleged violations of law: KRS 315.121(2)(d) and 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. 10-0039A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert controlled substances. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0039B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert controlled substances. Alleged violations of law: KRS 315.121(2)(d) and (f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0039C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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 No. 10-0046A.** Pharmacy permit holder allegedly allowed lead technician access to the pharmacy every morning approximately one hour prior to a pharmacist being on duty. The technician was allowed to process orders in the computer and accepted deliveries from wholesaler. Alleged violations of law: 201 KAR 2:100 Section 1 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 No. 10-0046B.** Pharmacist-in-charge allegedly allowed lead technician access to the pharmacy every morning approximately one hour prior to a pharmacist being on duty. The technician was allowed to process orders in the computer and accepted deliveries from wholesaler. Alleged violations of law: 201 KAR 2:100 Section 1 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 No. 10-0053A.** Pharmacy permit holder allegedly sold a misbranded drug as a result of dispensing haloperidol 5mg instead of haloperidol 0.5mg. 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 No. 10-0053B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error by dispensing haloperidol 5mg instead of haloperidol 0.5mg. 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. 10-0064A.** Pharmacy permit holder allegedly provided inadequate security and control of its controlled substances and prescription legend drugs due to remaining open in absence of a pharmacist. 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 No. 10-0064B.** Pharmacist allegedly provided inadequate security and control of controlled substances and prescription legend drugs due to allowing pharmacy to remain open in absence of a pharmacist. 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 No. 10-0068A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing the altering the “may fill” date on two controlled substances prescriptions resulting in a patient being dismissed from the prescribing physician’s practice. 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 No. 10-0068B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by altering the “may fill” date on two controlled substances prescriptions resulting in a patient being dismissed from the prescribing physician’s practice. 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 No. 10-0069A.** Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by not offering the generic version of a drug and increasing the price of the drug. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0069B.** Pharmacist allegedly engaged in unethical or unprofessional conduct by not offering the generic version of a drug and increasing the price of the drug. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0070A.** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient allegedly received a medication that was not the prescribed Dehistine syrup. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0070B.** Pharmacist allegedly engaged in unprofessional or unethical conduct as the result of a medication error. Patient allegedly received a medication that was not the prescribed Dehistine syrup. Alleged violations of law: KRS 217.065(1) and KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0080A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a medication to be dispensed to the wrong 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 No. 10-0080B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging to unauthorized persons patient information without the patient's express consent or without order or direction of the court and by engaging in conduct likely to harm the public. Alleged 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 No. 10-0082.** Pharmacy technician allegedly plead guilty to attempting and/or obtaining a controlled substance by fraudulent and/or false statements to the practitioner, first offense. 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. 10-0085A.** Pharmacy permit holder allegedly allowed pharmacy technician to steal approximately 27,000 hydrocodone/APAP tablet and 5000 benzodiazepine tablets over a 24 month period. These were all taken directly from orders received from the wholesaler, prior to entering into inventory. The technician has been arrested on 76 counts of theft of controlled substances and one count of trafficking. 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 No. 10-0085B.** Pharmacist-in-charge allegedly allowed pharmacy technician to steal approximately 27,000 hydrocodone/APAP tablet and 5000 benzodiazepine tablets over a 24 month period. These were all taken directly from orders received from the wholesaler, prior to entering into inventory. The technician has been arrested on 76 counts of theft of controlled substances and one count of trafficking. Alleged violations of law: KRS 315.121 (2)(c)(d)(f)

and (g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0085C.** Pharmacy technician allegedly stole approximately 27,000 hydrocodone/APAP tablet and 5000 benzodiazepine tablets over a 24 month period. These were all taken directly from orders received from the wholesaler, prior to entering into inventory. The technician has been arrested on 76 counts of theft of controlled substances and one count of trafficking. Alleged violations of law: KRS 315.121 (2)(c)(d)(f) and (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. 10-0086A.** Pharmacy permit holder allegedly knowingly dispensed prescription medications to a deceased person, refilled excessive amounts of hydrocodone/APAP to a patient and sold prescription medications to physicians and other pharmacies in unlabeled containers. 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 No. 10-0086B.** Pharmacist allegedly knowingly dispensed prescription medications to a deceased person, refilled excessive amounts of hydrocodone/APAP to a patient and sold prescription medications to physicians and other pharmacies in unlabeled containers. Alleged violations of law: KRS 315.121 (2)(d)(h)(j) 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 No. 10-0086C.** Pharmacist allegedly knowingly dispensed prescription medications to a deceased person, refilled excessive amounts of hydrocodone/APAP to a patient and sold prescription medications to physicians and other pharmacies in unlabeled containers. Alleged violations of law: KRS 315.121 (2)(d)(h)(j) 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 No. 10-0087A.** Pharmacy permit holder allegedly improperly refilled a prescription by combining six Norvasc (amlodipine) 5mg tablets in a requested refill for Plavix 75mg 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 No. 10-0087B.** Pharmacist allegedly committed a medication error by improperly refilling a prescription by combining six Norvasc (amlodipine) 5mg tablets in a requested refill for

Plavix 75mg tablets. Alleged violations of law: KRS 315.121(2)(d), and KRS 217.065(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0088.** Pharmacy permit application for an out of state permit contained license verification from the Missouri Board of Pharmacy that disclosed action taken against the applicant by the Missouri Board of Pharmacy. 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. 10-0089.** Pharmacist has had action against his Iowa pharmacist's license including a fine and one year probation for unlawful possession of prescription drugs, illegal distribution of drugs, lack of professional competency, unethical conduct and failure to maintain records and control over drugs. 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. 10-0090.** Pharmacy technician allegedly diverted controlled substances from 2 pharmacies of employment. 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. 10-0095A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 5/5/10. 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. 10-0095B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 5/5/10 when registration was renewed. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0097A.** Pharmacy permit holder allegedly failed to renew a pharmacy technician's registration in a timely manner. 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. 10-0097B.** Pharmacy technician allegedly failed to renew pharmacy technician registration in a timely manner. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0098A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/5/10. 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. 10-0098B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/5/10 when registration was renewed. Alleged violation of law: KRS 315.135(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. 10-0099A.** Pharmacy permit holder allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/5/10. 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. 10-0099B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/5/10 when registration was renewed. Alleged violation of law: KRS 315.135(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. 10-0100A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/5/10. 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. 10-0100B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/5/10 when registration was renewed. Alleged violation of law: KRS 315.135(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. 10-0101A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/5/10. 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. 10-0101B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/5/10 when registration was renewed. Alleged violation of law: KRS 315.135(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. 10-0103A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 6/10/10. 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. 10-0103B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 6/10/10 when registration was renewed. Alleged violation of law: KRS 315.135(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0104A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/27/10. 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. 10-0104B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/27/10 when registration was renewed. Alleged violation of law: KRS 315.135(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. 10-0105A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/27/10. 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. 10-0105B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/27/10 when registration was renewed. Alleged violation of law: KRS 315.135(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. 10-0106A.** Pharmacy permit holder allegedly allowed pharmacy technician to work without a valid registration from 4/1/10 to 4/27/10. 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. 10-0106B.** Pharmacy technician allegedly failed to renew registration prior to 4/1/10 and worked as a technician between 4/1/10 and 4/27/10 when registration was renewed. Alleged violation of law: KRS 315.135(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.

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

**Pharmacy Technician Registrant GM.** Dr. Greenwell moved to approve the application for Pharmacy Technician Registrant GM without restriction. Mr. Hadley seconded, and the motion passed unanimously.

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

**Pharmacy Technician Registrant GG.** Dr. Greenwell moved to approve the application for Pharmacy Technician Registrant GG without restriction. Mr. Hadley seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant MB.** Ms. Brewer moved to approve the application for Pharmacy Technician Registrant MB provided he signs an Agreed Order with standard language that includes probation for one year with a PRN agreement. Mr. Hadley seconded, and the motion passed unanimously.

**Sumeera Kelly.** Ms. Kelly, a Sullivan University College of Pharmacy student, requested that she be allowed to continue to work as an intern, earning credit while not enrolled in a pharmacy school. She will be sitting out of pharmacy school one semester, until a class she needs is offered. Mr. Hadley moved to deny Sumeera Kelly's request to continue to work as an intern while not enrolled in a school of pharmacy, because her circumstance does not meet the criteria for exemption of enrollment outlined in 201 KAR 2:040 Section 5. Dr. Greenwell seconded, and the motion passed unanimously.

**CORRESPONDENCE/COMMUNICATION:**

**EXPUNGEMENT 10-3.** Dr. Greenwell moved to expunge record 10-03. Ms. Brewer seconded, and the motion passed unanimously.

**H. Daniel Biliter.** H. Daniel Biliter requested to be allowed to serve as pharmacist-in-charge for Bluegrass Family Pharmacy and Bluegrass Long Term Care. Mr. Hadley moved to allow H.

Daniel Biliter to be dual pharmacist-in-charge for Bluegrass Family Pharmacy and Bluegrass Long Term Care. Dr. DeWire seconded, and the motion passed unanimously.

**Tyler Guess.** Tyler Guess requested to be allowed to serve as pharmacist-in-charge for Corner Homecare, LTC and Pharmacy Corner. Dr. Greenwell moved to allow Tyler Guess to be dual pharmacist-in-charge for Corner Homecare, LTC and Pharmacy Corner. Mr. Hadley seconded, and the motion passed unanimously.

**Mary Ann Bell.** Mary Ann Bell requested to be allowed to serve as pharmacist-in-charge for St. Nicholas Family Clinic Pharmacy (a charitable pharmacy) and Walgreens Infusion Pharmacy. Mr. Hadley moved to allow Mary Ann Bell to be dual pharmacist-in-charge for St. Nicholas Family Clinic Pharmacy and Walgreens Infusion Pharmacy. Dr. Greenwell seconded, and the motion passed unanimously.

#### **LEGISLATION/REGULATION:**

Ms. Brewer moved to approve the draft language of 201 KAR 2:330, Emergency Pharmacy Powers, as amended with a hearing date of August 31, 2010 at 3 p.m. at the Board Office. Dr. Greenwell seconded, and the motion passed unanimously.

Mr. Burleson reported on the meeting of the Regulation Review Committee. Mr. Burleson is to gather more information on standardizing the applications. It was suggested that regulations be promulgated regarding non-dispensing pharmacies, allowing for certain exemptions. The pharmacist-in-charge (PIC) minimum requirement of being present 10 hours per week was also discussed. President Thornbury stated that the Board would consider any requests for the PIC to be present less than 10 hours per week on a case by case basis.

#### **EXECUTIVE SESSION:**

Dr. Greenwell moved that the Board go into Executive Session pursuant to KRS 61.810(1)(c)(j). Dr. DeWire seconded, and the motion passed unanimously. The Board went into Executive Session. Ms. Brewer moved to come out of Executive Session. Mr. Hadley seconded, and the motion passed unanimously.

Dr. Greenwell moved to have an outside attorney file an amicus curiae brief on behalf of the board and send a letter to the individual. Ms. Brewer seconded and the motion passed unanimously.

#### **CONTINUING EDUCATION:**

Dr. Greenwell moved to accept the continuing education programs 10-27 through 10-32 as recommended. Dr. DeWire seconded, and the motion passed unanimously.

#### **OLD BUSINESS:**

There was only one application from a consumer to be appointed to the Pharmacist Recovery Network Committee (PRNC). After discussion, it was determined that the applicant had a conflict of interest due to being employed by the University of Kentucky College of Pharmacy and could not serve on the PRNC. President Thornbury directed Mr. Burleson to send the

applicant a letter explaining the Board's decision. President Thornbury asked Brad Hall, KPhA, and Ralph Bouvette, APSC, to help find a consumer to serve on the PRNC.

There will be a PRNC contingency plan presented at the September Board Meeting.

The Board will set the Agenda for the November Board Retreat at the September Board Meeting.

**ADJOURNMENT:** On motion by Dr. DeWire, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the Board Meeting at 2:08 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on September 8, 2010 at the University of Kentucky College of Pharmacy, Lexington, Kentucky.

---

Michael Burleson, R.Ph.  
Executive Director