

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

December 14, 2011

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 Hadley called the meeting to order at 9:07 a.m.

Members present: Larry Hadley, Deborah Brewer, Brian DeWire, Scott Greenwell, Cathy Hanna, and Joel Thornbury. Staff: Mike Burlison, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General and Board Counsel; Lisa Atha, Executive Secretary; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Bob McFalls, Kentucky Pharmacists Association; Ralph Bouvette, APSC; Jan Gould, Kentucky Retail Federation; James Liebetrau, Pharmacist Recovery Network Committee; Chris Killmeier and Debra Harris, Walgreens; Usheema Thomas, CVS; Megan Kappes, Meijer; Bill Hewlett, KMESA; Ted Cummings, Coventry Care; and Shawn Baird, College of Pharmacy student. Melanie Curtis, Court Reporter, recorded the meeting.

MINUTES: On motion by Mr. Thornbury, seconded by Dr. Hanna and passed unanimously, the Minutes of November 4 and 5, 2011 Board Meeting and Retreat were approved as written.

APPEARANCE: **Dr. James Ferguson, Medical Director, Professional Health Monitoring, at Firstlab.** Dr. Ferguson discussed the validity of drug testing via a teleconference. Dr. Ferguson gave his background and suggestions on reducing the ability of clients to circumvent drug screens. Kentucky Pharmacist Recovery Network (PRN) uses Firstlab to manage the drug screens of pharmacists, interns and technicians enrolled in PRN.

Bill Hewlett. Mr. Hewlett appeared representing the Kentucky Medical Equipment Suppliers Association (KMESA). Mr. Hewlett presented proposed changes to KRS 315 which would give the Board of Pharmacy oversight of Durable Medical Equipment (DME) providers by permitting these facilities. Twenty-five states currently permit DME providers. Mr. Hewlett, on behalf of KMESA, was seeking support from the Board of Pharmacy for the legislative changes to KRS 315. Mr. Thornbury move to table a decision until the January 2012 Board Meeting and in the interim Mr. Burlison is to gather and disseminate more information. Ms. Brewer seconded, and the motion passed unanimously.

Ted Cummings, Coventry Care. Ted Cummings was sworn in by Melanie Curtis, Court Reporter. Mr. Cummings representing Coventry Care, one of the Managed Care Organizations for Kentucky Medicaid, was requested to appear before the Board to offer reassurance regarding the care

of patients. There was time for discussion and members of the audience were allowed to question Mr. Cummings.

BOARD REPORTS:

Board Executive Director. 1). Dr. Greenwell moved to allow the Executive Director and the Board President to attend the APhA Annual Meeting March 9-12, 2012, in New Orleans. Mr. Thornbury seconded, and the motion passed unanimously. 2). EMars monthly report for October FY 2012 and a Financial Report Summary were presented to the Board.

Board President. President Hadley gave a summary of the KASPER Advisory Council Meeting from December 2, 2011. The pharmacists appointed to the Advisory Council are Sandra Thornbury, Vice Chair, Mac Bray and Kelly Whitaker.

CURRENT/PENDING CASES:

Case Updates: Dr. DeWire moved to accept Case Updates for Case Numbers: 10-0141; 11-0091C; 11-0113A; 11-0113B; 11-0116A; 11-0116B; 11-0118A; 11-0118C; 11-0125A; 11-0138C; 11-0144A; 11-0144B; 11-0147A; 11-0147B; 11-0148A; 11-0148B; 11-0149A; 11-0149B; 11-0149D; 11-0151A; 11-0151B; 11-0152A; 11-0154A; 11-0154B; 11-0156A; 11-0158B; 11-0159A; 11-0159B; 11-0160B; 11-0163A; 11-0166A; 11-0166B; 11-0170A; 11-0170B; 11-0171A; 11-0171B; 11-0172A; 11-0172B; 11-0173A; 11-0174A; 11-0174B; 11-0175A; 11-0175B; 11-0176A; 11-0176B; 11-0177B; 11-0178A; 11-0180A; 11-0180B; 11-0181B; 11-0183B; 11-0185A; 11-0185B; 11-0189A; 11-0189B; 11-0190A; 11-0190B; 11-0192A, 11-0192B; 11-0194A; 11-0195A; 11-0195B; 11-0198B; and 11-0207B as written. Dr. Hanna seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION:

Medical Arts Pharmacy and Paragon Hemophilia Solutions/William Bucy. Dr. Bucy requested to be dual pharmacist-in-charge of Medical Arts Pharmacy and Paragon Hemophilia Solutions. Dr. Greenwell moved to allow William Bucy to be pharmacist-in-charge of Medical Arts Pharmacy and Paragon Hemophilia Solutions. Mr. Thornbury seconded, and the motion passed unanimously.

NABP: Mr. Burleson gave a brief overview of the Compliance Officer Forum held at NABP headquarters December 1 and 2, 2011. Mr. Burleson and Steve Hart attended the Forum.

CONTINUING EDUCATION:

Mr. Thornbury moved to approve continuing education programs 11-41 through 11-48 as recommended. Ms. Brewer seconded, and the motion passed unanimously.

OLD BUSINESS: Advisory Council Appointments 2012. Mr. Thornbury moved to appoint Ralph Bouvette and Jan Gould to 1 year terms. Dr. Greenwell seconded, and the motion passed unanimously. Dr. Greenwell moved to appoint George Hammons, who was elected via secret ballot, to serve on the Advisory Council. Mr. Thornbury seconded, and the motion passed unanimously. Mr. Burleson was directed to survey current Advisory Council members to determine the willingness of current members to continue to serve.

CMS/DEA: Billing and dispensing of controlled substances update. Mr. Burleson gave a brief update regarding the requirement by the Centers for Medicare and Medicaid Services (CMS) that as of January 1, 2012, certain infusion drugs will not be reimbursed to pharmacies. The pharmacies will have to provide the infusion drugs to the physicians' offices and the physicians' offices would then file for reimbursement of the drugs. There is concern this is contrary to a Drug Enforcement Agency (DEA) policy in which it is stated that patient specific controlled substances must be dispensed directly to the patient and cannot be sent to a physician's office for administration. Mr. Burleson will provide more information when available.

Drop Box Update. Mr. Burleson informed the Board that he is still waiting on the Commonwealth Office of Technology (COT) for further information regarding a more secure option for Drop Box.

NEW BUSINESS:

Replacement for MTM Committee. President Hadley appointed Jan Gould to replace Jamie Nash, who has moved out of Kentucky, on the MTM Committee.

FYI: CAPTASA will be held at the Embassy Suites in Lexington, Kentucky, January 27-28, 2012.

ADJOURNMENT: On motion by Mr. Thornbury, seconded by Dr. Greenwell and passed unanimously, President Hadley adjourned the Board Meeting at 12:00 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on January 11, 2012, at the Board office in Frankfort, Kentucky.

Michael Burleson, R.Ph.
Executive Director