

KENTUCKY BOARD OF PHARMACY
23 Millcreek Park, Bldg. 2
Frankfort, KY 40601-9230
October 10, 2001 - 9:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. APPEARANCES**
- III. MINUTES**
 - A. July 22, 2001
 - B. September 12, 2001
- IV. INTERAGENCY**
 - A. Drug Control
- V. BOARD REPORTS**
 - A. Board President
 - B. Board Members
 - C. Board Executive Director
 - D. Board Staff
- VI. CURRENT/PENDING CASES**
 - A. OAG Case Updates - C. Lalonde-Mooney
 - B. KBP Case Updates
 - 1. 99-0093 & 00-0016
 - 2. 01-0034
 - 3. 01-0035
 - 4. 01-0043
 - 5. 01-0080 & 01-0090
 - 6. 01-0097
 - 7. 01-0104 B
 - C. Case Review Committee
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP**
 - *A. Angela Whitmer - Reinstatement
- VIII. CORRESPONDENCE/COMMUNICATIONS**
 - *A. Geri Care Pharmacy
 - *B. Anne Gresham - HDM Drug Corporation
 - *C. Paul Mahan - Pineville Pharmacist Consultants
 - *D. Steve Williams - Medicine Cabinet Pharmacy
 - *E. Thomas Fry - Pharmacy Inc.
 - *F. David Yancy (3 Letters)
 - *G. John Simkins - Pulaski Drugs LLC
 - *H. Paul Reffett - Value-Med Inc.
- IX. NABP**
- X. LEGISLATION/REGULATIONS**
- XI. CONTINUING EDUCATION**
 - A. Program Review
- XII. FINES**

A. Fines Report

XIII. OLD BUSINESS

XIV. NEW BUSINESS

*Information enclosed with this agenda

**Information previously provided

***Old material with response

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
October 10, 2001

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board office, 23 Millcreek Park, in Frankfort, Kentucky. President Conyers called the meeting to order at 9:05 a.m.

Members present: William A. Conyers III, Melinda C. Joyce, Becky M. Cooper, Thomas S. Foster, Joe Carr. And Georgina Kindall-Jones. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe, Maxine Snively and Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel and Stacy Rankin, Executive Secretary. Juanita Toole, Court Reporter, recorded the meeting.

BOARD REPORTS: **President.** President Conyers addressed the members regarding his concerns of the scoring of the Errors and Omissions scoring of the Kentucky Board Examination.

Melinda Joyce. Dr. Joyce gave a brief overview of the Med Errors Task Force Meeting held on October 11, 2001.

Executive Director. Mr. Moné updated members of the processing of MPJE and NAPLEX applications for graduates. Mr. Moné presented the proposed 2002 Board meeting dates. Mr. Moné proposed an internal inspection policy for pharmacies and pharmacist for inspectors. After discussion Dr. Foster moved Mr. Moné to develop some structure for the inspection proposal. The motion was seconded by Mr. Carr and passed unanimously.

CURRENT/PENDING CASES: Mr. Carr moved for acceptance and entry of the proposed Agreed Orders as written. Dr. Joyce seconded and the motion passed unanimously.

Case No. 99-0093; Case No. 00-0016; Case No. 01-0034; Case No. 01-0035; Case No. 01-0043; Case No. 01-0080; Case No. 01-0090; Case No. 01-0097; Case No.01-0104B.

CASE REVIEW COMMITTEE

Case No. 01-0110A. Permit-holder allegedly engaged in unprofessional conduct by misbranding compounded prescription. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0100B. Permit-holder allegedly engaged in unprofessional conduct by misbranding compounded prescription. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0111A. Permit-holder allegedly engaged in unprofessional conduct by misbranding compounded prescription. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0111B. Pharmacist-in-charge allegedly engaged in unprofessional conduct by misbranding a compounded prescription. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0115. Pharmacist allegedly failed to obtain HIV/AIDS continuing education and failed to obtain any continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0117A. Permit-holder allegedly operated without a Kentucky licensed pharmacist present. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed

unanimously.

Case No. 01-017B. Pharmacist-in-charge allegedly allowed pharmacy to operate without a Kentucky pharmacist present. Case Closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0065. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0117C. Tennessee licensed Pharmacist allegedly practiced pharmacy in Kentucky without a Kentucky pharmacist license. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0118. Permit-holder allegedly failed to renew permit in a timely manner. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0119. Permit-holder allegedly failed to renew permit in a timely manner. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0120. Permit-holder allegedly failed to renew permit in a timely manner. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0121. Pharmacist allegedly failed to obtain HIV/AIDS continuing education and failed to obtain any continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0122. Pharmacist allegedly violated previous Agreed Order. CRC recommendation for Complaint Investigator is directed to conduct further investigation. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0123. Pharmacist allegedly violated previous Agreed Order. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 00-0150. Pharmacist allegedly violated previous Agreed Order. CRC recommendation Case Dismissed. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0031. Pharmacist allegedly failed to obtain HIV/AIDS continuing education and failed to obtain any continuing education in 2000. CRC recommendation Case Closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0037. Pharmacist allegedly failed to obtain HIV/AIDS continuing education and failed to obtain any continuing education in 2000. CRC recommendation Issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0057. Pharmacist alleged engaged in unprofessional and unethical conduct by failing to provide proper record keeping of pharmacy records, failing to provide proper security and control of legend drugs, receiving legend drugs, including physician samples, that were misbranded and/or adulterated, and filling prescriptions without proper authorization from a licensed practitioner. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0085. Kentucky licensed out-of-state pharmacy permit holder allegedly filled a prescription without proper authorization. CRC recommendation Case Closed. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0094. Pharmacist alleged engaged in unprofessional conduct by refusing to refill a prescription for the quantity prescribed by the physician. CRC recommendation Case Closed. Mr. Carr seconded and the motion

passed unanimously.

Case No. 01-0100. Pharmacist alleged violated previous Agreed Order by engaging in unprofessional and unethical conduct including engaging in conduct likely to harm the public, engaging in grossly negligent professional conduct, and obtaining remuneration by fraud. Pharmacist allegedly failed to maintain accurate and complete patient records, failed to maintain accurate and complete computerized records, failed to keep a record of all controlled substance for 5 years, and failed to maintain adequate security of controlled substances without proper authorization, dispensed legend drugs without a prescription from a practitioner, forged controlled substance and legend prescription thereby engaging in the practice of medicine without a license. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0107. Pharmacist allegedly engaged in unprofessional conduct by committing several medication errors. CRC recommendation for Complaint investigator is directed to conduct further investigation. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0108. Pharmacist allegedly failed to obtain HIV/AIDS continuing education and failed to obtain any continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0109. Pharmacist allegedly failed to obtain HIV/AIDS continuing education and failed to obtain any continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

CORRESPONDENCE: **Geri Care Pharmacy.** The Board reviewed the letter requesting approval of the following: 1) Can 1 pharmacist-in-charge be used at both location? After discussion Mr. Carr moved to approve the request. Dr. Joyce seconded and the motion passed unanimously. 2) Can new order be done at Central Refill location? After discussion Mr. Carr moved to deny the request. Dr. Foster seconded and the motion passed unanimously. 3) Can one set of equipment be used? After discussion Ms. Jones moved to approve the request. Dr. Joyce seconded and the motion passed unanimously.

Ann Gresham/HDM Drug Corporation. The Board reviewed the letter requesting permission for Ms. Gresham to serve as the pharmacist-in-charge for both HDM Drug Corporation locations. Ms. Jones moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Paul Mahan. The Board reviewed the letter requesting permission for Mr. Mahan to serve as the pharmacist-in-charge for both Morgan Drugs and Your Home Pharmacy. Dr. Foster moved to approve the request. Ms. Jones seconded and the motion passed unanimously.

Paul Mahan. The Board reviewed letter requesting an equipment waiver. Dr. Foster moved to grant equipment waiver. Dr. Joyce seconded and the motion passed unanimously.

Steve William/Medicine Cabinet Pharmacy. The Board reviewed the letter requesting permission for Mr. Williams to serve as the pharmacist-in-charge for both Medicine Cabinet Pharmacy and Medicine Compounding Professionals. Mr. Carr moved to approve the request. Ms. Cooper seconded and the motion passed unanimously.

Steve William/Medicine Cabinet Pharmacy. The Board reviewed letter requesting an equipment waiver. Dr. Foster moved to grant equipment waiver. Dr. Joyce seconded and the motion passed unanimously.

John Simkins/Pulaski Drugs, LLC. The Board reviewed letter requesting an equipment waiver. Dr. Foster moved to grant equipment waiver. Mr. Carr seconded and the motion passed unanimously.

Paul Reffett. The Board reviewed letter requesting an equipment waiver. Dr. Joyce moved to grant equipment waiver. Dr. Foster seconded and the motion passed unanimously.

Monette Wright. The Board reviewed the letter requesting permission for change of employment location. Dr.

Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

NABP: Kentucky will host the 2002 District III meeting which will be held at the Brown Hotel in Louisville in August 2002.

RECIPROCITY/RELICENSURE/INTERNSHIP. The Board reviewed request from Angela Whitmer requesting reinstatement of pharmacist license. Dr. Joyce moved to approve the request. Ms. Jones seconded and the motion passed unanimously.

CONTINUING EDUCATION: Mr. Carr moved to accept the continuing education programs 01-66 through 01-74 as recommended. Dr. Foster seconded and the motion passed unanimously.

OLD BUSINESS:

ADJOURNMENT: On motion by Dr. Joyce, seconded by Dr. Foster and passed unanimously, President Conyers adjourned the meeting at 12:10 a.m. The next Board meeting is scheduled to begin at 9:00 a.m. on December 12, 2001.

Michael A. Moné, Executive Director