

KENTUCKY BOARD OF PHARMACY
23 Millcreek Park, Bldg. 2
Frankfort, KY 40601-9230
September 12, 2001 - 9:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. APPEARANCES**
 - A. Steve Black
 - B. Monette Wright
 - C. Frank G. Dickey, Jr. - Equity Technologies & Resources, Inc.
 - D. Tom McClanahan - Valley Home Care Pharmacy
- III. MINUTES**
 - A. July 11, 2001
 - B. July 22, 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. 99-0078
 - 2. 00-0039
 - 3. 00-0172
 - 4. 01-0026 A & B
 - 5. 01-0043
 - 6. 01-0045
 - 7. 01-0046
 - 8. 01-0047
 - 9. 01-0049
 - 10. 01-0050
 - 11. 01-0051 A& B
 - 12. 01-0052 A & B
 - 13. 01-0053 A & B
 - 14. 01-0054
 - 15. 01-0055
 - 16. 01-0058
 - 17. 01-0059
 - 18. 01-0060
 - 19. 01-0067
 - 20. 01-0068
 - 21. 01-0069
 - 22. 01-0072
 - 23. 01-0073
 - 24. 01-0075
 - 25. 01-0076
 - 26. 01-0061
 - C. Case Review Committee

VII. RECIPROCITY/RELICENSURE/INTERNSHIP

VIII. CORRESPONDENCE/COMMUNICATIONS

- *A. Ann Amerson - UK College of Pharmacy
- *B. Joe Ballard - Kroger Pharmacy
- *C. Robert Bunting
- *D. Terry Case
- *E. Nicole Eitmann - Murer Consultants
- *F. J. Craig Wells - Oakwood Pharmacy
- *G. Tom McClanahan - Valley Home Care & Superior Respiratory
- *E. Manuela Velera - Jenkins Hospital
- *F. Bruce Painter - Wal-Mart Corp.

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
September 12, 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, and Joe Carr. Members absent: Georgina Kindall-Jones. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe 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.

APPEARANCES: **Monette Wright.** Ms. Wright appeared to petition for reinstatement of her pharmacist's license. Ms. Wright was placed under oath by Ms. Toole, Court Reporter. Ms. Wright gave a short overview of the cause leading to the loss of her pharmacist's license. President Conyers reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license. Dr. Foster moved to reinstate with an Order of Reinstatement for with stipulations as follows: probation for five years; enter into a HELP contract; engage in the services of CDC/CDAC; no service as pharmacist-in-charge; no power-of-attorney; employment for no more than 40 hours per week or 80 hours in a two-week period; quarterly observed urine/blood screens with others as requested by the Board; notification to all employers; notification to the Board of change in employment within five days; Board or Board President's approval of all employers; submission of a signed release for medical records; no dispensing of prescriptions to self or family members; utilize only one pharmacy for prescriptions; notification to the Board of all legend and nonlegend drugs taken within 10 days; monthly self-assessments of progress of professional and treatment developments; quarterly reports by counselors; semi-annual inspections and quarterly self audits at all locations of employment; Order on Reinstatement to be drafted and forwarded to Ms. Wright for her signature and upon its return to be signed by President Conyers. The motion was seconded by Dr. Joyce and passed unanimously.

Equity Technologies & Resources Inc./Mr. Marlar. Mr. Marlar provided a brief overview of his companies new tracking program including portions of the KASPER II. After discussion it was decided by the Board not to endorse this method until a pilot study had been done and the results were made available to the Board.

BOARD REPORTS: **President.** President Conyers gave a brief statement regarding his travel and meetings he had attended in August of 2001. President Conyers volunteered to assist with the errors and omissions portion for the upcoming January 2002 examinations since his term will expire December 31, 2001. Dr. Foster moved to accept President Conyers offer. The motion was seconded by Mr. Carr and passed unanimously.

Melinda Joyce. Dr. Joyce gave a brief overview of the Med Errors Task Force Meeting held on September 11, 2001. Dr. Joyce also requested 1) to appoint another member to the committee from a long-term care facility; 2. approval to conduct a survey of licensed pharmacist in Kentucky not to exceed \$10,000.00; and 3. Classify med errors in case review. Mr. Carr moved for approval of the request. The motion was seconded by Ms. Cooper and passed unanimously. Dr. Joyce also volunteered to assist with the compounding portion for the upcoming January 2002 examinations since her term will expire December 31, 2001. Ms. Cooper moved to accept Dr. Joyce's offer. The motion was seconded by Mr. Carr and passed unanimously.

Executive Director. Mr. Moné provided January 26 - 27, 2002 for the Board examinations. Dr. Joyce moved to accept the dates. The motion was seconded by Mr. Carr and passed unanimously. Mr. Moné gave a brief overview of the training he received from NABP September 10, 2001 regarding computer entry, scan sheets and administrative changes to the examinations.

CURRENT/PENDING CASES:

Dr. Foster moved for acceptance and entry of the proposed Agreed Orders as written. Dr. Joyce seconded and the motion passed unanimously.

Case No. 99-0078; Case No. 00-0039; Case No. 00-0172; Case No. 01-0026A&B; Case No. 01-0043; Case No. 01-0045; Case No. 01-0046; Case No. 01-0047; Case No. 01-0049; Case No. 01-0050; Case No. 01-0051A&B; Case No. 01-0052A&B; Case No. 01-0053A&B; Case No. 01-0054; Case No. 01-0055; Case No. 01-0058; Case No. 01-0059; Case No. 01-0060; Case 01-0067; Case No. 01-0068; Case 01-0069; Case 01-0072; Case 01-0073; Case 01-0075; Case 01-0076; Case 01-0061 .

CASE REVIEW COMMITTEE

Case No. 01-0034. Pharmacist allegedly failed to meet required continuing education requirements in 2000. CRC recommendation Issuance of a Letter of Reprimand. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0035. Pharmacist allegedly failed to obtain required HIV/AIDS continuing education in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0036. Pharmacist allegedly failed to meet required continuing education requirements in 2000. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0038. Pharmacist allegedly failed to obtain required HIV/AIDS 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. 01-0062A. Permit-holder allegedly failed to provide adequate security of legend drugs by allowing employees in the pharmacy area without a pharmacist present. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0062B. Pharmacist-in-charge allegedly failed to provide adequate security of legend drugs by allowing employees in the pharmacy area without a pharmacist present. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0064. Permit-holder allegedly closed without posting a 30 day notice to the public and allegedly failed to remove pharmacy signage once the pharmacy was closed. CRC recommendation for Complaint with attempt to resolve through A.O. 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. 01-0066. 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. 01-0071. Pharmacist allegedly engaged in unprofessional conduct by transferring and/or ingesting a drug for which a prescription order is required, without having first received a prescription drug order for the drug. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0074A. Permit-holder allegedly failed engaged in unprofessional conduct by committing a medication error. CRC recommendation: Case Closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0074B. 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. 01-0075. Medicinal gas facility allegedly failed to obtain a Special Limited Medical Gas Permit. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0076A. Permit-holder allegedly failed to provide quarterly reports for review of records for over four years. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0076B. Pharmacist-in-charge of a Special Limited Medical Gas allegedly failed to provide quarterly reports for review of records for over four years. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0077. Permit-holder allegedly failed to renew pharmacy 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. 01-0078. Permit-holder allegedly failed to renew pharmacy 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. 01-0079. Pharmacist allegedly engaged in unprofessional conduct by dispensing controlled and noncontrolled substances without a licensed practitioner's prescription and by not signing oral controlled substance prescriptions. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0080. 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. 01-0081. Pharmacist allegedly engaged in unprofessional conduct by dispensing controlled and noncontrolled substances without a licensed practitioner's prescription and by not signing oral controlled substance prescriptions. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0082A. Permit-holder allegedly engaged in unprofessional conduct by committing a medication error that was a contributing factor of a sentinel event that resulted in the death of a six month old child. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0082B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error that was contributing factor of a sentinel event that resulted in the death of a six month old child. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0084A. Permit-holder allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation: Case Closed Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0084B. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0084C. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error.

CRC recommendation: Case Closed Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0086B. 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. 01-0087. Pharmacist allegedly violated previous Agreed Order. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0088. Pharmacist allegedly practiced pharmacy in the Commonwealth of Kentucky without a valid pharmacist's license. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0089. Permit-holder allegedly failed to notify the Board office of a change in pharmacist-in-charge within fourteen days. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0090. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0091. Permit-holder allegedly sold a prescription medication to a non-permitted Special Limited Medical Gas facility. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0092. Pharmacist allegedly failed to obtain required continuing education in 2000. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0093. Pharmacist allegedly obtained pharmacy continuing education credit through fraudulent means. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0095. Pharmacist allegedly dispensed a misbranded drug, failed to maintain complete and accurate records of all drugs dispensed, failed to offer or provide patient counseling, dispensed medication without a valid prescription, refilled a noncontrolled prescription without practitioner's authorization, failed to maintain computerized records, committed multiple medication errors, and engaged in unprofessional and unethical conduct by engaging in conduct likely to harm the public and demonstrating a careless disregard for the health, welfare and safety of patients.

CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0096. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs by allowing the pharmacy to be unlocked without a pharmacist present, failed to verify, sign, and date several weeks of daily computerized reports, failed to have generic sign posted, and failed to have generic drug pamphlets available. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0097. Permit-holder allegedly failed to renew permit in a timely manner. Pharmacist allegedly engaged in unprofessional conduct by a medication error. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0101A. Permit-holder allegedly operated for nine days without a currently licensed pharmacist present. CRC recommendation Issuance of a Letter of Reprimand. Ms. Cooper seconded and the motion passed

unanimously.

Case No. 01-0101B. Pharmacist allegedly practiced pharmacy for nine days in the Commonwealth of Kentucky without a current pharmacist license. CRC recommendation Issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0102A. Permit-holder allegedly operated for nine days without a currently licensed pharmacist present. CRC recommendation Issuance of a Letter of Reprimand. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0102B. Pharmacist allegedly practiced pharmacy for nine days in the Commonwealth of Kentucky without a current pharmacist license. CRC recommendation Issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0104A. Permit-holder allegedly operated for eleven days without a currently licensed pharmacist present. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0104B. Pharmacist allegedly practiced pharmacy for nine days in the Commonwealth of Kentucky without a current pharmacist license. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0105A. Permit-holder allegedly operated for ten days without a currently licensed pharmacist present. CRC recommendation Issuance of a Letter of Reprimand. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0105B. Pharmacist allegedly practiced pharmacy for ten days in the Commonwealth of Kentucky without a current pharmacist license. CRC recommendation Issuance of a Letter of Reprimand. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0106A. Permit-holder allegedly operated for eleven days without a currently licensed pharmacist present. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0106B. Pharmacist allegedly practiced pharmacy for nine days in the Commonwealth of Kentucky without a current pharmacist license. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

CORRESPONDENCE: **Peggy Piascik/UK College of Pharmacy.** The Board reviewed the letter requesting approval of intern hours for Ms. Min a Non-Traditional pharmacist student enrolled at the University of Kentucky. Ms. Min failed to become a licensed intern in the Commonwealth prior to beginning her clerkship. Ms. Piascik is requesting an exemption for Ms. Min to grant her these hours. Mr. Carr moved to deny the request. Dr. Joyce seconded and the motion passed unanimously.

Joe Ballard/Kroger Pharmacy. The Board reviewed the letter concerning the scanner policy implemented by the Kroger Pharmacy. After discussion it was determined that the Board could not dictate the Kroger policies and procedures as long as they met the requirements of the Board. President Conyers requested that Mr. Moné respond in writing. Dr. Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Robert Bunting. The Board reviewed the letter requesting permission for Mr. Bunting to serve as the pharmacist-in-charge for both Baptist Convalescent Center Pharmacy and Healthsouth Northern Kentucky Rehabilitation Hospital Pharmacy. Dr. Joyce moved to approve the request. Ms. Cooper seconded and the motion passed unanimously.

Terry Case. The Board reviewed the letter requesting permission for Mr. Case to serve as the pharmacist-in-charge for both St. Elizabeth Medical Center Pharmacy and Pharmcare Pharmacy. Dr. Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Nicole Eitmann. The Board reviewed the letter requesting permission for Mr. Richardson to serve as the pharmacist-in-charge for both Continuing Care Hospital Pharmacy St. Joseph East and Continuing Care Hospital Pharmacy. Dr. Foster moved to approve the request. Ms. Cooper seconded and the motion passed unanimously.

Tom McClanahan. The Board reviewed the letter requesting permission for Mr. Gravely to serve as the pharmacist-in-charge for both Valley Home Care Pharmacy and Superior Respiratory Pharmacy. Dr. Joyce moved to approve the request. Dr. Foster seconded and the motion passed unanimously.

J. Craig Wells/Oakwood Pharmacy. The Board reviewed the letter requesting permission for Mr. Wells to serve as the pharmacist-in-charge for both Oakwood Pharmacy In Patient and Oakwood Out Patient Pharmacy. Dr. Joyce moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Bruce Painter/Wal-Mart Corp. The Board reviewed the letter notifying of their conversion to a new proprietary computer software. Mr. Painter requested an exemption for trainers who may not be licensed pharmacists or certified technicians to be allowed in the pharmacies while demonstrating the new software applications. President Conyers requested that Mr. Moné respond with Board in approval. Dr. Foster moved to approve the request. Dr. Joyce 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.

CONTINUING EDUCATION: Mr. Carr moved to accept the continuing education programs 01-51 through 01-65 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 11:45 a.m. The next Board meeting is scheduled to begin at 9:00 a.m. on October 10, 2001.

Michael A. Moné, Executive Director