

KENTUCKY BOARD OF PHARMACY
23 Millcreek Park, Bldg. 2
Frankfort, KY 40601-9230
August 13, 2003 - 9:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. APPEARANCES**
 - *A. Wal Mart Pharmacy - 9:15
 - B. Kroger - 9:45
 - *C. Gary Jenkins - 10:15
- III. MINUTES**
 - *A. July 9, 2003
- 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
 - Case No. 02-0147
 - Case No. 02-070A
 - Case No. 03-010A
 - Case No. 03-010B
 - Case No. 03-022B
 - Case No. 03-032A
 - Case No. 03-032B
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP**
- VIII. CORRESPONDENCE/COMMUNICATIONS**
 - *A. Greenview Regional Hospital/James Morris
 - *B. Ky State Reformatory/Pat Pinkstaff
- 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
23 Millcreek Park
Frankfort, Kentucky
August 13, 2003

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 Jones called the meeting to order at 9:00 a.m.

Members present: Georgina Kindall Jones, Tim Armstrong, Joe Carr, Becky Cooper, Mark Edwards, and Patricia Thornbury. 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 Shannon Settles, Executive Secretary. Guests: Danna Droz; Brian Fingerson, Pharmacist Recovery Network; Brian Lance, Meijer; Ralph Bouvette, APSC; Greg Naseman, CVS; Paula York, Drug Control; Jason Reiser, Wal Mart; and Donnie Parsons, Wal Mart. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES: **Wal Mart/Jason Reiser.** The Board reviewed correspondence regarding 201 KAR 2:100 Security and control of drugs and prescriptions. After a brief discussion, Mr. Carr moved to have the Board review 201 KAR 2:100 and define “ceiling, and solid transparency” and whether wire cages must have electronic security. Ms. Thornbury seconded and the motion passed unanimously.

Gary Jenkins. Mr. Jenkins appeared to petition for reinstatement of his pharmacist’s license. Mr. Jenkins was placed under oath by Ms. Curtis, Court Reporter. Mr. Jenkins gave a short overview of the cause leading to the loss of his pharmacist’s license. Mr. Edwards moved to reinstate with an Order of Reinstatement with stipulations as follows: complete internship of not less than 1500 hours; taking and passing the entire Board of Pharmacy licensure examination including NAPLEX and MPJE; probation for five (5) years; provide a copy of Agreed Order to all employers; submission of a signed release for medical records; shall keep Board informed of place of employment; Board or Board President’s approval of all employers; shall not be pharmacist in charge; shall not have ownership interest of any pharmacy; audits conducted every other month for two (2) years and quarterly thereafter. Order on Reinstatement to be drafted and forwarded to Mr. Jenkins for his signature and upon its return to be signed by President Jones. Ms. Thornbury seconded and the motion passed. Mr. Armstrong and Mr. Carr opposed.

MINUTES: On motion by Ms. Thornbury, seconded by Mr. Carr and passed unanimously, the Minutes of July 9, 2003 were adopted.

BOARD REPORTS: **President.** President Jones gave an update of the retreat scheduled November 8th and 9th at the Cincinnati Marriott at RiverCenter in Covington.

President Jones informed the Board that Dean Kenneth Roberts, Dr. William Lubawy and Dwaine K. Greene from the University of Kentucky College of Pharmacy would like to meet with the Board

to discuss the Board examinations. The meeting is scheduled for Tuesday, September 23 at 11:00 a.m.

President Jones gave an overview of NABP/AACP District III meeting that was held in Savannah.

Executive Director. Mr. Moné informed the Board that the consultant pharmacist regulation would be on the Health and Welfare agenda on August 20th at University of Kentucky.

CURRENT/PENDING CASES: Mr. Edwards moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Armstrong seconded and the motion passed unanimously. **Case No. 02-0070A; Case No. 02-0147; Case No. 02-0172A; Case No. 02-0172C, Case No. 03-0004; Case No. 03-0010A; Case No. 03-0010B; Case No. 03-0022B; Case No. 03-0032A; Case No. 03-0032B.**

CORRESPONDENCE: **Greenview Regional Hospital/James Morris.** The Board reviewed correspondence requesting approval of a pilot program for the hospital. After a brief discussion, Mr. Edwards moved to authorize Mr. Moné to draft a letter stating that the pharmacy and pharmacists would have to be licensed in Kentucky. Mr. Armstrong seconded and the motion passed unanimously.

Ky State Reformatory/Pat Pinkstaff. The Board reviewed correspondence regarding dispensing medications. After a brief discussion, Mr. Carr moved to authorize Mr. Moné to draft a letter encouraging the use of pharmacists in the medication use and distribution system and to refrain from permitting those without statutory authority from engaging in activities outside their authority. Mr. Armstrong seconded and the motion passed unanimously.

Wal Mart/Ben Thankachan. The Board reviewed correspondence regarding pharmacist administration of Flu-Mist. After a brief discussion, Mr. Carr moved to authorize Mr. Moné to draft a letter stating that the Board opined that the relevant statutes permit pharmacists to engage in the administration of Flu-Mist whenever there is an existing prescription or there is an existing collaborative care agreement with a practitioner. Ms. Thornbury seconded and the motion passed unanimously.

Gary Davis. The Board reviewed correspondence requesting approval of practice site. After a brief discussion, Mr. Edwards moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Michael Farrell. The Board reviewed correspondence requesting approval to change primary practice site. After a brief discussion, Mr. Edwards moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

CONTINUING EDUCATION: Ms. Thornbury moved to accept the continuing education programs 03-30 through 03-33 as recommended. Mr. Carr seconded and the motion passed unanimously.

NEW BUSINESS: Ms. Thornbury brought to the attention of the Board the length of a Board members' term for possible regulatory consideration.

Mr. Carr brought to the Board the possibility of limiting the number of times an applicant may sit for the Operative portion of the Kentucky Board exam.

ADJOURNMENT: On motion by Mr. Edwards and seconded by Mr. Carr and passed unanimously, President Jones adjourned the meeting at 12:45 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on October 8, 2003.

Michael A. Moné, Executive Director

MINUTES APPROVED September 23, 2003.