

KENTUCKY BOARD OF PHARMACY

23 Millcreek Park, Bldg. 2

Frankfort, KY 40601-9230

December 3, 2003 - 9:00 a.m.

AGENDA

I. CALL TO ORDER

II. APPEARANCES

*A. Omnicare, Inc/Leah Tolliver

III. MINUTES

A. November 8-9, 2003

IV. INTERAGENCY

A. Drug Control

V. BOARD REPORTS

- A. Board Executive Director
 - 1. Proposed 2004 dates
- B. Board President
- C. Board Members
 - 1. Patricia Thornbury
- D. Board Staff

VI. CURRENT/PENDING CASES

- A. OAG Case Updates - C. Lalonde-Mooney
 - Case No. 01-0017
 - Case No. 01-0140B
 - Case No. 02-0083A&B
 - Case No. 02-0161A
 - Case No. 02-0165B
- B. KBP Case Updates
 - Case No. 02-0132
 - Case No. 03-0009A&B
 - Case No. 03-01013
 - Case No. 03-0037A
 - Case No. 03-0047A
 - Case No. 03-0048
 - Case No. 03-0059
 - Case No. 03-0061B
 - Case No. 03-0063
 - Case No. 03-0065B
 - Case No. 03-0068A&B
 - Case No. 03-0069
 - Case No. 03-0070
 - Case No. 03-0072
 - Case No. 03-0075
 - Case No. 03-0076A&B
 - Case No. 03-0078
 - Case No. 03-0084
 - Case No. 03-0085
 - Case No. 03-0088A&B
 - Case No. 03-0089
 - Case No. 03-0090A
 - Case No. 03-0091
 - Case No. 03-0092B
 - Case No. 03-0093
 - Case No. 03-0094A
 - Case No. 03-0099A&B
 - Case No. 03-0101
 - Case No. 03-0106

VII. RECIPROCITY/RELICENSURE/INTERNSHIP

VIII. CORRESPONDENCE/COMMUNICATIONS

- *A. Patient Healthcare Services LLC/DBA US Canadian Drug Connection
- *B. Michael Whitaker
- *C. Jeff Vanarsdale
- *D. Gloria Doughty
- *E. James Catron
- *F. Communities at Oakwood/J. Craig Wells
- *G. Advanced Medical Systems Inc./Robert Den Hartog

IX. NABP

X. LEGISLATION/REGULATIONS

XI. CONTINUING EDUCATION

- A. Program Review

XII. FINES

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
December 3, 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 9:05 a.m.

Members present: Georgina Kindall Jones, Tim Armstrong, Joe Carr, Becky M. 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: Greg Naseman, CVS; Paula York, Drug Control; Ralph Bouvette, APSC; Nancy Horn, APSC; Mike Mayes, KPhA; Brian Fingerson, Pharmacist Recovery Network; Jan Gould, Kentucky Retail Federation; Debbie Bahr, Medicaid; Hancy Jones III; Kyndra Jones; Scott Jones; Mrs. Kindall; Bill Thornbury; and Andrew Losch, University of Kentucky College of Pharmacy intern. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES: **Omnicare, Inc./Leah Tolliver.** Ms. Tolliver appeared before the Board to request that a technician, under direct supervision of a pharmacist, perform the barcode scan function, in place of a pharmacist in pharmacies that utilize OASIS as their dispensing systems. After a brief discussion, Mr. Armstrong moved to approve the process. Mr. Carr seconded and the motion passed unanimously.

MINUTES: On motion by Mr. Edwards, seconded by Ms. Thornbury and passed unanimously, the Minutes of November 8th and 9th, 2003 were adopted as amended.

BOARD REPORTS: **Executive Director.** Mr. Moné provided the Board with a list of proposed Board meeting dates and Board exam dates. Mr. Moné provided President Jones with her President's pin.

Mr. Moné informed the Board that the inspectors job classification was reclassified and all inspectors received a raise based on the reclassification.

The Board presented President Jones with a gift in honor of her services. President Jones thanked the Board and staff.

President. President Jones gave an overview of the Kentucky Board of Pharmacy's Board retreat and expressed that the retreat was a success.

Patricia Thornbury. Ms. Thornbury moved for her and Cheryl Lalonde-Mooney to set up an orientation for all new Board members and bring the orientation process back to the Board. Mr. Armstrong seconded and the motion passed unanimously.

Ms. Thornbury moved for the Board to inquire about changing the term limits of Board members to a four year term limit. Ms. Armstrong seconded and the motion passed unanimously.

Ms. Thornbury informed the Board that Mr. Moné's evaluation had not been completed for the year. President Jones appointed Patricia Thornbury, Chair, Mark Edwards and herself as the Committee to evaluate Mr. Moné.

Ms. Thornbury moved to authorize Mr. Moné to draft a letter of response to the Louisville Courier Journal editor and to provide the Board members a copy of the letter. Mr. Armstrong seconded and the motion passed unanimously.

Ms. Thornbury moved to have the monthly Expenditure Analysis Report placed in the Board packets. Ms. Cooper seconded and the motion passed unanimously.

CURRENT/PENDING CASES: Mr. Edwards moved for dismissal of **Case No. 02-0161A** and **Case No. 02-0165B**. Mr. Carr seconded and the motion passed unanimously.

Mr. Edwards moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0017; Case No. 01-0111B; Case No.01-0140B; Case No. 02-0069; Case No.02-0083A&B; Case No. 02-0104A; Case No. 02-0109OO; Case No. 02-0132; Case No. 02-0161B; Case No. 02-0165A; Case No. 03-0009A&B; Case No. 03-0024; Case No. 03-0037A; Case No. 03-0047A; Case No. 03-0048; Case No. 03-0050; Case No. 03-0059; Case No. 03-0061B; Case No. 03-0063; Case No. 03-0065B; Case No. 03-0066A; Case No. 03-0068A&B; Case No. 03-0069; Case No. 03-0070; Case No. 03-0072; Case No. 03-0075; Case No. 03-0076A&B; Case No. 03-0078; Case No. 03-0084; Case No. 03-0085; Case No. 03-0088A&B; Case No. 03-0089; Case No. 03-0090A; Case No. 03-0091; Case No. 03-0092B; Case No. 03-0093; Case No. 03-0094A&B; Case No. 03-0099A&B; Case No. 03-0101; Case No. 03-0106; Case No. 03-0114.

CASE REVIEW COMMITTEE: Mr. Edwards moved for acceptance of the Committee recommendation for the following case reports,

Case No. 03-0097A. Pharmacy permit holder allegedly committed Medicaid fraud by partially filling a prescription for Darvocet N 100 for 12 tablets, billing Medicaid for the entire quantity of 100 tablets, then refusing to give the remaining 88 tablets to the patient. KRS 315.121(1)(f). CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0098B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient presented a refill for Bextra 20 mg tablets, quantity 30. When the patient removed the medication from the bag, it was labeled as Bextra 20 mg tablets, quantity 30, but had the incorrect prescriber, prescription number, date filled, patient address, and the patient name had been marked through with a black magic marker. KRS 315.121(1)(a) and (2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0100A Revisit. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A patient picked up three prescriptions for herself at the pharmacy. When she got home there was fourth prescription in a separate bag, stapled to the bag with her three prescriptions in it. The prescription was for a controlled substance for a different patient that had the same last name. When the pharmacy was notified of the mistake, there was no apology. When the medication was returned, there was no apology. This had happened before and the patient felt that she must lodge a complaint this time. In a 12 hour day, this pharmacy filled 303 prescriptions with 2 pharmacists working, overlapping 6 hours and 6 technicians working at various times. KRS 217.065(1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0100B Revisit. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient picked up three prescriptions for herself at the pharmacy. When she got home there was fourth prescription in a separate bag, stapled to the bag with her three prescriptions in it. The prescription was for a controlled substance for a different patient that had the same last name. When the pharmacy was notified of the mistake, there was no apology. When the medication was returned, there was no apology. This had happened before and the patient felt that she must lodge a complaint this time. This was the pharmacist that filled the prescriptions. KRS 315.121(1)(a) and (2)(d). CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0100C Revisit. Pharmacist-in-charge allegedly engaged in unprofessional conduct by not having processes and controls in place that resulted in a medication error. A patient picked up three prescriptions for herself at the pharmacy. When she got home there was fourth prescription in a separate bag, stapled to the bag with her three prescriptions in it. The prescription was for a controlled substance for a different patient that had the same last name. When the pharmacy was notified of the mistake, there was no apology. When the medication was returned, there was no apology. This had happened before and the patient felt that she must lodge a complaint this time. The PIC stated that there is a policy in place that all bags are to be opened and checked to see if the correct bottles are in the correct bag. However, because of the prescription volume this does not always happen. In a 12 hour day, this pharmacy filled 303 prescriptions with 2 pharmacists working, overlapping 6 hours, and 6 technicians working at the various times. 201 KAR

2:205 Section 2.(3)(a) and (b). CRC recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0100D Revisit. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient picked up three prescriptions for herself at the pharmacy. When she got home there was fourth prescription in a separate bag, stapled to the bag with her three prescriptions in it. The prescription was for a controlled substance for a different patient that had the same last name. When the pharmacy was notified of the mistake, there was no apology. When the medication was returned, there was no apology. This had happened before and the patient felt that she must lodge a complaint this time. This was the pharmacist that was working when the prescriptions were dispensed. KRS 315.121(1)(a) and (2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0126. Pharmacist allegedly engaged in unprofessional conduct by selling and trading controlled substances for which a prescription drug order is required, without having first received a prescription drug order. Pharmacist was allegedly allowing patients to write their own prescriptions for controlled substances. KRS 315.121(2)(f). CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0130A. Special pharmacy medical gas permit holder allegedly relocated prior to notifying the Board. KRS 315.035(5) and 201 KAR 2:225 Section 2(3). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0130B. Consultant Pharmacist allegedly allowed a special pharmacy medical gas permit holder to relocate prior to notifying the Board. 201 KAR 2:225 Section 2 (2)(a) and 201 KAR 2:205 (3)(e). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0131. Pharmacy permit holder allegedly failed to timely notify the Board of a pharmacist-in-charge change. The office was notified that effective August 28, the previous PIC would no longer be serving as PIC. As of this date, the office has not received notification of the new PIC. KRS 315.020(1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0132A. Pharmacy permit holder allegedly failed to maintain accurate records. A prescription was filled utilizing a pharmacist's initials/name after the pharmacist had not worked at this pharmacy for approximately 29 months. The original prescription filled under this pharmacist's name could not be located in the pharmacy or on the patient's profile, but was listed on the daily computer printout. Four Scheduled II prescriptions were filled incorrectly. The biennial controlled substances inventory did not list the 124 outdated tablets of Percocet 7.5/500 that were in stock. A mini audit revealed discrepancies on 6 of the 9 Scheduled II drugs counted. 201 KAR 2:170(2) and (3), KRS 217.065(1), and 201 KAR 2:100 Section 1. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0132B. Pharmacist-in-charge allegedly failed to maintain accurate records. A prescription was filled utilizing a pharmacist's initials/name after the pharmacist had not worked at this pharmacy for approximately 29 months. The original prescription filled under this pharmacist's name could not be located in the pharmacy or on the patient's profile, but was listed on the daily computer printout. Four Scheduled II prescriptions were filled incorrectly. The biennial controlled substances inventory did not list the 124 outdated tablets of Percocet 7.5/500 that were in stock. A mini audit revealed discrepancies on 6 of the 9 Scheduled II drugs counted. 201 KAR 2:170(2) and (3), KRS 315.121 (1)(a) and (2)(d), and 201 KAR 2:205 Section 2 (3)(b). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0132C. Pharmacist allegedly failed to maintain accurate records. A prescription was filled utilizing a pharmacist's initials/name after the pharmacist had not worked at this pharmacy for approximately 29 months. The original prescription filled under this pharmacist's name could not be located in the pharmacy or on the patient's profile, but was listed on the daily computer printout. Four Scheduled II prescriptions were filled incorrectly. The biennial controlled substances inventory did not list the 124 outdated tablets of Percocet 7.5/500 that were in stock. A mini audit revealed discrepancies on 6 of the 9 Scheduled II drugs counted. 201 KAR 2:170(2) and (3), KRS 315.121 (1)(a) and

(2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0133A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A patient presented a prescription for doxazosin mesylate 4 mg tablets, take 1 tablet daily. The prescription was labeled doxazosin mesylate 4 mg tablets, but was filled with warfarin 10mg tablets. The patient took the warfarin for 26 days, had to have 2 units of blood, and several doctor and lab visits. KRS 217.065(1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0133B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient presented a prescription for doxazosin mesylate 4 mg tablets, take 1 tablet daily. The prescription was labeled doxazosin mesylate 4 mg tablets, but was filled with warfarin 10mg tablets. The patient took the warfarin for 26 days, had to have 2 units of blood, and several doctor and lab visits. KRS 315.121(1)(a) and (2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0134. Pharmacy permit holder allegedly closed the pharmacy without proper notification to the Board or the public. The Board office received a consumer complaint regarding the hours of this pharmacy. On Friday, October 10, 2003, the pharmacy closed at 5 pm, on Saturday, October 11, 2003 the pharmacy was closed all day, and on Thursday, October 16, 2003 the pharmacy closed at 2:30 pm. The posted hours are 9 am to 9 pm Monday through Saturday and 10 am to 6 pm on Sunday. KRS 315.121 (1)(e) and (2)(d) and 201 KAR 2:100 Section 5 (3). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0136. Pharmacy permit holder allegedly failed to timely notify the Board of a pharmacist-in-charge change. The pharmacy has been without a pharmacist-in-charge for approximately 4 months. KRS 315.020(1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No 03-0137. Pharmacist pled guilty to the following offenses: (1) theft of a controlled substance, 1st degree, (2) one count of possession of a controlled substance, 1st degree while in possession of a fire arm, (3) possession of a controlled substance, 2nd degree while in possession of a fire arm, and (4) possession of a controlled substance, 3rd degree, while in possession of a fire arm. Pharmacist was sentenced to 10 years, these were suspended and the pharmacist was placed on 5 years probation. KRS 315.121 (2)(f) and KRS 218A.1418. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0138. Pharmacist allegedly disclosed medical information to other health care practitioners. The pharmacist disclosed information to three area physicians regarding a husband and wife, concerning their use of tramadol. As a result the physicians allegedly dismissed the couple from their practices. The directions for the wife were to take one tablet four times a day, and the directions for the husband were to take two tablets four times daily. The wife received 320 tablets in 69 days from three different physicians, and the husband received 820 tablets in 56 days from three different physicians. KRS 315.121 (1)(a). CRC recommendation: Case dismissed. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0139A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. The Board office received a medical malpractice settlement. A patient received glipzide 5 mg instead of the prescribed ranitidine 150mg and was hospitalized for hypoglycemia on three occasions. KRS 217.065 (1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0139B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. The Board office received a medical malpractice settlement. A patient received glipzide 5 mg instead of the prescribed ranitidine 150mg and was hospitalized for hypoglycemia on three occasions. KRS 217.065 (1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0140. Pharmacist allegedly failed to complete the required 1.5 continuing education units for 2002. KRS 315.065 and 201 KAR 2:015. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury

seconded and the motion passed unanimously.

Case No. 03-0141. Pharmacy permit holder allegedly failed to timely notify the Board of a pharmacist-in-charge change. Pharmacy was without a PIC for approximately 27 days. KRS 315.020(1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0142. Pharmacy permit holder allegedly failed to timely notify the Board of a pharmacist-in-charge change. Pharmacy was without PIC for approximately 27 days. KRS 315.020(1). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0143. Pharmacist has allegedly been charged and arraigned in Federal Court for illegal distribution of controlled substances. Pharmacist has confessed to diverting 600 to 700 dosage units of various hydrocodone products, 2000 to 2500 dosage units of Lortab 10 mg, and 2000 to 2500 dosage units of Xanax 1 mg. KRS 218A.1413 and KRS 218A.1414. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0144A. Pharmacy permit holder allegedly pled guilty to charges of mail and health care fraud. Pharmacy overcharged Indiana's Family and Social Services Administration by hundreds and thousands of dollars and paying illegal kickbacks to nurses for referrals. KRS 315.121 (1)(c). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 03-0144B. Pharmacist-in-charge allegedly failed to comply with the scheduled hours of operation of the pharmacy, failed to maintain invoices for legend drugs on the pharmacy's premises, failed to provide proper security of legend drugs, failed to complete a controlled substances inventory between ownership changes, and failed to complete a biennial controlled substances inventory. The hours for the pharmacy were listed as 9 am to 4 pm Monday through Friday and on-call 24 hours. When the DEA and Board of Pharmacy went to visit the pharmacy, the PIC was not available to come to the pharmacy. There were legend drugs stored in a refrigerator outside of the pharmacy department. The DEA and Board of Pharmacy visited the pharmacy on October 15, 2003 and the last biennial controlled substances inventory had been done in May 2001. This PIC resigned on October 28, 2003. KRS 315.121 (1)(e) and (2)(g), and 201 KAR 2:100 Section 2., and KRS 218A.200(3) and (5). CRC recommendation for Complaint with attempt to resolve through AO. Ms. Thornbury seconded and the motion passed unanimously.

Ms. Thornbury moved for acceptance of the Committee recommendation for the following case reports,

Case No. 03-0097B. Pharmacist allegedly committed Medicaid fraud by partially filling a prescription for Darvocet N 100 for 12 tablets, billing Medicaid for the entire quantity of 100 tablets, then refusing to give the remaining 88 tablets to the patient. KRS 315.121(1)(f). CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Mr. Edwards seconded and the motion passed unanimously..

Case No. 03-0098A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A patient presented a refill for Bextra 20 mg tablets, quantity 30. When the patient removed the medication from the bag, it was labeled as Bextra 20 mg tablets, quantity 30, but had the incorrect prescriber, prescription number, date filled, patient address, and the patient name had been marked through with a black magic marker. KRS 217.065(1). CRC recommendation for Complaint with attempt to resolve through AO. Mr. Edwards seconded and the motion passed unanimously.

Case No. 03-0105A Revisit. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A patient had a prescription for Zyrtec refilled. The prescription was labeled as Zyrtec but had Zyprexa in the vial. The patient took the Zyprexa for 5 days and had various adverse effects such as difficulty concentrating, insomnia, and peripheral edema. KRS 315.121 (1)(a) and (2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Mr. Edwards seconded and the motion passed unanimously.

Case No. 03-0105B Revisit. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient had a prescription for Zyrtec refilled. The prescription was labeled as Zyrtec but had Zyprexa in the vial. The patient took the Zyprexa for 5 days and had various adverse effects such as difficulty concentrating, insomnia, and

peripheral edema. KRS 315.121 (1)(a) and (2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Mr. Edwards seconded and the motion passed unanimously.

Case No. 03-0125A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A patient had a prescription telephoned to this pharmacy for pindolol 5mg tablets, a medication he had previously been taking for hypertension. When opening the bag at home, the patient's wife noticed that there were two bottles. One bottle had 139 tablets of what the patient's wife thought looked like the previous pindolol 5 mg he had received. One bottle had 41 tablets that were larger and imprinted with Plendil on one side and #451 on the other side. The patient's wife then telephoned the pharmacy 15 minutes before closing time on a Friday. Initially she was told there was no pharmacist there. After explaining her problem, a pharmacist was found. The pharmacist advised the patient not to take any medication from either bottle and to bring the prescription back to the pharmacy on Monday. The patient did as advised and did without the medication for two days. "Because of their I don't care attitude-like this is an every day occurrence, we'd like for someone to investigate this pharmacy." KRS 217.065(1). CRC recommendation for Complaint with attempt to resolve through AO. Mr. Edwards seconded and the motion passed unanimously.

Case No. 03-0125B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient had a prescription telephoned to this pharmacy for pindolol 5mg tablets, a medication he had previously been taking for hypertension. When opening the bag at home, the patient's wife noticed that there were two bottles. One bottle had 139 tablets of what the patient's wife thought looked like the previous pindolol 5 mg he had received. One bottle had 41 tablets that were larger and imprinted with Plendil on one side and #451 on the other side. The patient's wife then telephoned the pharmacy 15 minutes before closing time on a Friday. Initially she was told there was no pharmacist there. After explaining her problem, a pharmacist was found. The pharmacist advised the patient not to take any medication from either bottle and to bring the prescription back to the pharmacy on Monday. The patient did as advised and did without the medication for two days. "Because of their I don't care attitude-like this is an every day occurrence, we'd like for someone to investigate this pharmacy." KRS 315.121(1)(a) and (2)(d). CRC recommendation for Complaint with attempt to resolve through AO. Mr. Edwards seconded and the motion passed unanimously.

CORRESPONDENCE: Patient Healthcare Services LLC/D/B/A US Canadian Drug Connection. The Board reviewed correspondence from Patient Healthcare Services stating that U.S. Canadian Drug Connection will cease exhibiting the title drug in its advertisement by November 30, 2003. Ms. Thornbury moved to authorize Mr. Moné to draft a letter to the Attorney General's office apprising them of the matter for further investigation. Mr. Carr seconded and the motion passed unanimously.

Michael Whitaker. The Board reviewed correspondence requesting approval to be pharmacist-in-charge. After a brief discussion, Mr. Armstrong moved to approve the request for a term of one year. Mr. Carr seconded and the motion passed unanimously.

Jeff Vanarsdale. The Board reviewed correspondence requesting approval to be pharmacist-in-charge. After a brief discussion, Mr. Edwards moved to approve the request for a term of one year. Mr. Armstrong seconded and the motion passed unanimously.

Gloria Doughty. The Board reviewed correspondence requesting approval to establish a pharmacy museum in historic Wilmore. After a brief discussion, Ms. Thornbury moved to approve the use of "Kentucky Renaissance Pharmacy Museum" as a sufficient name and the historic memorabilia shall not contain any drug product, whether or not it is outdated. Mr. Armstrong seconded and the motion passed unanimously.

James Catron. The Board reviewed correspondence requesting to relocate practice location to Rite Aid Pharmacy #3576. After a brief discussion, Mr. Carr moved to approve the request. Ms. Thornbury seconded and the motion passed unanimously.

Communities at Oakwood/J. Craig Wells. The Board reviewed correspondence requesting clarification of 201 KAR 2:074, "Pharmacy services in hospitals or other organized health care facilities." After a brief discussion, Mr. Armstrong moved to approve the application of the provision cited to the ICF-MR facility. Mr. Edwards seconded and the motion passed unanimously.

Pharmacy and Therapeutics Committee/Marcia Morgan. The Board reviewed the revised Kentucky Department for Medicaid Services' Pharmacy and Therapeutics Advisory Committee Recommendation. After a brief discussion, Mr. Carr moved to authorize Mr. Moné to draft a letter stating the Board concurred with the revision, however; the Board was concerned that the proposal failed to include three items that were discussed: procedure to be followed by a pharmacist when they decide that it is in the patient's best interest to split the tablet and one or more of the tablets fails to split in such a manner as to be useable by the patient; consequences to the pharmacy should the patient decide not to pick up a prescription that has been prepared and the pharmacy reverses the claim to Medicaid and is left with unusable split tablets; and compensation for the pharmacy to split the tablets was removed from the recommendation. Ms. Thornbury seconded and the motion passed unanimously.

Pharmacist Consultation Services/John Brislin. The Board reviewed correspondence requesting exemption pertaining to refrigeration, a heating unit, prescription balance, and using the washroom sink as the source of hot and cold running water. After a brief discussion, Ms. Thornbury moved to approve the exemptions pertaining to the refrigeration, a heating unit and a prescription balance. Ms. Thornbury moved to deny the request to use the washroom sink as the source of hot and cold running water. Mr. Edwards seconded the motions and the motions passed unanimously.

CONTINUING EDUCATION: Mr. Edwards moved to accept the continuing education program 03-37. Ms. Thornbury seconded and the motion passed unanimously.

NEW BUSINESS: Dr. Osman swore in the newly appointed Board Member, Mr. Greg Naseman.

Board President. The Board officially installed Mr. Tim Armstrong as President for 2004.

Mr. Armstrong moved to place Leon Claywell on the Pharmacy Benefit Managers Task Force. Mr. Carr seconded and the motion passed unanimously.

OLD BUSINESS: Mr. Edwards moved to place the new Errors and Omissions answer form on the web site for examinees to obtain prior to the examination. Mr. Carr seconded and the motion passed unanimously.

ADJOURNMENT: On motion by Mr. Edwards, seconded by Ms. Cooper and passed unanimously, President Jones adjourned the meeting at 1:00 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on January 7, 2004, at the Board office in Frankfort.

Michael A. Moné, Executive Director

MAM:sms

MINUTES APPROVED January 7, 2004.

