

KENTUCKY BOARD OF PHARMACY
23 Millcreek Park, Bldg. 2
Frankfort, KY 40601-9230
January 7, 2004- 9:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. APPEARANCES**
 - A. Michael A. Moné
 - *B. Luther Luckett
- III. MINUTES**
 - *A. December 3, 2003
 - B. December 18, 2003 Evaluation Committee
- 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
Case No. 01-0084A&D
Case No. 02-0144B
 - B. KBP Case Updates
 - C. Case Review Committee
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP**
- VIII. CORRESPONDENCE/COMMUNICATIONS**
 - *A. Long Term Care Pharmacy Alliance
 - *B. Kindred Healthcare
- IX. NABP**
- X. LEGISLATION/REGULATIONS**
- XI. CONTINUING EDUCATION**
 - A. Program Review
- XII. FINES**
- XIII. OLD BUSINESS - To be discussed after lunch**
 - A. Report from Evaluation Committee (closed session pursuant to KRS 61.810(1)(f) to discuss discipline or dismissal of an employee.)
- XIV. NEW BUSINESS**

*Information enclosed with this agenda

**Information previously provided

***Old material with response

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
January 7, 2004

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 Armstrong called the meeting to order at 9:10 a.m.

Members present: Tim Armstrong, Becky M. Cooper, Mark S. Edwards, Georgina Kindall Jones, Greg Naseman, 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: Paula York, Drug Control; Brian Fingerson, Pharmacist Recovery Network; Greg Baker, Walgreens; Todd Downing, CVS; Mike Mayes, KPhA; Jan Gould, Kentucky Retail Federation; Ralph Bouvette, APSC; Richard Ross; Mike Wyant; Joe Carr; and Greg Herringshaw and James Hobbs, University of Kentucky College of Pharmacy interns. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES: **Michael A. Moné.** Mr. Moné gave a brief overview of the previous year, 2003.

Mr. Moné informed the Board that at this time no additional revenue had been taken from the Board's Trust Fund, however, the proposed amount is \$8,700.

Mr. Moné informed the Board of the arrangements for the January 2004 Kentucky Board of Pharmacy Licensure Examination.

Luther Luckett/ Dr. Doug Crall and Cindy Gray. Dr. Crall and Ms. Gray appeared before the Board to discuss Luther Luckett's protocol for dealing with emergency situations requiring the procurement of medications ordered by a licensed prescriber. After a brief discussion, Mr. Naseman moved to approve the protocol for six months and then for Dr. Crall and Ms. Gray to report back to the Board and discuss any problems that occurred during the six months. Ms. Thornbury seconded and the motion passed unanimously.

American Cancer Society/Cindy Adams. Ms. Adams appeared before the Board to request that American Cancer Society be allowed to accept unused, unopened drugs from health facilities where the drugs have been under the supervision of a health care provider. After a brief discussion, the Board informed Ms. Adams that they will work with her on protocol for this procedure under 902 KAR 55:065.

MINUTES: On motion by Mr. Edwards, seconded by Ms. Jones and passed unanimously, the Minutes of December 3, 2003 were adopted as amended.

On motion by Ms. Jones, seconded by Mr. Edwards and passed unanimously, the Minutes of the December 18, 2003 Evaluation Committee meeting were adopted.

BOARD REPORTS: President. President Armstrong welcomed new Board member Gregory A. Naseman. President Armstrong would like for each inspector to attend the University of Utah on Alcoholism and Drug Dependencies on a yearly rotation basis. President Armstrong thanked Brenda Edwards for the excellent job she does.

Board Members. All Board members welcomed new member Gregory A. Naseman.

Ms. Cooper thanked the Board inspectors for the excellent job they do.

Richard Ross. Mr. Ross informed the Board that he had been asked to serve on an Advisory Committee for the “Kentucky Renaissance Pharmacy Museum” along with Ms. Thornbury. Mr. Ross gave an update on Bob Barnett’s condition. Ms. Thornbury suggested the Board provide meals for Mr. Barnett’s family. Ms. Jones volunteered to coordinate the meals.

Board Staff. Dr. Jeff Osman thanked the Board members and others for the fruit baskets and candy that was sent to the office over the holidays.

Mr. Phil Losch thanked the Board for allowing him to attend the American Society of Health System Pharmacists Mid-Year Meeting that was held in New Orleans in December.

Mr. Brian Fingerson is now assisting the Dentistry Board and Physical Therapy Board with their impairment program.

CURRENT/PENDING CASES: Ms. Thornbury moved for dismissal of **Case No. 01-0084A&D** and **Case No. 02-0144B** on the merits. Ms. Jones seconded and the motion passed unanimously.

CORRESPONDENCE: **Kindred Healthcare.** The Board reviewed correspondence inquiring into licensing requirements for a new hospital within a hospital. After a brief discussion, Mr. Edwards moved to authorize Mr. Moné to draft a response to their questions as follows: 1) A pharmacy license would not be required for the new hospital within a hospital; 2) Providing pharmaceuticals labeled for patient-specific use to the new hospital within a hospital will be permissible under its current license and in accordance with the Kentucky law. Ms. Thornbury seconded and the motion passed unanimously.

Winn Dixie Pharmacy/Robert Brown. The Board reviewed correspondence requesting a pharmacist under an Agreed Order be allowed to work at two locations. After a brief discussion, Mr. Naseman moved to table until the March 2004 meeting. Ms. Thornbury seconded and the motion passed unanimously.

LEGISLATION/REGULATIONS: Jan Gould gave a brief update of legislation involving pharmacy.

CONTINUING EDUCATION: Mr. Edwards moved to accept the continuing education programs 04-01 through 04-04 as recommended. Ms. Jones seconded and the motion passed unanimously.

NEW BUSINESS: Ms. Thornbury moved to reserve \$600,000 of the Board's Trust Fund for the purpose of purchasing a building for the Kentucky Board of Pharmacy office. Ms. Jones seconded and the motion passed unanimously.

President Armstrong will help staff with the Operative Pharmacy Errors and Omissions during the Board Examination. President Armstrong asks Mr. Greg Naseman to help with grading of the Operative Pharmacy Dispensing Examination.

Mr. Edwards would like to see an Examination Committee formed to oversee the examination process.

Ms. Thornbury wants the Board to host a Board retreat again this year.

Ms. Jones moves for the Board to perform a merit evaluation of the Executive Director every 3 years and a performance evaluation yearly, process to begin in September. Ms. Thornbury seconded and the motion passed unanimously.

EXECUTIVE SESSION: Ms. Cooper moved to go into Executive Session under authority of KRS 61.810(1)(f) to discuss discipline or dismissal of an employee. Ms. Jones seconded and the motion passed unanimously. The Board entered into Executive Session at 1:30 p.m..

OPEN SESSION: Mr. Naseman moved to go out of Executive Session into open session at 9:10 p.m. Ms. Jones seconded and the motion passed unanimously.

President Armstrong read Mr. Moné's resignation letter that had been given to the Board during closed session. Mr. Edwards moved to accept the resignation of Mr. Moné. Ms. Jones seconded and the motion passed unanimously. Mr. Naseman moved to name Dr. Jeffrey L. Osman as Interim Executive Director. Ms. Thornbury seconded and the motion passed unanimously.

ADJOURNMENT: On motion by Ms. Jones, seconded by Mr. Edwards and passed unanimously, President Armstrong adjourned the meeting at 9:15 p.m. The next regular meeting is scheduled to begin at 9:00 a.m. on March 10, 2004, at WT Young Library, in Lexington, KY.

Jeffrey L. Osman, Interim Executive Director