

**KENTUCKY BOARD OF PHARMACY  
23 MILLCREEK PARK  
FRANKFORT KY 40601-9230  
APRIL 13, 2005 9:00a.m.**

**Agenda**

- I. CALL TO ORDER**
- II. MINUTES**
  - \*A. March 9, 2005**
- III. APPEARANCES**
  - \*A. Jeffrey Akers-ARH: 9:15a.m.**
  - \*B. Cordell Brown: 9:45a.m.**
- IV. INTERAGENCY**
- V. BOARD REPORTS**
  - A. Board President**
  - B. Board Members**
  - C. Board Executive Director**
  - D. Board Staff**
  - E. IPC Chairman**
- VI. CURRENT/PENDING CASES**
  - A. OAG – C. Lalonde-Mooney**
    - 1. Case update**
      - 03-0118**
      - 04-0067A**
      - 04-0067B**
  - B. KBP CASE UPDATES**
  - C. Case Review Committee**
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP**
- VIII. CORRESPONDENCE/COMMUNICATIONS**
  - \*A. Expungement request: KE**
- IX. NABP**
- X. LEGISLATION/REGULATIONS**
  - \*A. Telehealth 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**

**KENTUCKY BOARD OF PHARMACY  
23 MILLCREEK PARK  
FRANKFORT KY 40601  
APRIL 13, 2005 9:00a.m.**

**AGENDA ADDENDUM**

- VI. CURRENT/PENDING CASES**
  - B. KBP CASE UPDATES**
    - 04-0114A**
    - 05-0001**
    - 05-0007**
    - 05-0008**
    - 05-0011**
    - 05-0012**
    - 05-0014**
    - 05-0017A**
    - 05-0019A**
  
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP**
  - A. Renee Robertson McCafferty-Reciprocity**
  
- XIV. NEW BUSINESS**
  - A. Board Examination Discussion**
  - B. Physician, Advanced Registered Nurse Practitioner, Physician Assistant, Dentist when license suspended**

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
Frankfort, Kentucky  
April 13, 2005

**CALL TO ORDER:** A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at 23 Millcreek Park, Frankfort, Kentucky. President Edwards called the meeting to order at 9:12 a.m.

Members present: Mark Edwards, Becky Cooper, Patricia Thornbury, Greg Naseman, Georgina Jones and Peter Orzali. Staff: Michael Burlison, Executive Director; Jeff Osman, Inspections and Investigations Coordinator; Katie Busroe, and Phil Losch, Pharmacy and Drug Inspectors; and Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel. Guests: Tim Armstrong, Advisory Council Chair; Jan Gould, KRF; Ralph Bouvette, APSC; Paula York, Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services, Peter Cohron, Walgreens; Suhas Patel; Jeannine Powell, Beverly Healthcare; Mollie Rowe; Amber Burns, University of Kentucky College of Pharmacy intern students; Cordell Brown; and Juanita Toole, Court Reporter, recorded the meeting. Steve Hart, Pharmacy and Drug Inspector was absent.

**MINUTES:** On motion by Mr. Orazli, seconded, by Mr. Naseman and passed unanimously the Minutes of March 9, 2005 were adopted.

**APPEARANCES:**

**Jeff Akers and Tim Pack, Appalachian Regional Healthcare (ARH).** Dr. Akers and Mr. Pack were sworn in by Juanita Toole, Court Reporter. They requested approval of the Board to allow the Hazard ARH Regional Medical Center to provide clinical and dispensing pharmacy services to the McDowell ARH Hospital. The outpatient pharmacy at the McDowell ARH Hospital will remain open with a full time pharmacist. Ms Thornbury moved that the request be granted as long as pharmacy regulations are followed. Ms Jones seconded, and the motion passed unanimously.

**Cordell Brown** was sworn in by Juanita Toole, Court Reporter. Mr. Brown was appearing before the Board to petition for modification of Agreed Order 97-0038. Mr. Brown requested that the number of inspections required be reduced from quarterly to semi-annually and that he be allowed to serve as a preceptor to pharmacy school students. Ms Thornbury moved to decrease the number of inspections from quarterly to semi-annually, but deny the request to serve as a preceptor. Mr. Naseman seconded, and the motion passed unanimously.

**INTERAGENCY: Paula York, Drug Enforcement and Professional Practices Branch of the Office of Inspector General.** Ms York gave an update on the availability of E-KASPER. Pharmacists and prescribers may access the program from the website:  
<https://ekasper.chfs.ky.gov/accessrequest>.

**BOARD REPORTS: President.** Mr. Edwards gave a brief summary of the American Pharmacist Association (APha) Annual Meeting which he attended in April. The University

of Kentucky College of Pharmacy student body was named the Outstanding College Chapter at the APHA annual meeting. Mr. Edwards read a letter from National Association of Boards of Pharmacy (NABP) requesting Board members to consider serving on NABP committees for the upcoming year.

**Board Executive Director:** 1. Mr. Burleson informed the Board that registration for the annual NABP Meeting in New Orleans on May 20-25, 2005 has been completed. 2. Mr. Burleson will be presenting a one hour law continuing education program in Northern Kentucky on Sunday, April 17, 2005. 3. The mileage reimbursement rate for April 1 to June 30, 2005 will be 35 cents per mile. 4. The Commonwealth of Kentucky did not take any restricted funds from the Board for the State Budget as had been originally stated. 5. Mr. Burleson is going to contact someone to provide information to the Board regarding wholesaler legislation. 6. Online renewal of manufacturers and wholesalers will begin in September. 7. The University of Kentucky Continuing Education Department has an online program on medication errors. 8. The Board members were provided with business cards. 9. A design layout of the office space in Lexington was reviewed by the Board members. 10. Dr. Osman was presented with a pin for 16 years of service to the Commonwealth of Kentucky. 11. Mr. Naseman moved to renew the contract with NABP to print the Kentucky Board of Pharmacy Quarterly Newsletter. Ms Thornbury seconded, and the motion passed unanimously.

**Advisory Council.** Tim Armstrong, Chair of the Board of Pharmacy Advisory Council, gave a brief update on the progress made concerning registration of pharmacy technicians. Ms Thornbury moved to cover the cost of 3 members of the Advisory Council to travel to Indiana to observe the Indiana model of pharmacy technician registration. Mr. Naseman seconded, and the motion passed unanimously.

**CURRENT/PENDING CASES:** KBP Case Updates: Mr. Naseman moved for acceptance and entry of the proposed Agreed Orders as written, seconded, by Ms Jones, and passed unanimously.

**Case No. 03-0118; Case No. 04-0067A; Case No. 04-0067B; Case No. 04-0114A; Case No. 05-0001; Case No. 05-0007; Case No. 05-0008; Case No. 05-0011; Case No. 05-0012; Case No. 05-0014; Case No. 05-0017A; Case No. 05-0019A**

Becky Cooper excused herself for the remainder of the meeting.

**CASE REVIEW COMMITTEE:** Mr. Naseman moved for acceptance of the Committee recommendations for the following case reports.

**Case No. 02-0155 (Revisit)** Pharmacist was allegedly impaired. This was presented at the December 3, 2002 Case Review Committee Meeting with a recommendation of a 4. The KY Board of Pharmacy upheld this recommendation at the December 4, 2002 Board Meeting. New Information: After an evaluation by a psychiatrist it is recommended that this case be dismissed. 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. 04-0093A** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. The Board office received a Medical Professional Liability Insurance Claim Form from the Kentucky Department of Insurance. Patient presented a refill for Prempro 0.625mg/5mg and allegedly received Premphase. Alleged violation of Law: KRS 217-065 (1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded, and the motion passed unanimously.

**Case No. 04-0093B** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. The Board office received a medical Professional Liability Insurance Claim Form from the Kentucky Department of Insurance. Patient presented a refill for Prempro 0.625mg/5mg and allegedly received Premphase. Alleged violation of Law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded, and the motion passed unanimously.

**Case No. 05-0013A** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error, by dispensing generic Fioricet #3 instead of generic Robaxin. Patient telephoned in 7 refills on an automated system, 2 of the prescriptions Fioricet #3 Robaxin did not have refills, the physician was contacted and the refills were authorized on 2 separate days. Patient became upset because her prescription was not ready when she came to pick it up even though the automated system said it would be ready. Alleged violation of Law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded, and the motion passed unanimously.

**Case No. 05-0013B** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error by dispensing generic Fioricet #3 instead of generic Robaxin. Patient telephoned in 7 refills on an automated system, 2 of the prescriptions Fioricet # 3 Robaxin did not have refills, the physician was contacted and the refills were authorized on 2 separate days. Patient became upset because her prescription was not ready when she came to pick it up even though the automated system said it would be ready. Alleged violation of Law: KRS 315.121(2)(D). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded, and the motion passed unanimously.

**Case No. 05-0020A** Pharmacy permit holder allegedly engaged in unprofessional and unethical conduct by dispensing a prescription drug without proper authorization from a licensed practitioner. The Board office received a complaint from Allstate Insurance Company that had been forwarded to us from the State of Kentucky Division of Insurance Fraud Investigation. A prescription for a compounded pain gel #1 (containing 10% ketoprofen and 6% lidocaine) was dispensed to patient; the doctor whose name was used has stated that he did not authorize the prescription. Alleged violation of Law: KRS 315.121(2)(f). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0020B** Pharmacist allegedly engaged in unprofessional and unethical conduct by dispensing a prescription drug without proper authorization from a licensed practitioner. The Board office received a complaint from Allstate Insurance Company that had been forwarded to us from the State of Kentucky Division of Insurance Fraud Investigation. A prescription for a compounded pain gel #1 (containing 10% ketoprofen and 6% lidocaine) was dispensed to patient; the doctor whose name was used has stated that he did not authorize the prescription. Alleged violation of Law: KRS 315.121(2)(f). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0021** Pharmacist allegedly failed to complete 1.5 units of pharmacy continuing education in 2004. Pharmacist self reported on pharmacist's license renewal application that she did not complete the 1.5 unit requirement necessary for license renewal. She completed 1.35 units by December 31, 2004. Alleged violation of Law: KRS 315.065 (2) and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0022** Pharmacist allegedly failed to complete 1.5 units of pharmacy continuing education in 2004. Pharmacist self reported on pharmacist's license renewal application that she did not complete the 1.5 unit requirement necessary for license renewal. She completed 1.4 units by December 31, 2004. Alleged violation of Law: KRS 315.065 (2) and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive

Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0023** Pharmacist allegedly failed to complete 1.5 units of pharmacy continuing education in 2004. Pharmacist self reported on pharmacist's license renewal application that he did not complete the 1.5 unit requirement necessary for license renewal. He did complete 15 hours of CE but failed to submit them. Alleged violation of Law: KRS 315.065 (2) and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0024A** Pharmacy permit holder allegedly failed to maintain the pharmacy as a clean environment and free of clutter, failed to display pharmacist license, failed to maintain daily computer printouts with responsible pharmacist's signature, failed to timely notify the Board office of a pharmacist-in-charge (PIC) change, failed to maintain Baker Cells with current lot numbers and expiration dates, and failed to maintain a patient refusal log. During the inspection it was noted that the pharmacy floor had numerous bottles of medications lying around in the pharmacy aisles and pharmacy counters were cluttered. Daily computer printouts were not being signed by each responsible pharmacist. It appeared patient counseling was being offered by the technician, but no refusal log was being maintained. The alleged PIC was not listed on the pharmacy license as PIC. The Pharmacy utilizes Baker Cells for filling prescriptions on certain medications and there was no record of documenting lot numbers and expiration dates when the Cells were being replenished. Alleged violation of Law: KRS 217.055,201 KAR02:180, KRS 315.110,201 KAR 2:170 Section 1 (8), and 201 KAR 2:210 Section 5. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0024B** Pharmacist allegedly failed to maintain the pharmacy as a clean environment and free of clutter, failed to display pharmacist license, failed to maintain daily computer printouts with responsible pharmacist's signature, failed to timely notify the Board office of a pharmacist-in-charge (PIC) change, failed to maintain Baker Cells with current lot numbers and expiration dates, and failed to maintain a patient refusal log. During the inspection it was noted that the pharmacy floor had numerous bottles of medications lying around in the pharmacy aisles and pharmacy counters were cluttered. Daily computer printouts were not being signed by each responsible pharmacist. It appeared patient counseling was being offered by the technician, but no refusal log was being maintained. The alleged PIC was not listed on the pharmacy license as PIC. The Pharmacy utilizes Baker Cells for filling prescriptions on certain medications and there was no record of documenting lot



numbers and expiration dates when the Cells were being replenished. Alleged violation of Law: KRS 217.055,201 KAR02:180, KRS 315.110,201 KAR 2:170 Section 1 (8), and 201 KAR 2:210 Section 5. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0025** Pharmacist was arrested for diverting a controlled substance in Schedule III. The Board office received information that pharmacist diverted de-chlor HC (hydrocodone combination product) to provide to one of his patients without a prescription. Pharmacist was arrested and charged with a felony, upon police investigation it was discovered the 443 mls of de-chlor HC was unaccounted for. Alleged violation of Law: KRS 315.121(1)(c)(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0026A** Pharmacy permit holder allegedly engaged in unprofessional conduct as the result of a medication error. The Board office received a written complaint that the pharmacy dispensed trazodone tablets to her on a refill, instead of the medication prescribed tramadol. Pharmacist expressed that the tablets brought back by the patient were trazodone, but they had not stocked this generic brand in the pharmacy since March 2004. She expressed that trazodone is a fast mover in the pharmacy and they dispensed several thousand each month. The pharmacist stated that a mis-fill could have occurred, but in her opinion with the scanning accuracy of the stock bottle NDC numbers for verification prior to filling a prescription it was unlikely. Alleged violation of law: KRS315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0026B** Pharmacist allegedly engaged in unprofessional conduct as the result of a medication error. The Board office received a written complaint that the pharmacy dispensed trazodone tablets to her on a refill, instead of the medication prescribed tramadol. Pharmacist expressed that the tablets brought back by the patient were trazodone, but they had not stocked this generic brand in the pharmacy since March 2004. She expressed that trazodone is a fast mover in the pharmacy and they dispensed several thousand each month. The pharmacist stated that a mis-fill could have occurred, but in her opinion with the scanning accuracy of the stock bottle NDC numbers for verification prior to filling a prescription it was unlikely. Alleged violation of law: KRS315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0027** Pharmacist allegedly failed to complete 1.5 units of pharmacy continuing education in 2004. During a routine inspection of Pharmacy the pharmacist produced his CE certificates that were dated 1/15/05. He stated that all 15 hours of CE had been completed in 2004, but he failed to mail them until early January, 2005, he has no certificates for CE dated 2004, but did produce 15 hours

dated 1/15/05. Alleged violations of Law: KRS 315.065 (2) and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0028A** Pharmacy permit holder allegedly willfully misfilled prescriptions. On numerous occasions this pharmacist has substituted inappropriate drugs for prescribed medications. This practice was willful and not to be identified as medication errors. The pharmacy has failed to maintain required reference. Inappropriate labeling of trade name products for generics dispensed. Inappropriate generic substitution and not identifying the product used by NDC or manufacturers name. Rx labels were found to be incomplete, (missing the name of the drug). An extremely large number of outdated drugs were found on the active shelves. An extremely large number of empty Rx bottles with expired dates were found on the active shelves. Reporting to KASPER had not been done for over seven months. Inappropriate use of the red "C" was identified. Questionable filling of a CII drug was identified. Refills to controlled substance Rx's were found without authorization by the physician. Sanitation in the pharmacy was questionable with food found on the Rxs shelves and in the refrigerator. Alleged Violations of Law: KRS 315.121 (2)(d), KRS 315.121 (2)(e), KRS 315.121 (2)(g), KRS 315.121 (2)(h), KRS 217.822 (1), KRS 217.055 (1)(a), KRS 217.065 (1), KRS 218A.180 (2), KRS 218A.200 (7), 201 KAR 2:205 section 2 (3)(b), 201 KAR 2:090 section 1, 201 KAR 2:180 section 1, 201 KAR 2:210 section 5. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0028B** Pharmacist allegedly willfully misfilled prescriptions. On numerous occasions this pharmacist has substituted inappropriate drugs for prescribed medications. This practice was willful and not to be identified as medication errors. The pharmacy has failed to maintain required reference. Inappropriate labeling of trade name products for generics dispensed. Inappropriate generic substitution and not identifying the product used by NDC or manufacturers name. Rx labels were found to be incomplete, (missing the name of the drug). An extremely large number of outdated drugs were found on the active shelves. An extremely large number of empty Rx bottles with expired dates were found on the active shelves. Reporting to KASPER had not been done for over seven months. Inappropriate use of the red "C" was identified. Questionable filling of a CII drug was identified. Refills to controlled substance Rx's were found without authorization by the physician. Sanitation in the pharmacy was questionable with food found on the Rxs shelves and in the refrigerator. Alleged Violations of Law: KRS 315.121 (2)(d), KRS 315.121 (2)(e), KRS 315.121 (2)(g), KRS 315.121 (2)(h), KRS 217.822 (1), KRS 217.055 (1)(a), KRS 217.065 (1),

KRS 218A.180 (2), KRS 218A.200 (7), 201 KAR 2:205 section 2 (3)(b), 201 KAR 2:090 section 1, 201 KAR 2:180 section 1, 201 KAR 2:210 section 5. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0031A** Pharmacy permit holder allegedly failed to report change of PIC within 14 days. Change of Pharmacist-In-Charge form received in office on 2/14/05 was signed and dated 12/8/04. There was a schedule II inventory with PIC signature to support that the PIC actually changed in Dec. Alleged violation of law: 201 KAR 2:205 Section 2 (3) (d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0031B** Pharmacist-in-charge allegedly failed to report change of PIC within 14 days. Change of Pharmacist-In-Charge form received in office on 2/14/05 was signed and dated 12/8/04. There was a schedule II inventory with PIC signature to support that the PIC actually changed in Dec. Alleged violation of law: 201 KAR 2:205 Section 2 (3) (d). CRC Recommendation: Case is dismissed. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0033A** Pharmacy permit holder allegedly engaged in unprofessional conduct as the result of a medication error. The Board office received a written complaint alleging that the Pharmacy dispensed Armour Thyroid 30 mg tablets instead of the prescribed dose of 90mg. The medication error occurred due to a telephone transfer of the prescription. She wrote down 30mg. #90 3 times a day and filled the prescription that way. According to the patient it should have been 90mg #30 1 time a day. Alleged violation of law: KRS 315.121(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. 05-0033B** Pharmacist allegedly engaged in unprofessional conduct as the result of a medication error. The Board office received a written complaint alleging that the Pharmacy dispensed Armour Thyroid 30 mg tablets instead of the prescribed dose of 90mg. The medication error occurred due to a telephone transfer of the prescription. She wrote down 30mg. #90 3 times a day and filled the prescription that way. According to the patient it should have been 90mg #30 1 time a day. Alleged violation of law: KRS 315.121(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. 05-0034** Pharmacist allegedly failed to renew pharmacist license by Feb. 28, 2005. The Board office received the renewal application on March 3, 2005, the pharmacist place of employment was called and he was working in the pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0037** Pharmacist allegedly failed to complete 1.5 units of pharmacy continuing education in 2004. Pharmacist self reported on pharmacist's license renewal application that they did not complete the 1.5 unit requirement necessary for license renewal. The pharmacist completed 1.4 units by December 31, 2004. Alleged violation of Law: KRS 315.065 (2) and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0039** Pharmacist allegedly failed to renew pharmacist license by Feb. 28, 2005. The Board office received the renewal application on March 7, 2005, they were working in the pharmacy, March 1, 2, 3, and 4 without an active KY pharmacist license. Alleged violation of law: KRS 315.030 (2). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed unanimously.

**Case No. 05-0040A** Pharmacy permit holder allegedly engaged in unprofessional and unethical conduct by filling controlled substances prescriptions without authorization from a licensed practitioner. A doctor filed a complaint against the pharmacist with the Office of Inspector General; Drug Enforcement and Professional Practices Branch. The Doctor requested a KASPER report on the pharmacist's wife. The report revealed that several controlled substances prescription had been filled for Pharmacist's wife without authorization from this prescriber. Alleged violation of law: KRS 315.121 (2)(f). 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. 05-0040B** Pharmacist allegedly engaged in unprofessional and unethical conduct by filling controlled substances prescriptions without authorization from a licensed practitioner. A doctor filed a complaint against the pharmacist with the

Office of Inspector General; Drug Enforcement and Professional Practices Branch. The Doctor requested a KASPER report on the pharmacist's wife. The report revealed that several controlled substances prescription had been filled for Pharmacist's wife without authorization from this prescriber. Alleged violation of law: KRS 315.121 (2)(f). 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.

Greg Naseman moved for acceptance of the Committee recommendations for the following.

**Case No. 05-0041A** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A prescription for Risperdal 0.25 mg was filled with reserpine 1.25mg. The patient experienced increased depression and Parkinson type/extrapyramidal side effects. Alleged violation of law: KRS: 217.065 (1) and KRS 315.121 (2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed with Mr. Orzali recusing himself.

**Case No. 05-0041B** Pharmacist allegedly acted in an unprofessional manner by committing a medication error. A prescription for Risperdal 0.25 mg was filled with reserpine 1.25mg. The patient experienced increased depression and Parkinson type/extrapyramidal side effects. Alleged violation of law: KRS: 217.065 (1) and KRS 315.121 (2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Ms Thornbury seconded,, and the motion passed with Mr. Orzali recusing himself.

Georgina Jones excused herself for the remainder of the meeting.

**RECIPROCITY/RELICENSURE/INTERNSHIP:**

**Renee R. McCafferty.** Ms McCafferty requested that the 1500 hours of practice in the preceding year that is required for reciprocity be waived. Ms Thornbury moved to deny the request, but to inform Ms McCafferty of the option of taking the Kentucky Practical Examination offered in July 2005. Mr. Orzali seconded, and the motion passed unanimously.

**CORRESPONDENCE/COMMUNICATIONS:**

Ms Thornbury moved that expungement requests be given numbers so that initials do not have to be used. Mr. Orzali seconded, and the motion passed unanimously.

Ms Thornbury made a motion to accept the following expungement as presented.

**EX 05-0001**, Mr. Orzali seconded, and the motion passed unanimously.

The Telehealth draft was presented. After some discussion Mr. Naseman made a motion to postpone the discussion until the June Board Meeting, with additional work to be done on the regulation by Mr. Burleson and Ms LaLonde-Mooney. Mr. Orzali seconded, and the motion passed unanimously.

**CONTINUING EDUCATION:** Ms Thornbury moved to accept the continuing education program 05-15 as recommended. Mr. Naseman seconded, and the motion passed unanimously.

**FINES:** The fines report was enclosed for the Board's information.

**NEW BUSINESS:** President Edwards opened a discussion regarding Kentucky Practical Examination. President Edwards suggested that the Errors and Omissions and Calculations portions of the exam be incorporated in the Counseling section. After much discussion, Mr. Naseman moved to eliminate the Practical Exam. Mr. Naseman withdrew the motion, after further discussion. Mr. Orzali moved to incorporate the Calculation portion of the exam in the Counseling portion with the scoring to be redistributed so that the Counseling portion of the exam is worth 80% and the Errors and Omissions portion is worth 20% of the exam. Motion failed after lack of a second. Mr. Orzali moved that Ms Lalonde-Mooney research the examination processes in other states and present the findings at the June Board Meeting. Mr. Naseman seconded, and the motion passed unanimously.

**ADJOURNMENT:** On motion by Mr. Naseman, Mr. Orzali seconded, and the motion passed unanimously, President Edwards adjourned the meeting at 3:45 p.m. The next regularly scheduled Board meeting is scheduled to begin at 9:00 a.m. on June 8, 2005 at the Board of Pharmacy Office in Frankfort.

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Michael Burleson, Executive Director

MB:lha