

**KENTUCKY BOARD OF PHARMACY  
23 MILLCREEK PARK  
FRANKFORT KY 40601-9230  
JULY 6, 2005 9:00a.m.**

**Agenda**

- I. CALL TO ORDER**
- II. MINUTES**
  - \*A. JUNE 8, 2005**
- III. APPEARANCES**
  - \*A. Jill Jones-9:15a.m.**
- IV. INTERAGENCY**
- V. BOARD REPORTS**
  - A. Board President**
    - 1. Board Examinations**
    - 2. Preceptor Fee**
    - 3. Calendar-2006**
    - 4. Board Retreat**
  - B. Board Members**
  - C. Board Executive Director**
  - D. Board Staff**
  - E. PRN Chairman**
- VI. CURRENT/PENDING CASES**
  - A. OAG – C. Lalonde-Mooney**
  - B. Case Update**
    - 05-0020A**
    - 05-0020B**
    - 05-0027**
    - 05-0034**
    - 05-0041A**
  - C. Case Review Committee**
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP**
- VIII. CORRESPONDENCE/COMMUNICATIONS**
  - A. 05-00-22 Expungement**
  - B. Jack Downing-PIC Request**
  - C. Jason Guy-PIC Request**
  - D. Mike Traylor-PIC Request**

**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**

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**Agenda  
Addendum**

**VI. CURRENT/PENDING CASES**

**B. Case Update**

**05-0021**

**05-0023**

## MINUTES

### KENTUCKY BOARD OF PHARMACY

Frankfort, Kentucky

July 6, 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 9:13 a.m.

Members present: Mark Edwards, Becky Cooper, Georgina Jones, Greg Naseman, Peter Orzali, and Patricia Thornbury. Staff: Michael Burlison, Executive Director; Jeff Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe, Steve Hart and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; and Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel. Guests: Brian Fingerson, Pharmacy Recovery Network Committee, Chair; Ralph Bouvette and Allison Cubit, APSC; Paula York, Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services; John Hawks, Kentucky Pharmacists Association; Jill Jones; and Juanita Toole, Court Reporter, recorded the meeting.

**MINUTES:** On motion by Ms. Thornbury, seconded by Mr. Naseman and passed unanimously, the Minutes of June 8, 2005 were adopted as amended.

**APPEARANCES:** **Jill Jones.** Ms. Jones appeared before the Board to petition for reinstatement of her Kentucky pharmacist's license. Ms. Jones was placed under oath by Ms. Toole, Court Reporter. Ms. Jones gave a brief overview of the cause leading to the loss of her pharmacist's license, her progress and her treatment. Mr. Fingerson reviewed the recommendation of the Pharmacist Recovery Network Committee for reinstatement of license. Ms. Thornbury moved to reinstate with an Order of Reinstatement with stipulations as follows: 10 years probation; maximum hours of work: 40hrs/wk or 80 hrs/2wk, with exceptions to be approved by PRN Committee chairman and notification provided to the Board; shall not serve as pharmacist-in-charge or have power of attorney; must provide copy of Agreed Order to all employers; must enter into an aftercare contract with PRN Committee, to include drug counselor if indicated; submission of signed release for Board access to all medical records; must attend NA/AA meetings no less than 3 times per week; submission to the Board of written monthly reports of all NA/AA meetings; submit to random observed urine/blood screens; shall not ingest any mood altering substances whether legend or nonlegend medications including alcohol; notification to the Board within 10 days of all legend and nonlegend drugs prescribed/ingested; Board or Board President to approve all pharmacies/worksites prior to employment; shall not dispense any drugs for herself or her family members; shall obtain all prescriptions and those of family members at pharmacy designated in writing to

the Board; shall be subject to quarterly inspections by the Board at all places of employment, with audits to be conducted if necessary, the cost of each inspection not to exceed \$500; perpetual inventory of Scheduled II and III drugs to be required at each place of employment; attendance at Utah School, SE-PRN meeting, or CAPTASA meeting within one year; provide PRN Committee with a written self-performance evaluation monthly; shall make two appearances before the PRN Committee within one year; any violation of state and /or federal pharmacy or drug laws constitutes violation of the Agreed Order and may result in an emergency suspension of pharmacist's license pursuant with KRS 315. The Agreed Order shall be reported to NABP. Ms. Jones cannot petition the Board for any changes to the Agreed Order for 3 years. Order on Reinstatement to be drafted and forwarded to Ms. Jones for her signature and upon its return to be signed by President Edwards. Mr. Naseman seconded, and the motion passed unanimously.

**INTERAGENCY:** Paula York, Drug Enforcement and Professional Practices Branch of the Cabinet for Health and Family Services, clarified that a pharmacist may add the date to a controlled substance prescription but may not change the date. Approximately 60 % of users are accessing the KASPER system via e-KASPER.

**BOARD REPORTS:** **President.** 1. Board Examinations. President Edwards announced that there are 142 applicants for the July 10, 2005 Board exam and asked those involved with the exam to be at the University of Kentucky College of Pharmacy at 7:00 a.m.

2. Preceptor Fee. Mr. Naseman moved to eliminate the \$10.00 preceptor fee, however, the request to become a preceptor shall be made in writing to the Board office, and the Board office shall continue to evaluate the application to become a preceptor and maintain the status of preceptor in the data base. Ms. Thornbury seconded and the motion passed unanimously.

3. Calendar - 2006. Ms. Thornbury moved to adopt the 2006 calendar with the new Board members birthdays to be added once the members are appointed. Ms. Jones seconded and the motion passed unanimously.

4. Board Retreat. Mr. Orzali moved to have a Board retreat on November 12-13, 2005 at the Cincinnati Marriott at River Center in Covington, Kentucky. Ms. Jones seconded and the motion passed unanimously. Mr. Burlson will invite interested pharmacy organizations including the Advisory Council, place notification of the retreat in the Board Newsletter and post notification on the Board website. Mr. Burlson will inform the interested parties that pharmacy technician registration will be an agenda item and will solicit other agenda items.

**Board Members:** Mr. Orzali moved for the Board to administer the Kentucky Operative Examination on October 5, 2005 to begin at 7:00 a.m. prior to the Board meeting. The format of the exam shall be the orals portion only. Ms. Jones seconded and the motion passed unanimously. Mr. Naseman volunteered to prepare the examination.

### **Board Executive Director:**

1. NABP/AACP District III meeting will be held in Knoxville, Tennessee on August 7-9, 2005.
2. Comments from the University of Kentucky continuing education program Kentucky Pharmacy Law 2005: Insights Into Kentucky Law presentation by Dr. Osman, Mr. Burleson, and President Edwards were very favorable.
3. A letter from the president of the Maryland Board of Pharmacy regarding the support of a provision of a separate fee for pharmacists to allow for packaging of medications in a safe medication delivery system for residents in assisted living facilities as an improvement to the Medicare Modernization Act will be an agenda item for the September 14, 2005 Board meeting.
4. Mr. Naseman moved to request out of state travel for Ms. Thornbury, Mr. Burleson, and one additional staff member to attend the National Association of Chain Drug Stores 2005 Pharmacy and Technology Conference in San Diego, California, August 27-31, 2005. Ms. Cooper seconded and the motion passed unanimously.
5. After a presentation by Mr. Burleson and Mr. Hart regarding computerization of the inspection process, Mr. Orzali moved to proceed with the company Sanswrite to provide four tablet personal computers, training, licensing and fees for the automation. Mr. Naseman seconded and the motion passed unanimously.
6. The Board office is scheduled to move to the new location in Lexington, Kentucky on or around September 19, 2005.

**Board Staff.** Dr. Osman informed the Board that Ms. Jones had been under a previous Agreed Order. After much discussion of Ms. Jones' testimony and her previous circumstances, Mr. Orzali moved that the Executive Director, Mr. Burleson, inform Ms. Jones that the Board has been presented additional information regarding her practice of pharmacy and that the decision to reinstate her Kentucky pharmacist's license has been tabled until the transcript of her testimony can be reviewed. Ms. Jones seconded and the motion passed unanimously. Board staff will provide the Board members all disciplinary actions taken against a licensee in future reinstatement appearances.

**CURRENT/PENDING CASES:** Ms. Cooper moved for acceptance and entry of the proposed Agreed Orders as written. The motion was seconded by Mr. Orzali and passed unanimously.

**Case No. 05-0020A; Case No. 05-0020B; Case No. 05-0021; Case No. 05-0023; Case No. 05-0027; Case No. 05-0034; Case No. 0041B**

**CASE REVIEW COMMITTEE:** Mr. Naseman moved for acceptance of the Committee recommendations for the following case report; the motion was seconded by Ms. Cooper and passed unanimously:

**Case No. 05-0013A (Revisit)** 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. Revisit #1- New information: Attempted to contact complainant by phone and letter dated April 7, 2005 to schedule interview no response to contact. **New information:** Interviewed Pharmacist, she gave a written statement, she explained her efforts to help complainant, complaint was upset because the Telefil system had said that her prescription was ready, the argument escalated over the telefil system and not a wrong medication. Investigator attempted to contact complaint by phone previously, and now by letter no response was received. CRC recommendation: There is insufficient evident of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 05-0013B (Revisit)** 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). Revisit #1- New information: Attempted to contact complainant by phone and letter dated April 7, 2005 to schedule interview no response to contact. **New information:** Interviewed Pharmacist, she gave a written statement, she explained her efforts to help complainant, complaint was upset because the Telefil system had said that her prescription was ready, the argument escalated over the telefil system and not a wrong medication. Investigator attempted to contact complaint by phone previously, and now by letter no response was received. CRC recommendation: There is insufficient evident of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 05-0029A** Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. A prescription for Fosamax 35mg tablets was presented for refill and the medication that was received was for Fosamax 70mg. Before leaving the store the patient brought this to the pharmacist's attention he told her he did not make a mistake on her prescription, she showed the pharmacist the Fosamax 70mg and he corrected the error, however, he was allegedly very rude. The patient was upset and returned to the store to see the store manager and ask for an apology, according to the patient the pharmacist did not apologize and was rude. Alleged violation of law: KRS 217.065 (1) and KRS 315.121 (2)(d). CRC recommendation: There is insufficient evident of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 05-0029B** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A prescription for Fosamax 35mg tablets was presented

for refill and the medication that was received was for Fosamax 70mg. Before leaving the store the patient brought this to the pharmacist's attention he told her he did not make a mistake on her prescription, she showed the pharmacist the Fosamax 70mg and he corrected the error, however, he was allegedly very rude. The patient was upset and returned to the store to see the store manager and ask for an apology, according to the patient the pharmacist did not apologize and was rude. Alleged violation of law: KRS 217.065 (1) and 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.

**Case No. 05-0036A** Pharmacy permit holder allegedly engaged in unprofessional conduct by committing a medication error, divulging patient information to an unauthorized person, and engaging in conduct likely to harm the public with a careless disregard for the health and welfare of a patient. . A prescription for Phenergan was phoned into the pharmacy, the wife of the patient picked up a prescription in the name of her husband, the prescription was for lisinopril and Tylenol #3, and these prescriptions were actually for another patient with the same name. The pharmacist would not give the correct prescription to the patient until he returned the original mistaken prescriptions, the second day 2 additional prescriptions were given to the patient, however the pharmacist would not fill them, the patient had every intention of returning the wrong medication he just did not have it with him when he came from the doctor's office with the second prescriptions. Furthermore, the pharmacist would not give the written prescriptions back to the patient. 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.

**Case No. 05-0036B** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error, divulging patient information to an unauthorized person, and engaging in conduct likely to harm the public with a careless disregard for the health and welfare of a patient. A prescription for Phenergan was phoned into the pharmacy, the wife of the patient picked up a prescription in the name of her husband, the prescription was for lisinopril and Tylenol #3, and these prescriptions were actually for another patient with the same name. The pharmacist would not give the correct prescription to the patient until he returned the original mistaken prescriptions, the second day 2 additional prescriptions were given to the patient, however the pharmacist would not fill them, the patient had every intention of returning the wrong medication he just did not have it with him when he came from the doctor's office with the second prescriptions. Furthermore, the pharmacist would not give the written prescriptions back to the patient. Alleged violation of law: KRS 315.121 (2) (b) and (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.



**Case No. 05-0043A** Pharmacy permit holder allegedly engaged in unethical/unprofessional conduct two times. The first involved a pharmacist requesting a prescription transfer that was not authorized by the patient. The second allegation was that the pharmacy refilled a prescription without the authority of the patient. Alleged violation of Law: KRS 315.121(2). CRC Recommendation: The Case is dismissed.

**Case No. 05-0043B** Pharmacist allegedly engaged in unethical/unprofessional conduct two times. The first involved a pharmacist requesting a prescription transfer that was not authorized by the patient. The second allegation was that the pharmacy refilled a prescription without the authority of the patient. Alleged violation of Law: KRS 315.121(2). CRC Recommendation: The Case is dismissed.

**Case No. 05-0046A** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Allegedly dispensed a generic drug that was not therapeutically equivalent to the brand according to the Food and Drug Administration. A prescription for Synthroid 0.075mg, take 1 daily skipping Saturday was filled with levothyroxine 175 mcg (0.175mg), take 1 tablet daily except Saturdays. Alleged violations of law: KRS 217.065, KRS 315.12(2)(d), and 201 KAR 2:116 Section 2 (8). 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.

**Case No. 05-0046B** Pharmacist engaged in unprofessional conduct by committing a medication error. Allegedly dispensed a generic drug that was not therapeutically equivalent to the brand according to the Food and Drug Administration. A prescription for Synthroid 0.075mg, take 1 daily skipping Saturday was filled with levothyroxine 175 mcg (0.175mg), take 1 tablet daily except Saturdays. Alleged violations of law: KRS 217.065, KRS 315.12(2)(d), and 201 KAR 2:116 Section 2 (8). 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.

**Case No. 05-0047A** Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. Board office received a Medical Professional Liability Insurance Claim Form from KY Department of Insurance. A prescription for Clonidine 0.1 mg was presented for refill. Clonazepam 1mg was dispensed to the patient, with the vial mislabeled. The prescription was for a 8 year old child, the child was okay, but awake for 52 hours. 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.

**Case No. 05-0047B** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. Board office received a Medical Professional Liability Insurance Claim Form from KY Department of Insurance. A prescription for Clonidine 0.1 mg was presented for refill. Clonazepam 1mg was dispensed to the patient, with the vial mislabeled. The prescription was for an 8 year old child, the child was okay, but awake for 52 hours. 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.

**Case No. 05-0048A** Pharmacy permit holder allegedly engaged in unprofessional conduct by committing a medication error on the initial filling of the prescription and refilling the medication error twice. The Board Office received two Medical Professional Liability Insurance Claim Forms from the KY Dept. of Insurance. A Prescription was written for Neurontin 100mg, take 1 tablet 3 times daily, quantity 90 with 2 refills. The Prescription was filled with Neurontin 300mg, take 1 tablet 3 times daily, quantity of 90 with 2 refills. The prescription was refilled twice with the wrong dosage. The patient allegedly experienced seizures. 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.

**Case No. 05-0048B** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error on the initial filling of the prescription and refilling the medication error twice. The Board Office received two Medical Professional Liability Insurance Claim Forms from the KY Dept. of Insurance. A Prescription was written for Neurontin 100mg, take 1 tablet 3 times daily, quantity 90 with 2 refills. The Prescription was filled with Neurontin 300mg, take 1 tablet 3 times daily, quantity of 90 with 2 refills. The prescription was refilled twice with the wrong dosage. The patient allegedly experienced seizures. 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.

**Case No. 05-0051A** Pharmacy permit holder allegedly engaged in unprofessional conduct by releasing a prescription to a person other than the patient or patient's designee. When the patient tried to find out who had picked up his prescription from the pharmacist, the pharmacist was allegedly rude & uncooperative. There is also some misunderstanding of which of the patient's prescriptions the complaint is about, MS Contin or Loratab. Alleged violation of Law: KRS 315.121 (2)(b). CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 05-0051B** Pharmacist allegedly engaged in unprofessional conduct by releasing a prescription to a person other than the patient or patient's designee. When the patient tried to find out who had picked up his prescription from the pharmacist, the pharmacist was allegedly rude & uncooperative. There is also some misunderstanding of which of the patient's prescriptions the complaint is about, MS Contin or Lortab. Alleged violation of Law: KRS 315.121 (2)(b). CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 05-0054A** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error, by dispensing Warfarin sod. 6mg in place of Warfarin sod 5 mg. 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.

**Case No. 05-0054B** Pharmacist allegedly sold a misbranded product as the result of a medication error, by dispensing Warfarin sod. 6mg in place of Warfarin sod 5 mg. 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.

**Case No. 05-0057A** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error, by dispensing Potassium chloride oral solution 10% but labeled as Phenobarbital 20mg/5ml syrup with a non child safety lid. The mother gave the child the potassium chloride oral solution and the child had seizures and was taken to the hospital. According to the mother, she had called the pharmacy about the prescription because it was different color, orange versus red. She was told the medication was correct. No one at the pharmacy remembered talking to the mother. Alleged violation of Law: KRS 217.065 (1) and KRS 315.121 (2)(d) and Section 4 [15 U.S.C. 1473]. 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.

**Case No. 05-0057B** Pharmacist allegedly sold a misbranded product as the result of a medication error, by dispensing Potassium chloride oral solution 10% but labeled as Phenobarbital 20mg/5ml syrup with a non child safety lid. The mother gave the child the potassium chloride oral solution and the child had seizures and was taken to the hospital. According to the mother, she had called the pharmacy about the prescription because it was different color, orange versus red. She was told the medication was correct. No one at the pharmacy remembered talking to the mother. Alleged violation of Law: KRS 217.065 (1) and KRS 315.121 (2)(d) and Section 4 [15 U.S.C. 1473]. 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.

**Case No. 05-0058A** Permit holder allegedly had controlled substances diverted from the pharmacy. Pharmacist was arrested by Lexington Police Department for diversion of controlled substances for his own addiction. Over a period of a year and half the pharmacy can not account for over 31,000 dosage units between the pharmacist's 2 places of employment. Alleged Violation of law: KRS 315.121(1)(b)(h); (2)(d)(e), 201KAR 2:100 Section 1, Section 5 (3), 201 KAR 2:205 Section 2 (3)(b), KRS 218A.200. **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.

**Case No. 05-0058B Pharmacist** allegedly diverted controlled substances from his pharmacy. Pharmacist was arrested by Lexington Police Department for diversion of controlled substances for his own addiction. Over a period of a year and half the pharmacy can not account for over 31,000 dosage units between the pharmacist's 2 places of employment. Alleged Violation of law: KRS 315.121(1)(b)(h); (2)(d)(e), 201KAR 2:100 Section 1, Section 5 (3), 201 KAR 2:205 Section 2 (3)(b), KRS 218A.200. **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.

**CORRESPONDENCE/COMMUNICATIONS:** Ms. Thornbury moved to grant the expungement 05-00-22. Ms. Jones seconded and the motion passed unanimously.

**Jack Downing.** Mr. Downing requested to serve as pharmacist-in-charge for both Downing Drugs which are housed in the same building. Mr. Naseman moved to grant dual PIC for Jack Downing. Ms. Thornbury seconded and the motion passed unanimously.

**Mike Traylor.** Dr. Traylor requested to serve as pharmacist-in-charge for Corner Homecare, Inc./Option Care and Pharmacy Corner which are housed in the same building. Ms. Thornbury moved to grant dual PIC for Mike Traylor. Ms. Jones seconded and the motion passed unanimously.

**Jason Guy.** Dr. Guy requested to serve as pharmacist-in-charge for Unified Healthcare's nuclear pharmacy and retail pharmacy which are housed in the same building. Mr. Naseman moved to grant dual PIC for Jason Guy. Mr. Orzali seconded and the motion passed unanimously.

**LEGISLATION/REGULATIONS:** The telehealth regulation is proceeding through the regulatory process. Regulatory and statutory changes regarding the Kentucky Operative Examination will be on the agenda for the September 14, 2005 Board meeting.

**CONTINUING EDUCATION:** Mr. Orzali moved to accept the continuing education programs 05-25 through 05-29 as recommended. Ms. Jones seconded, and the motion passed unanimously.

**ADJOURNMENT:** On motion by Ms. Jones, seconded by Ms. Cooper, and passed unanimously, President Edwards adjourned the meeting at 2:42 p.m. The next regularly scheduled Board meeting is scheduled to begin at 9:00 a.m. on September 14, 2005 at the Board Office.

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Michael Burleson, Executive Director

MB:lha