

**KENTUCKY BOARD OF PHARMACY
UNIVERSITY OF KENTUCKY
STUDENT CENTER-WORSHAM THEATRE
LEXINGTON KY
September 10, 2008
9:00a.m.**

Agenda

I. CALL TO ORDER

II. MINUTES

- *A. May 14, 2008

III. APPEARANCES

IV. INTERAGENCY

- A. Tramadol Regulation-Jeff
- *B. DEA e-prescribing rules

V. BOARD REPORTS

- A. Board President
- B. Board Members
- C. Board Executive Director
 - *1. eMARS (Final FY-08 and July 09)
 - *2. Board Retreat 2008-Agenda
 - *3. NABP Symposium
 - *4. MALTAGON
 - *5. Citizen Advocacy Center
 - *6. Pharmacy Technician Registration
- D. Board Staff
- E. PRN Chair

VI. CURRENT/PENDING CASES

- A. OAG-Cheryl Lalonde
- *B. Case Update
- *C. Case Review

VII. RECIPROCITY/RELICENSURE/INTERNSHIP

- *A. Kirk K. Smith – Reinstatement
- *B. Diane H. Rhee – Reinstatement
- *C. Ryan L. McDearmon – Permission to sit for Boards
- *D. Bill Hamilton-Reinstatement

VIII. CORRESPONDENCE/COMMUNICATIONS

- *A. Burgess Drug Store Inc. – alternative format for daily log
- *B. Central Baptist Hospital - dual PIC
- *C. Redbird Clinic Pharmacy-PIC reduction of required hours
- *D. Sullivan University College of Pharmacy-Permission to obtain drugs for educational purposes

IX. NABP

- *A. Florida Reciprocity

X. LEGISLATION/REGULATIONS

*A. Wholesale Distributor Regulation Amendment-201 KAR 2:105

XI. CONTINUING EDUCATION

XII. FINES

XIII. OLD BUSINESS

XIV. NEW BUSINESS

XV. FYI

*A. DEA response on destruction of controlled substance medications

***Information enclosed with this agenda**

****Information previously provided**

*****Old material with response**

**KENTUCKY BOARD OF PHARMACY
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LEXINGTON KY 40511
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**Agenda
Addendum**

- V. BOARD REPORTS**
- VI. CURRENT/PENDING CASES**
- VIII. CORRESPONDENCE/COMMUNICATIONS**
- X. LEGISLATION/REGULATION**
- XI. CONTINUING EDUCATION**
- XV. FYI**

***Information enclosed with this agenda**
****Information previously provided**
*****Old material with response**

MINUTES
KENTUCKY BOARD OF PHARMACY
Spindletop Administration Building, Suite 302
2624 Research Park Dr.
Lexington, Kentucky

September 10, 2008

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the University of Kentucky Campus Lexington, Kentucky. President Leake called the meeting to order at 9:09 a.m.

Members present: Mike Leake, Peter Orzali, Anne Policastri, Patricia Thornbury, Sandy Simpson and Catherine Shely. Staff: Michael Burleson, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe, Steve Hart and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; and Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Brian Fingerson, Pharmacist Recovery Network Committee; Ralph Bouvette, Catherine Hanna, Jamie Ferrell and Sam Lyons, APSC; Jan Gould, Kentucky Retail Federation; Brad Hall, Kentucky Pharmacists Association; Kim Morgan, Target; Kenneth Kennedy, Charles Rudd and Kelly Baker, University of Kentucky College of Pharmacy PY4 students; and Frank Romenilli and the University of Kentucky College of Pharmacy PY3 students. Juanita Toole, Court Reporter, recorded the meeting.

MINUTES: On motion by Dr. Policastri, seconded by Mr. Orzali and passed unanimously, the Minutes of July 9, 2008 Board Meeting were adopted as amended.

INTERAGENCY:

Tramadol Regulation. Dr. Jeffrey Osman attended the Administrative Regulation Subcommittee Review regarding the amending of 902 KAR 55:030 to include tramadol as a Schedule IV controlled substance in Kentucky. Dr. Osman stated that the meeting was deferred until October 14, 2008 because Johnson and Johnson, the manufacturer of Ultram (brand of tramadol), allegedly did not receive adequate notice to prepare and be present at the subcommittee meeting.

DEA e-prescribing rule. DEA is accepting comments until September 25, 2008 on the proposed rule of e-prescribing of controlled substances. The Drug Enforcement and Professional Practices Branch of the Office of Inspector General in the Cabinet for Health and Family Services is not making any comment regarding the proposed rule according to Branch Manager Dave Sallengs.

BOARD REPORTS:

Board President. Brad Hall, Executive Director of the Kentucky Pharmacists Association (KPhA), presented a written recommendation for a regulation addressing pharmacist compounding preparations for administration by prescribers in medical offices and institutions. Ms. Thornbury moved to form a committee consisting of

President Leake, Executive Director Burluson, an inspector with the Board, Board Counsel Cheryl Lalonde, Ralph Bouvette, Brad Hall, and Cathy Shely to develop a draft regulation for pharmacist compounding preparations for administration by prescribers in medical offices and institutions using Mr. Hall's recommendation as a foundation and to present the draft regulation at the November 14, 2008 Board Meeting. Mr. Orzali seconded, and the motion passed unanimously. Notice of this open meeting will be posted on the Board's website.

President Leake thanked KPhA for coordinating the pharmacy effort for 1500 Gulf Coast evacuees in Louisville. Out of this effort, KPhA has procured a building that can be used as a pharmacy in emergency situations. KPhA will make an appearance before the Board regarding the design and handling of the pharmacy.

President Leake informed the Board that DEA has not changed their position regarding long term care facilities in Kentucky being able to use a reverse distributor to destroy controlled substances.

Mr. Burluson will be presenting a continuing education law program to pharmacists and technicians at the Academy of Consultant Pharmacists meeting on September 28, 2008.

Board Members.

Ms. Thornbury. Ms. Thornbury commented that the recent NABP District III meeting was one of the best, most informative and interesting meetings she has been able to attend. Many surveys were conducted and the results presented allowed attendees to see other's opinions.

Dr. Shely. Dr. Shely echoed Ms. Thornbury's comments about the NABP District III meeting. The meeting was very beneficial and helped to identify issues for the pharmacy profession to address such as technicians and innovative pharmacy practices.

Dr. Policastri. Dr. Policastri gave an overview of the discussions from the NABP District III meeting. At the meeting, it was decided that the Kentucky Leadership Council would take the lead in helping pharmacy in Kentucky move forward. Some areas of consideration are the need to communicate with and educate the public, letting the public know what pharmacists are capable of doing and creating demand for pharmacy services; helping pharmacists be able to get their message out to the legislature; looking at Medication Therapy Management and identifying centers of excellence across the Commonwealth; and providing educational programs for pharmacists. A strategic plan regarding technicians needs to be developed to include education programs for technicians since there is currently no oversight by either the Board of Pharmacy or any College of Pharmacy. The involvement of all stakeholders is crucial in defining the role of technicians. This may result in the need to enhance the Board's current registration of technicians. Pharmacy needs to hold open dialogues with all health care professions in order to integrate the health care system so that patients receive the best care available.

Board Executive Director. 1) EMars monthly report for 2008 year end and July 2008 was presented to the Board, showing the \$170,000 removed by the Commonwealth from the restricted funds. 2) The Board Retreat will be in Louisville, November 15-16, 2008. The agenda items for the Board Retreat are medication errors, including a position paper to be presented by the Advisory Council; Medication Therapy Management; responsibility of filling prescriptions, including remote pharmacist approval; participation in NABP's pilot project for national pharmacist's licensure; and continuing education credit for Board Meetings. Ms. Thornbury moved to allow pharmacist to submit the individual sessions Saturday morning, Saturday afternoon, and Sunday morning of the Board Retreat for continuing education credit through the Board office. Ms. Simpson seconded, and the motion passed unanimously. 3) Mr. Orzali moved to allow Mr. Burleson to attend the NABP 2008 Symposium in Tucson, Arizona on December 4-5, 2008. Ms. Thornbury seconded, and the motion passed unanimously. 4) Dr. Shely moved to allow Mr. Burleson and one Board member to attend MALTA-GON, an organization of state boards of pharmacy, in Robinsonville, Mississippi, on October 6-8, 2008. Ms. Thornbury seconded, and the motion passed unanimously. 5) Mr. Orzali moved to allow Mr. Burleson and Ms. Lalonde to attend the Citizens Advocacy Center 2008 Annual Meeting in Asheville, North Carolina, on October 26-28, 2008. Ms. Simpson seconded, and the motion passed unanimously. 6) Ms. Thornbury moved to allow the two 2009 Board appointees, if known, to attend the November 14, 2008 Board Meeting and November 15-16, 2008 Board Retreat at the Board's expense. Dr. Shely seconded, and the motion passed unanimously. 7) Dr. Policastri moved to start developing new regulations for manufacturers, to be presented to the Board at the November 14, 2008 or December 17, 2008 Board Meeting. Ms. Simpson seconded, and the motion passed unanimously. 8) The Board directed Mr. Burleson to work with Senator Denton and all stake holders to develop a bill to present to the legislature allowing exemptions to the wholesaler/distributor pedigree statute for oxygen suppliers, veterinary suppliers, and blood banks. Mr. Burleson will keep the Board informed of the progress. 9) The office has hired an Administrative Specialist I, Mr. Bryan Proctor. 10) Ms. Thornbury moved to start the process of hiring another Pharmacy and Drug Inspector. Ms. Simpson seconded, and the motion passed unanimously. 12) Ms. Thornbury moved to allow the Board office staff to handle initial technician applications in the same manner as pharmacist applications for licensure are handled. Dr. Shely seconded, and the motion passed unanimously.

PRN Committee. The South Eastern PRN will be held in Atlanta, November 14-16, 2008; CAPTASA will be held in Lexington, January 24-25, 2009; and the Utah School on Alcohol and Other Drug Dependencies will be held in Salt Lake City, June 21-29, 2009.

CURRENT/PENDING CASES:

Case Updates: Ms. Thornbury moved for acceptance and entry of the proposed Agreed Orders as written. Dr. Policastri seconded, and the motion passed unanimously.

Case No. 07-0020B; Case No. 07-0049; Case No. 07-0082B; Case No.07-0095B; Case No. 07-0108A & B; Case No. 08-0034; Case No. 08-0036; Case No. 08-0038; Case No. 08-0039; Case No. 08-0041; Case No. 08-0046; Case No. 08-0049; Case No. 08-0056; Case No. 08-0060; and Case No. 08-0061.

Case Review: Dr. Policastri moved for acceptance of the Case Review Committee recommendations for the following case reports. Ms. Thornbury seconded, and the motion passed unanimously.

Case No. 04-0124A Revisit. Pharmacy permit holder allegedly purchased over \$90,000 of legend drugs that were obtained from illegal sources. Pharmacy also purchased and sold physician samples. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 217.175(1)(3), KRS 315.121(1)(j), KRS 315.121(2)(d)(e)(g)(h). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 04-0124B. Revisit. Pharmacist allegedly purchased over \$90,000 of legend drugs that were obtained from illegal sources. Pharmacist also purchased and sold physician samples. The pharmacist entered into a Plea Agreement which identifies two felony counts; one involves the sale of prescription drug samples, and the second is Medicaid fraud. Alleged violations of law: KRS 217.055, KRS 217.065, KRS 217.175(1)(3), KRS 315.121(1)(j), KRS 315.121(2)(d)(e)(g)(h). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 05-0045. Pharmacist allegedly diverted controlled substances and was impaired. He has two felony convictions. One is unlawful dispensing and possessing with the intent to dispense controlled substance. The second is acquired and obtained possession of controlled substance by misrepresentation, fraud, forgery, deception and subterfuge. Alleged violations of law: KRS 315.12191(b), (2)(d), (2)(e); US Title 21:841(a)(1); US Title 21:843(a)(3). 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. 08-0051. Pharmacy permit holder allegedly has potential unsafe dispensing practices. Alleged violation of law: KRS 315.121(2)(j). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 08-0052A. Pharmacy permit holder allegedly committed a medication error by dispensing loratidine 10 mg, twice daily instead of the prescribed Claritin 5 mg, once daily. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: Case is dismissed.

Case No. 08-0052B. Pharmacist allegedly committed a medication error by dispensing loratidine 10 mg, twice daily instead of the prescribed Claritin 5 mg, once daily. 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. 08-0053. Pharmacist allegedly refused to fill a prescription for hydrocodone/APAP. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: Case is dismissed.

Case No. 08-0065. Pharmacist, through her attorney, voluntarily surrendered her pharmacist's license due to impairment. Alleged violations of law: KRS 315.121(1)(a)(c) and (2)(d)(e)(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.

Case No. 08-0066A. Special limited medical gas permit holder allegedly failed to have quarterly inspections performed by consultant pharmacist. Alleged violation of law: 201 KAR 2:225 Section 2(1)(b). 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. 08-0066B. Special limited medical gas consultant pharmacist allegedly failed to conduct quarterly inspections. Alleged violation of law: 201 KAR 2:225 Section 2(1)(b). 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. 08-0067A. Pharmacy permit holder failed to name a pharmacist-in-charge within 14 days. Alleged violation of law: 201 KAR 2:205 Section 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. 08-0067B. Pharmacist failed to report new pharmacist-in-charge within 14 days. Alleged violation of law: 201 KAR 2:205 Section 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. 08-0068. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. **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. 08-0069. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. **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. 08-0070. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. **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. 08-0080A. Special limited medical gas permit holder allegedly failed to have quarterly inspections performed by consultant pharmacist. Alleged violation of law: 201 KAR 2:225 Section 2(1)(b). **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. 08-0080B. Special limited medical gas permit consultant pharmacist allegedly failed to conduct quarterly inspections. Alleged violation of law: 201 KAR 2:225 Section 2(1)(b). **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. 08-0081. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violation of law: KRS 315.035. 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. 08-0082. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violation of law: KRS 315.035. 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. 08-0083. Special limited charitable pharmacy permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited charitable pharmacy. Alleged violation of law: KRS 315.035. 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. 08-0085. Pharmacist allegedly obtained prescription debit cards, falsified prescriptions and obtained over \$10,000 in remuneration from various manufacturers' rebate programs. It is further alleged that this pharmacist obtained at least two prescriptions for himself without the approval of any physician. Alleged violations of law: KRS 315.121(2)(e)(f)(g) and (h). 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. 08-0086. Pharmacy permit holder allegedly failed to renew pharmacy permit in a timely manner and continued to operate as a pharmacy. Alleged violations of law: KRS 315.035 (1) and (4). 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. 08-0087. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 08-0088. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 08-0089. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. 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. 08-0090. Special limited medical gas permit holder allegedly failed to renew permit in a timely manner and continued to operate as a special limited medical gas pharmacy. Alleged violations of law: KRS 315.035(1) and (4) and 201 KAR 2:225. 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. 08-0091. Pharmacy permit holder allegedly failed to have a pharmacist-in-charge in place. Alleged violations of law: KRS 315.020(1) and 201 KAR 2:205. 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.

RECIPROCITY/RELICENSURE/INTERNSHIP:

Kirk K. Smith. Mr. Smith requested reinstatement of his Kentucky pharmacist's license that lapsed in 1979. He does not have a current pharmacist's license in any state. He was convicted of a felony in 1988 and was sentenced to 36 months in a Federal prison. Dr.

Policastri moved to deny Kirk K. Smith's request for reinstatement of his Kentucky pharmacist's license. Ms. Simpson seconded, and the motion passed, three to one with one abstention. Dr. Policastri, Dr. Shely, and Ms. Simpson voted for the motion; Mr. Orzali voted against the motion; Ms. Thornbury abstained.

Diane H. Rhee. Dr. Rhee requested reinstatement of her Kentucky pharmacist's license that lapsed in 2005. Ms. Thornbury moved to allow reinstatement of Diane Rhee's Kentucky pharmacist's license once she has satisfied the continuing education requirements and paid the cumulative penalty and renewal fees per KRS 315.120 (2). Ms. Simpson seconded, and the motion passed unanimously.

Ryan McDearmon. Dr. McDearmon requested permission to take the pharmacist's licensure examination. Dr. McDearmon had answered yes to the question of having any charges involving moral turpitude or violation of pharmacy, liquor, or drug laws. Ms. Thornbury moved to allow Ryan McDearmon to take the pharmacist's licensure examination. Dr. Policastri seconded, and the motion passed unanimously.

Bill Hamilton. Mr. Hamilton requested reinstatement of his Kentucky pharmacist's license. Mr. Hamilton has made this request previously and was given specific criterion to meet before making the request again. Ms. Thornbury moved to deny Bill Hamilton's request for reinstatement of his Kentucky pharmacist's license until he provides the previously specified documentation. Ms. Simpson seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS:

Burgess Drug Store, Inc. Rick Rice of Burgess Drug Store, Inc. requested permission to use an alternative format for the daily log. The pharmacy will utilize a notebook which each pharmacist will sign on a daily basis. Mr. Orzali moved to allow the use of an alternative format for daily logs for Burgess Drug Store, Inc. Ms. Thornbury seconded, and the motion passed unanimously.

Central Baptist Hospital. Central Baptist Hospital requested Paul Lucas be dual pharmacist-in-charge for inpatient and outpatient pharmacies. Ms. Thornbury moved to allow Paul Lucas to be dual pharmacist-in-charge for Central Baptist Hospital In-patient and Central Baptist Hospital Out-patient pharmacies. Mr. Orzali seconded, and the motion passed unanimously.

Redbird Clinic Pharmacy. Rick Sloan, owner of Redbird Clinic Pharmacy, requested a waiver for the number of hours that the pharmacist-in-charge has to be in the pharmacy from ten hours a week to eight hours a week. Mr. Orzali moved to deny the request for the pharmacist-in-charge of Redbird Clinic Pharmacy to be present in the pharmacy only eight hours a week. Dr. Shely seconded, and the motion passed unanimously.

Sullivan University College of Pharmacy. Dr. Hieu Tran, Dean of the Sullivan University College of Pharmacy, requested permission for the College to purchase drugs for educational purposes. Mr. Orzali moved to allow Sullivan University College of

Pharmacy to purchase drugs for educational purposes. Ms. Thornbury seconded, and the motion passed unanimously.

NABP:

Florida has changed their reciprocity process to allow reciprocity into Florida for pharmacists licensed after June 26, 1979. NABP has acknowledged this change and concurs. Ms. Thornbury moved to allow Florida pharmacists licensed after June 26, 1979 to reciprocate into Kentucky. Dr. Policastri seconded, and the motion passed unanimously.

LEGISLATION/REGULATIONS.

Dr. Policastri moved to approve the Wholesale Distributor regulation amendment, 201 KAR 2:105, as presented and be filed before the September 15, 2008 deadline, with a public hearing scheduled for Thursday, October 30, 2008 at 9:00 a.m. at the Board office. Mr. Orzali seconded, and the motion passed unanimously.

CONTINUING EDUCATION:

Ms. Thornbury moved to accept the continuing education programs 08-37 through 08-46 as recommended. Dr. Policastri seconded, and the motion passed unanimously.

FYI:

On October 27, 2008 the Kentucky Association of Health Care Facility will host a meeting inviting discussion on a solution to the destruction of controlled substances from long term care facilities in Kentucky. Parties invited include representatives from the Governor's office, the Office of Inspector General, KPhA, DEA, Kentucky Board of Pharmacy, and Kentucky Department of Environmental Protection. Brad Hall, Executive Director of KPhA, will give an update from this meeting at the November 14, 2008 Board Meeting.

ADJOURNMENT: On motion by Ms. Thornbury, seconded by Dr. Policastri and passed unanimously, President Leake adjourned the meeting at 12:52 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on November 14, 2008 at the Downtown Marriott, Louisville, Kentucky.

Michael Burleson, R.Ph.
Executive Director