

**KENTUCKY BOARD OF PHARMACY**

**Board Meeting**

**University of Kentucky**

**College of Pharmacy**

**789 South Limestone**

**Lexington, Kentucky**

**September 14, 2011**

**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- \*A. July 13, 2011

**III. APPEARANCES**

- \*A. MTM Committee Report-Holly Divine and Steve Hart
  - 1. MTM Regulation: Special Pharmacy Permit-Clinical Pharmacy Practice
- \*B. Paul Michael Burchett-Reinstatement: 9:30 a.m.
- \*C. Evan Sykes: Reinstatement 11:15 a.m.

**IV. INTERAGENCY**

**V. BOARD REPORTS**

- A. Board Executive Director
  - \*1. eMARS (July and August FY 2012) and Financial Reports
  - \*2. Estimated Expenditures and Revenues FY 2012-13 & FY 2013-14
  - \*3. FY 2011 Federal Funds Report
  - \*4. Estimated Federal Expenditures and Revenues FY 2012-13 & FY 2013-14
  - \*5. Board Calendar 2012

**VI. CURRENT/PENDING CASES**

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

**VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS**

- \*A. Kenneth Willinger-Initial Pharmacist Licensure Exam approval

**VIII. CORRESPONDENCE/COMMUNICATION**

- \*A. Waiver for 201 KAR 2:090: Powers Pharmacy (P07458)

**IX. NABP**

**X. LEGISLATION/REGULATION**

**XI. CONTINUING EDUCATION**

- \*A. CE programs 11-20 to 11-33

**XII. FINES**

**XIII. OLD BUSINESS**

- \*A. Board Retreat Agenda
- B. Drop Box Update
- C. Continuity of Operation Plan
- \*D. Physician Dispensing Survey

**XIV. NEW BUSINESS**

- \*A. Kentucky Orthotic & Prosthetic Association

**XV. FYI**

- \*A. PA Dispensing Opinion from Attorney General

**\*Information enclosed with this agenda**

**\*\*Information previously provided**

**\*\*\*Old material with response**

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
University of Kentucky College of Pharmacy  
Lexington, Kentucky

**September 14, 2011**

**CALL TO ORDER:** A regular meeting of the Kentucky Board of Pharmacy was held at the University of Kentucky, College of Pharmacy, Lexington, Kentucky. President Hadley called the meeting to order at 9:04 a.m.

Members present: Larry Hadley, Deborah Brewer, Brian DeWire, Scott Greenwell, Cathy Hanna, and Joel Thornbury. Staff: Mike Burlison, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Katie Busroe, Chris Frasure, and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Bob McFalls and Lewis Wilkerson, Kentucky Pharmacists Association; Ralph Bouvette, APSC; Pete Orzali, Humana; Debra Harris, Walgreens; Megan Kappes, Meijer; Kim Morgan, Target; India Cartrian-Moore, Joseph Eiler, and Adam Neitzel, College of Pharmacy students; and University of Kentucky College of Pharmacy Professional Year 3 students. Staff member Brian Fingerson, Pharmacist Recovery Network, was absent. J. Leroux, Court Reporter, recorded the meeting.

Dean Tim Tracy welcomed the Board and students. President Hadley thanked the Dean and staff for hosting the Board meeting. President Hadley introduced himself and gave a brief overview of the Board. Each Board member introduced themselves, as did the Board attorney and Board staff.

**MINUTES:** On motion by Dr. Greenwell, seconded by Mr. Thornbury and passed unanimously, the Minutes of July 13, 2011 Board Meeting were approved with corrections.

Dr. Patricia Freeman was presented a clock in recognition of her service on the Advisory Council from 2005-2010.

**APPEARANCE:** **MTM Committee Report/Jill Rhodes and Steve Hart.** Members of the MTM Committee are Ann Albrecht, Holly Devine, Ashley Deusner, Cathy Hanna, Steve Hart, James Nash, Jill Rhodes, Catherine Shely and Amanda Ward. Dr. Rhodes, chair, stated that the committee met on August 30, 2011, and approved the changes suggested to the proposed regulation establishing a special pharmacy permit for pharmacists that are engaging in clinical pharmacy practice without dispensing medications. The proposed regulation with the changes was presented to the Board for approval. After discussion, Mr. Thornbury moved to send the proposed regulation back to the MTM Committee for further review and changes. Dr. Greenwell seconded, and the motion passed unanimously.

**Evan Sykes.** Dr. Sykes was sworn in by Ms. Leroux, Court Reporter. Dr. Sykes appeared before the Board asking for reinstatement of his Kentucky pharmacist's license. Dr. Sykes gave a brief overview of the events that lead to the loss of his license. Dr. Sykes was licensed as a pharmacist in Kentucky in July 1995. In 1997, Dr. Sykes began Osteopathic School in Pikeville but continued to work as a relief pharmacist. In 2001, Dr. Sykes began his Family Practice Residency. In 2003, Dr. Sykes was terminated from the Family Practice residency due to inappropriate prescribing of controlled substances to individuals who were not his patients and other violations of state and federal controlled substance laws such as prescribing controlled substances for no legitimate purposes and pre-writing controlled substance prescriptions. On March 16, 2005, Dr. Sykes signed an Agreed Order with the Kentucky Board of Pharmacy agreeing to a one year suspension that was probated for 5 years, with other stipulations. Dr. Sykes violated that Agreed Order. In November 2009, Dr. Sykes was arrested on an alcohol DUI charge in Fayette County. In January 2010, Dr. Sykes was admitted to Metro Atlanta Recovery Residences (MARR). On October 18, 2010, Dr. Sykes signed an Agreed Order of Surrender with the Kentucky Board of Pharmacy. Dr. Sykes is requesting reinstatement his Kentucky pharmacist's license so that he may reciprocate to Georgia. Dr. Sykes is working as a personal trainer in Atlanta, has a strong support system there and does not want to return to Kentucky at this time. He is interested in working some relief in Kentucky. After discussion, Mr. Thornbury moved to deny Dr. Sykes' request for reinstatement of his Kentucky pharmacist's license and stipulated that Dr. Sykes may not petition for reinstatement again for one year. Motion died due to lack of a second. President Hadley asked Board Counsel Lalonde if the Board could go into closed session. Ms. Lalonde stated no. President Hadley asked Board Counsel Lalonde if it was appropriate to ask Dr. Sykes to leave the room. Ms. Lalonde stated no. The Board took a 15 minute break. Upon reconvening, Mr. Thornbury recused himself.

After further discussion, Dr. Greenwell moved to reinstate Evan Sykes' Kentucky pharmacist's license with stipulations as follows: probation for lifetime; shall maintain a perpetual inventory at all places of employment for Schedule II drugs, with electronic tracking of Schedule III-V drugs and expired controlled substances, perpetual inventory shall be made available to the Board upon request and audits may be conducted; shall attend AA/NA meetings no less than 6 times per 2 week period or 12 meetings per calendar month, which shall include a minimum of 2 meetings per week; Board shall conduct quarterly inspections at all locations of employment or practice as a pharmacist for the first two years of probation, then semi-annually thereafter, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; continuing education requirements must be satisfied, renewal fees and any penalties must be paid, and a complete renewal application must be submitted; maximum hours of work: 25 hours/week with a maximum of 13 hours/day for the first 6 months of reinstatement then 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall only practice pharmacy in Kentucky; shall provide a copy of this Agreed Order to all employers and pharmacists-in-charge; shall sign an aftercare contract, to include drug counselor if indicated, with the Pharmacist Recovery Network Committee (PRNC) for the length of the Agreed Order; any violation of this Agreed Order or PRN contract shall be reported to the Board and PRNC Chair within 24 hours of violation; shall notify Board of change of home address, telephone number, and/or email within 7 days of change; shall provide to the Board and PRNC a signed release granting the Board and PRNC access to all written medical records and conversations regarding medical care; shall provide the Board and PRNC with written monthly

reports of all AA/NA meetings; shall agree to provide observed urine, other body fluid, or hair samples for drug/alcohol screens at the direction of PRNC, the Board or any other monitoring body; provide copies of any results of any screens ordered to the Board and PRNC; provide notification to PRNC Chair, Board and testing company of anything that may affect pharmacist's availability for screens prior to event, a missed screen shall be cause for reporting such to the Board, any positive screen that is a violation of the Agreed Order or PRN contract shall be communicated to the Board by the PRNC Chair within 24 hours, a report indicating a presumptive presence shall constitute a conclusive basis, without the necessity of a hearing, for a determination that pharmacist is not in compliance with the terms of this Agreed Order of Reinstatement; shall agree to abstain from any and all mood-altering chemicals, except as prescribed by pharmacist's physician and only after consultation with PRNC Chair; shall notify PRNC Chair in advance if any mood-altering and/or potentially addictive medications are required or recommended by pharmacist's physician; shall provide documentation to PRNC Chair of the need for the medication within 3 days; shall renew verification with PRNC Chair every 90 days if need for medication is ongoing; shall give up the right to self medicate with the exception of single entity OTC NSAIDS and acetaminophen; shall be excluded from accepting a position of pharmacist-in-charge, power of attorney, or preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; shall attend within 1 year of entry of this Agreed Order either the University of Utah School on Alcoholism and other Drug Dependencies, CAPTASA, or SE PRN meeting and shall provide a certificate of completion; shall provide monthly written self performance evaluations to the Board and PRNC Chair and shall make all appearances before the PRNC as requested, including an annual appearance closest to the anniversary date of reinstatement; shall not work at a pharmacy owned, in whole or in part, by him or another member of his family and shall not possess a key to a pharmacy owned, in whole or in part, by him or another member of his family; shall not be on the premises of any pharmacy owned, in whole or in part, by him or another member of his family; during probation shall have prior approval to own a new pharmacy, in whole or in part, by the Board or Board President; committing any act that results in violation of federal or state pharmacy or drug statute or regulation, may result in an emergency suspension of pharmacist's license, require an appearance before the Board, or result in a complaint against pharmacist's license with the Board imposing any applicable penalties; any violation of the Agreed Order of Reinstatement shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require individual to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination; and shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Dr. DeWire seconded, and the motion passed unanimously.

### **BOARD REPORTS:**

**Board Executive Director.** 1) EMars monthly report for July and August 2011 and a Financial Report Summary were presented to the Board. 2) Board was presented with a copy of the estimated expenditures and revenues for FY 2012-13 and FY 2013-14 3) Board was given a

copy of the FY 2011 Federal Funds Report. **4)** Board was given of copy of estimated Federal expenditures and revenues for FY 2012-13 and FY 2013-14. **5)** Dr. Greenwell moved to schedule the March 2012 Board Meeting on March 7, 2012, to avoid a conflict with the Annual APhA meeting. Mr. Thornbury seconded, and the motion passed unanimously. Mr. Thornbury moved to accept the 2012 proposed Board Meeting dates as follows: January 11, March 7 at Sullivan College of Pharmacy, May 9, July 11, September 12 at the University of Kentucky College of Pharmacy, November 2, and December 12, 2012, with the Board Retreat to be November 2 and 3, 2012. Dr. Greenwell seconded, and the motion passed unanimously. **6)** Mr. Burleson sent a letter to the Governor's office regarding pain clinics in Kentucky as directed at the July 2011 Board Meeting. There has been no response. Mr. Thornbury moved for the Board to become more actively involved in the prescription drug diversion issues. Dr. DeWire seconded, and the motion passed unanimously.

### **CURRENT/PENDING CASES:**

**Case Updates:** Mr. Thornbury moved to accept Case Updates for Case Numbers 10-0119B; 10-0152A; 10-0152B; 11-0014C; 11-0030A; 11-0031; 11-0038A and B; 11-0046; 11-0047A; 11-0047B; 11-0047C; 11-0056B; 11-0067B; and 11-0069 as written. Dr. Hanna seconded, and the motion passed unanimously.

**Case Review:** Mr. Thornbury moved to accept Case Review Committee recommendations for the following case reports. Dr. DeWire seconded, and the motion passed unanimously.

**Case No. 10-0128A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0128B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violations of law: KRS 315.121(1)(a) 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. 10-0128C.** Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0142A (REVISIT).** Pharmacy permit holder allegedly billed insurances for medication and did not fill the prescription in a timely manner. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0149A (REVISIT).** Medicinal gas permit holder allegedly changed ownership without properly filing the change of ownership application with the Board office. Alleged violation of law: KRS 315.035(5). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 10-0149B.** Pharmacist-in-charge allegedly did not ensure the proper filing of change of ownership form with the Board office. Alleged violation of law: 201 KAR 2:205 Section 2 (3)(e). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0059.** Wholesaler allegedly ceased operation January 2011 and failed to notify the Board office. Alleged violation of law: 201 KAR 2:106. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0065A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert controlled substances. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0065B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violations of law: KRS 315.121(1)(a) 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. 11-0065C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. Alleged violation of law: KRS 315.121(1)(a). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0074A.** Pharmacy permit holder allegedly changed ownership without properly notifying the Board office. Alleged violation of law: KRS 315.035(5). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0074B.** Pharmacist-in-charge allegedly did not provide in writing within 14 days of pharmacy ownership change to the Board Office. Alleged violation of law: 201 KAR 2:205 Section 2

(3)(e). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0077.** Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by failing a drug screen. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0080A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0080B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violations of law: KRS 315.121(1)(a) 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. 11-0080C.** Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. Alleged violation of law: KRS 315.121(1)(a). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0091A.** Pharmacy permit holder allegedly did not assure adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0091B.** Pharmacist-in-charge allegedly did not assure adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:100. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0091C.** Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.



**Case No. 11-0093 (REVISIT).** Pharmacist-in-charge allegedly did not provide notification in writing to the Board office within fourteen (14) calendar days of any change in the employment of the pharmacist-in-charge. Alleged violation of law: 201 KAR 2:205 Section 2(3)(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0097A.** Pharmacy permit holder allegedly deemed a drug misbranded by it bearing a label with an inaccurate statement of the quantity in terms of numerical count. Alleged violation of law: KRS 217.065(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0097B.** Pharmacist allegedly engaged in unprofessional and unethical conduct by engaging in conduct likely to deceive, defraud or harm the public by dispensing the incorrect quantity of a medication. Alleged violation 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.

**Case No. 11-0100A.** Pharmacy permit holder allegedly acted in an unprofessional and unethical manner by failing to provide proper drug use review. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0100B.** Pharmacist allegedly failed to provide proper drug use review and counseling to ensure proper utilization for optimum therapeutic outcome. Alleged violations of law: 201 KAR 2:210 Section 2(4)(b) and (c) and 201 KAR 2:210 Section 4 (3)(c) and (f). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0102.** Pharmacy technician allegedly acted in an unprofessional or unethical manner and violated his PRN agreement when he tested positive for amphetamine. Alleged violations law: KRS 315.121(1)(i) and (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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0105A.** Pharmacy permit holder allegedly incorrectly filled two new prescriptions of the four new prescriptions presented at the same time. The first error was dispensing Adderall XR 20 mg instead of Adderall 20 mg tablets that was written on the prescription. The second error was incorrectly labeling an Adderall 10 mg prescription as “take one tablet daily at 11:00 am” when the correct directions should have been “take one tablet daily at 3:30 pm”. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 11-0105B.** Pharmacist allegedly incorrectly filled two new prescriptions of the four new prescriptions presented at the same time. The first error was dispensing Adderall XR 20 mg instead of Adderall 20 mg tablets that was written on the prescription. The second error was incorrectly labeling an Adderall 10 mg prescription as “take one tablet daily at 11:00 am” when the correct directions should have been “take one tablet daily at 3:30 pm”. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 11-0107.** Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to properly transfer a controlled substance prescription resulting in the patient receiving more medication than was authorized by the prescriber. Alleged violations of law: KRS 315.121(2)(d)(f) and (g) and 201 KAR 2:165 Section 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0108A.** Pharmacy permit holder allegedly dispensed Cheratussin AC syrup for a prescription that should have been Acetaminophen with Codeine Elixir. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice

**Case No. 11-0108B.** Pharmacist allegedly committed a medication error by dispensing Cheratussin AC syrup for a prescription that should have been Acetaminophen with Codeine Elixir. Alleged violation of law: KRS 315.121(1)(a). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0113A (REVISIT).** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0113B (REVISIT).** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 5/17/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0116A (REVISIT).** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0116B (REVISIT).** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 1/12/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0118A (REVISIT)** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0118B (REVISIT).** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0118C (REVISIT).** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/18/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0125A (REVISIT).** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0125B (REVISIT).** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 5/17/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0126A (REVISIT).** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice

**Case No. 11-0126B (REVISIT).** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 11/26/2009 to 12/18/2009 and 3/31/2010 to 5/11/2011. Alleged violation of law: KRS 315.138(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice

**Case No. 11-0131.** Special limited medical gas permit allegedly moved without properly notifying the Board office. Alleged violations of law: KRS 315.035(5) and 201 KAR 2:225 Section 2(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0135.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by drinking alcohol while assisting in the practice of pharmacy. Alleged violation of law: KRS 315.121(1)(a). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0138A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0138B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:205(3)(b). CRC

Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0138C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0139.** Pharmacist self-reported that he allegedly completed only 6 of 15 required hours of continuing education in 2010. Alleged violation of law: 201 KAR 2:015(1)(a). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0141A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacist to divert controlled substances. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0141B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacist to divert controlled substances. Alleged violations of law: KRS 315.121(1)(a) and KRS 315.121 Section 2(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0141C.** Pharmacist allegedly diverted a controlled substance from the pharmacy of employment. Alleged violations of law: KRS 315.121(1)(a) 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0143A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0143B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2009 to 12/09/2009 and 3/31/2010 to 4/21/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0144A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0144B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 12/07/2009 to 3/29/2010 and 3/31/2010 to 4/03/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0145A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0145B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 4/14/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0146A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0146B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 4/26/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0146C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/30/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0147A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0147B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/1/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0148A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0148B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 12/24/2010 to 12/27/2010 and 3/31/2011 to 4/14/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0148C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 4/13/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0149A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0149B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 4/11/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0149C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 5/8/2010 to 10/6/2010 and 3/31/2011 to 4/19/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0149D.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 6/19/2010 to 10/21/2010 and 3/31/2011 to 4/21/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0150A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.



**Case No. 11-0150B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 2/1/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0151A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0151B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/15/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0152A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0152B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/1/2010 to 3/19/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0153A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0153B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/31/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0154A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0154B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 4/9/2010 and 3/31/2011 to 4/6/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0155A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0155B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 5/23/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0156A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0156B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 4/17/2011 to 5/4/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0157A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0157B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:205(3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0157C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0158A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0158B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/2/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0159A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0159B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/27/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0160A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0160B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/25/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0161A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0161B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 4/11/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0162A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0162B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/14/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0163A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0163B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 2/10/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0164A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a medication to be dispensed with incorrect directions. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0164B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public, which included dispensing a medication with incorrect directions. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0166A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0166B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 5/2/2011 to 8/17/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0167A.** Pharmacy permit holder allegedly had unprofessional and unethical activities occur in the pharmacy by the pharmacist-in-charge over a period of six months before identified by other staff personnel. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0167B.** Pharmacist allegedly filled a Percocet Rx for himself without first having obtained a written prescription. Additionally, it is alleged that this pharmacist forged and dispensed at least eight other non-controlled substance prescriptions for himself over a period of six months. These drugs included antibiotics, steroids, antiemetics and smoking cessation products. Alleged violations of law: KRS 315.121(2)(d)(e)(f)(g) and (j), KRS 218A.282(1) and KRS 218A.324. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0169A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0169B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 2/1/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0170A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0170B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 1/16/2010 to 3/30/2010 and 3/31/2011 to 5/7/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0171A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0171B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/31/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0172A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0172B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/16/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0173A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0173B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 2/21/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0174A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0174B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/17/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0175A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0175B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/11/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0176A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0176B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/25/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0176C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/30/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0177A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0177B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/30/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0178A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0178B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 5/31/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0179A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0179B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 4/25/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0180A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0180B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 5/20/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0181A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0181B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/25/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0182A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0182B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/31/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0183A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0183B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/31/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0184A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0184B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 2/2/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0185A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0185B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/19/2010 to 4/23/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0186A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0186B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 5/13/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0188A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0188B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs due to technician diversion. Alleged violation of law: 201 KAR 2:205(3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0188C.** Pharmacy technician allegedly stole approximately 4000 hydrocodone/APAP tablets. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0189A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0189B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/14/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0190A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0190B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 8/7/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0191A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0191B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/30/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0192A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0192B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/30/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0193A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0193B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 7/14/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0194A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0194B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2011 to 6/15/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0195A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0195B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2010 to 3/4/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0196A.** Pharmacy permit holder allegedly mislabeled a prescription with incorrect patient and veterinarian name after new prescription was taken by technician and reviewed via recording by a pharmacist. Alleged violations of law: 201 KAR 2:045 Section 2 (3)(a)(b)(2) and Section 3(1) and KRS 315.010. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0196B.** Pharmacist allegedly mislabeled a prescription with incorrect patient and veterinarian name after new prescription was taken by technician and reviewed via recording by a pharmacist. Alleged violations of law: 201 KAR 2:045 Section 2 (3)(a)(b)(2) and Section 3(1) and KRS 315.010. 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 10-0197A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violation of law: KRS 315.121(1)(a). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 10-0197B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert a controlled substance. Alleged violations of law: KRS 315.121(1)(a) 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. 10-0197C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting controlled substances. Alleged violation of law: KRS 315.121(1)(a). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0198A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0198B.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0198C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 2/1/2011 to 6/10/2011. Alleged violation of law: KRS 315.138(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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0199A.** Pharmacy allegedly sold a misbranded product since the quantity of tablets in the prescription vial was inconsistent with the quantity of tablets listed on the prescription label. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 11-0199B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error because the quantity of tablets in the prescription vial was inconsistent with the quantity of tablets listed on the prescription label. Alleged violations of law: KRS 315.121(1)(a) and (2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 11-0200.** Registered technician with restrictions violated the terms of Agreed Order 10-0073. Technician was to sign a PRN agreement as part of the terms of the Agreed Order that



was accepted by the Board on July 14, 2010, and he did not. Alleged violation of law: KRS 315.121(1)(i). 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/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 11-0201.** Registered technician with restrictions violated the terms of Agreed Order 11-0087. Technician has not been compliant with his PRN agreement. Technician has missed 14 calls to First Lab for potential lab screens and is behind in fee payment to PRN. Alleged violation of law: KRS 315.121(1)(i). 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/or, 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/PHARMACY TECHNICIANS:**

**Kenneth Willinger.** Dr. Willinger requested permission to sit for the initial pharmacist licensure examinations. Mr. Thornbury moved to allow Kenneth Willinger to sit for the initial pharmacist licensure examinations and if successful, be licensed with an Agreed Order modeled after his current KYPRN agreement but to include that any violation of the Agreed Order shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require him to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. The Agreed Order is to start on the date of licensure. Dr. Greenwell seconded, and the motion passed unanimously.

**Cecil David Matthews.** Dr. Matthews requested approval to sit for the Multistate Pharmacy Jurisprudence Examination (MPJE) to reciprocate his pharmacist's license to Kentucky. Dr. Greenwell moved to approve Cecil David Matthews to sit for the MPJE to reciprocate his pharmacist's license to Kentucky. Ms. Brewer seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant LH.** Dr. Greenwell moved to allowed LH to register as a new pharmacy technician without restriction. Mr. Thornbury seconded, and the motion passed unanimously.

#### **CORRESPONDENCE/COMMUNICATION:**

**David Powers/ Powers Pharmacy, Inc.** David Powers, pharmacist-in-charge of Powers Pharmacy, Inc. doing business as Boggs Pharmacy and Medical Supply, requested an exemption from 201 KAR 2:090 Section 2, for equipment. Mr. Thornbury moved to exempt Powers Pharmacy, Inc. doing business as Boggs Pharmacy and Medical Supply, from the equipment required per 201 KAR 2:090 Section 2. Dr. DeWire seconded, and the motion passed unanimously.

**CONTINUING EDUCATION:**

Dr. Greenwell moved to approve continuing education programs 11-20 through 11-23 and 11-25 through 11-33 as recommended and approve program 11-24 as requested for 1.25 continuing education units. Mr. Thornbury seconded, and the motion passed unanimously.

**OLD BUSINESS:**

**Agenda for Board Retreat.** Topics for the Board Retreat Agenda include, but may not be limited to Pill Mills, Continuing Professional Development, Specialty Pharmacies within Institutions, Prescription Consolidation for Non-controlled Substances in Relationship to Refills, and PBM Audits. President Hadley stated that the topics will be prioritized for discussion at the Retreat.

**PRN Contingency Plan.** The dropbox has been given to Commonwealth Office of Technology for approval.

**Continuity of Operation Plan.** Mr. Burleson and staff are developing the Board's continuity of operation plan.

**Physician Dispensing Survey.** The physician dispensing survey was distributed to the Board Members for informational purposes.

**NEW BUSINESS:**

**Kentucky Orthotic and Prosthetic Association.** The Kentucky Orthotic and Prosthetic Association is supporting a bill that would prohibit pharmacy technicians from performing certain functions associated with orthotics and prosthetics. The issue is that the Kentucky Board of Pharmacy controls the practice of pharmacy and, therefore, controls the supervision of technicians and interns, not the Kentucky Orthotic and Prosthetic Association. There are ongoing meetings trying to resolve this issue.

Dr. Greenwell would like the KYPRN, at its next meeting, to address how pharmacists are able to circumvent the system that is in place to monitor pharmacists in recovery.

**ADJOURNMENT:** On motion by Mr. Thornbury, seconded by Dr. Greenwell and passed unanimously, President Hadley adjourned the Board Meeting at 12:35 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on November 5, 2011, at the Marriott Griffin Gate, Lexington, Kentucky, with Retreat following adjournment.

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Michael Burleson, R.Ph.  
Executive Director