

KENTUCKY BOARD OF PHARMACY

Board Meeting

125 Holmes Street, Suite 300

Frankfort, KY 40601

December 12, 2012

9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

- *A. October 25, 2012 Special Called Board Meeting
- *B. November 2-3, 2012 Board Meeting/Retreat

III. APPEARANCES

- *A Kroger Pharmacy
- *B. Walgreen Pharmacy

IV. INTERAGENCY

V. BOARD REPORTS

- A. Board Executive Director
 - *1. eMARS (October 2012 for FY 2013) and Financial Reports
 - *2. Board Meeting Dates 2013
 - *3. FARB Meeting 2013 (Cheryl Lalonde)

VI. CURRENT/PENDING CASES

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

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- *A. Hootan Melamed: Reciprocity Request
- B. Pharmacy Technician Registration Summary

VIII. CORRESPONDENCE/COMMUNICATION

- *A. Vann Healthcare: Dual PIC
- *B. AmeriMed Inc. Waiver of Equipment
- *C. Pharmacy Specialists Compounding Pharmacy: Waiver of Pharmacy License

IX. NABP

X. LEGISLATION/REGULATION

- A. Update on Regulations 201 KAR 2:020; 030; 061; 205; 350; 040
- B. Update on Statutes
 - 1. HME
 - 2. Collaborative Care Agreement

XI. CONTINUING EDUCATION

- *A. CE Programs: 12-31 to 12-35

XII. FINES

XIII. OLD BUSINESS

A. PRN Contingency Plan

XIV. NEW BUSINESS

*A. Robert Kuhn: Licensure Transfer Requirement

XV. FYI

A. Expungement of Continuing Education Case

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY

State Office Building Annex
125 Holmes Street
Frankfort, KY 40601

December 12, 2012

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at State Office Building Annex, 125 Holmes Street, Frankfort, Kentucky. President Thornbury called the meeting to order at 9:14 a.m.

Members present: Joel Thornbury, Brian DeWire, Deborah Brewer, Scott Greenwell, Larry Hadley and Cathy Hanna. Staff: Mike Bureson, Executive Director; Steve Hart, Pharmacy Investigations and Inspections Coordinator; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General; Brian Fingerson, Pharmacist Recovery Network Committee; and Lisa Atha, Executive Secretary . Guests: Chris Killmeier, Al Carter, Chris Creamer, Ryan Schigler, and Debra Harris, Walgreens; Anne Policastri, KSHP; Ralph Bouvette, APSC; Jan Gould, Kentucky Retail Federation; Derrick Sturgill, Omnicare; Megan Kappes, Meijer; Amber Kayse and Brody White, Kroger; Michael Whittaker, PRN. Melanie Curtis, Court Reporter, recorded the meeting.

MINUTES: On motion by Dr. Hanna, seconded by Mr. Hadley and passed unanimously, the Minutes of October 25, 2012 Special Called Board Meeting and November 2-3, 2012 Board Meeting and Retreat were approved.

APPEARANCES: KROGER. Brody White and Amber Kayse, Subject Matter Experts for Kroger Pharmacy, appeared before the Board requesting approval of the Centers of Excellence model which includes remote pre-verification and drug utilization review (DUR). Currently Kroger has a non-dispensing pharmacy located in Hamilton, Ohio and licensed by the Ohio Board of Pharmacy called the Center of Excellence. A technician at the local Kroger pharmacy enters the prescription into the computer system, then an Ohio licensed pharmacist at the Center of Excellence verifies the prescription information entered such as patient, prescriber, drug name and strength, directions, quantity, refills, and date written and performs the DUR. The prescription is then sent back to the local pharmacy where that pharmacist verifies the product in the prescription vial. Dr. White and Dr. Kayse are requesting Kentucky Kroger pharmacies be allowed to have prescriptions pre-verified and DUR's performed at the Center of Excellence in Ohio by Kentucky licensed pharmacists. This proposal was presented at the November Board Meeting and tabled to give Board Members time to review. After discussion, Dr. Hanna stated she would like to view the practice at the Center of Excellence in Hamilton, Ohio. Mr. Hadley moved to authorize travel for each Board Member to travel to Hamilton, Ohio to the Kroger

Center of Excellence facility before the January 9, 2013 Board Meeting. Dr. Hanna seconded, and the motion passed unanimously. After Board Members have seen the operation of the facility the proposal will be discussed.

WALGREENS. Al Carter presented a Walgreen's pilot project for Walgreen's Well Experience. In this proposal, the pharmacist is at a stand adjacent to the filling area, available for patient consultation, this pharmacist performs DUR's, clinical checks and virtual verification of the product. The order entry and telephone calls are handled off site at a centralized facility currently located in Arizona and Florida. After discussion, President Thornbury referred the issues of segregation of supervision of technicians and allowance of pilot projects to the Advisory Council. Dr. Greenwell moved to allow Board Members, if afforded the opportunity, the ability to visit a Walgreen's Wellness Experience facility and to make arrangements with Mr. Burleson who will work with Dr. Carter. Dr. Hanna seconded, and the motion passed unanimously.

INTERAGENCY: Dr. Policastri, KSHP, thanked the Board for allowing participation in the process of updating the hospital regulation, 201 KAR 2:074.

Mr. Burleson is working with the Drug Enforcement and Professional Practices Branch in ensuring pharmacies are reporting the correct data to KASPER and registering pharmacists with KASPER accounts.

Mr. Thornbury stated the Board staff is working with the state Environmental Protection Agency regarding hazardous waste disposal from pharmacies.

BOARD REPORTS:

Board Executive Director. 1) EMars monthly report for October FY 2012 and a Financial Report Summary were presented to the Board. 2) Dr. Greenwell moved to set the Board Meeting dates for 2013 as follows: March 27 at the Board office, May 8 location to be determined, July 10 location to be determined, September 11 at the University of Kentucky College of Pharmacy, November 1 and 2 with a Board Retreat at a location to be determined, and December 18 at the Board office. Ms. Brewer seconded, and the motion passed unanimously. 3) Mr. Hadley moved to approve travel for Ms. Lalonde to attend the Federation of Regulatory Boards Annual Forum in San Diego, January 25 through 27, 2013. Ms. Brewer seconded, and the motion passed unanimously.

CURRENT/PENDING CASES:

Case Updates: Mr. Hadley moved to accept Case Updates for Case Numbers: 08-0570B; 11-0142E; 11-0187; 12-0031B; 12-0164; 12-0175B; 12-0180; 12-0181A; 12-0181B; 12-0182A; 12-0182B; 12-0183B; 12-0186A; 12-0186B; 12-0188A; 12-0188B; 12-0189A; 12-0189B; 12-0190B; 12-0192A; 12-0195A; 12-0196A; 12-0198B; 12-0200A; 12-0201A; 12-202A as written. Dr. Hanna seconded, and the motion passed unanimously.

Case Review: President Thornbury recused himself and turned the meeting over to Vice President DeWire. Dr. Hanna moved to accept Case 12-0040 A, B, C, D, E and F as recommended. Dr. Greenwell seconded, and the motion passed unanimously.

Case No. 12-0040A. REVISIT II. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by being owned by a pharmacist who allegedly engaged in unprofessional or unethical conduct by selling drugs found in illegal traffic when the pharmacist knows or should have known of their intended use in illegal activities; selling and ingesting a drug for which a prescription drug order is required without having first received a prescription drug order for the drug; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules or administrative regulations; obtaining any remuneration by fraud, misrepresentation, or deception; and failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. 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. 12-0040B. REVISIT II. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling drugs found in illegal traffic when the pharmacist knows or should have known of their intended use in illegal activities; selling and ingesting a drug for which a prescription drug order is required without having first received a prescription drug order for the drug; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules or administrative regulations; obtaining any remuneration by fraud, misrepresentation, or deception; and failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged violations of law: KRS 315.121(1)(a) & (b), (2)(c), (f), (g), (h) and (j). **CRC Recommendation:** Case is dismissed.

Case No. 12-0040C. REVISIT II. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by knowing or having reason to know a pharmacist is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board; knowing or having reason to know that a pharmacist or pharmacy technician has engaged in or aided and abetted the unlawful distribution of legend medications, and failing to report any relevant information to the board; selling drugs found in illegal traffic when pharmacy technician knows or should have known of their intended use in illegal activities; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations; and obtaining any remuneration by fraud, misrepresentation, or deception. Alleged violations of law: KRS 315.121(1)(a),(d) and (j), (2)(c), (g) and (h). **CRC Recommendation:** There is sufficient evidence of a

violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 12-0040D. REVISIT II. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by knowing or having reason to know a pharmacist is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board; knowing or having reason to know that a pharmacist or pharmacy technician has engaged in or aided and abetted the unlawful distribution of legend medications, and failing to report any relevant information to the board; selling drugs found in illegal traffic when pharmacy technician knows or should have known of their intended use in illegal activities; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations; and obtaining any remuneration by fraud, misrepresentation, or deception. Alleged violations of law: KRS 315.121(1)(a),(d) and (j), (2)(c), (g) and (h). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 12-0040E. REVISIT II. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by knowing or having reason to know a pharmacist is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board; knowing or having reason to know that a pharmacist or pharmacy technician has engaged in or aided and abetted the unlawful distribution of legend medications, and failing to report any relevant information to the board; selling drugs found in illegal traffic when pharmacy technician knows or should have known of their intended use in illegal activities; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations; and obtaining any remuneration by fraud, misrepresentation, or deception. Alleged violations of law: KRS 315.121(1)(a),(d) and (j), (2)(c), (g) and (h). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 12-0040F. REVISIT II. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by knowing or having reason to know a pharmacist is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board; knowing

or having reason to know that a pharmacist or pharmacy technician has engaged in or aided and abetted the unlawful distribution of legend medications, and failing to report any relevant information to the board; selling drugs found in illegal traffic when pharmacy technician knows or should have known of their intended use in illegal activities; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations; and obtaining any remuneration by fraud, misrepresentation, or deception. Alleged violations of law: KRS 315.121(1)(a),(d) and (j), (2)(c), (g) and (h). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

President Thornbury returned to preside over the meeting.

Dr. Greenwell moved to combine Case 12-0225 A and B, making both 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. Mr. Hadley seconded, and the motion passed unanimously.

Mr. Hadley moved to accept Case Review, as amended. Dr. Greenwell seconded, and the motion passed unanimously.

Case No. 10-0094A. Pharmacy permit holder had its DEA Registration suspended immediately by the Drug Enforcement Administration, Under 21 U.S.C. 824 (d) this pharmacy's continued registration would constitute an imminent danger to public health. Alleged violations of law: KRS 315.121(1)(a) and (d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0094B. Pharmacy permit holder had its DEA Registration suspended immediately by the Drug Enforcement Administration, Under 21 U.S.C. 824 (d) this pharmacy's continued registration would constitute an imminent danger to public health. Alleged violations of law: KRS 315.121(1)(a) and (d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 10-0094C. Pharmacist and pharmacy owner had the pharmacy's DEA Registration suspended immediately by the Drug Enforcement Administration, under 21 U.S.C. 824 (d) this pharmacy's continued registration would constitute an imminent danger to public health. Alleged violations of law: KRS 315.121(1)(a) and (d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 10-0094D. Pharmacist and pharmacy owner had the pharmacy's DEA Registration suspended immediately by the Drug Enforcement Administration, Under 21 U.S.C. 824 (d) this

pharmacy's continued registration would constitute an imminent danger to public health. Alleged violations of law: KRS 315.121(1)(a) and (d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 11-0032A. REVISIT. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct. 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. 11-0032B. REVISIT. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct. 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. 11-0032C. Pharmacist allegedly engaged in unethical or unprofessional conduct by selling, transferring or otherwise disposing of accessories, chemicals, drugs or devices found in illegal traffic when the pharmacist, pharmacy intern, or pharmacy technician knows or should have known of their intended use in illegal activities. Pharmacist surrendered his pharmacist license and entered a residential rehabilitation program. He was discharged a couple of days before Thanksgiving, but has not yet contacted Mr. Fingerson to sign a PRN agreement. Alleged violations of law: KRS 315.121(2) (c)(d)(f) and (j). 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. 10-0032D. Pharmacist allegedly engaged in unethical or unprofessional conduct by selling, transferring or otherwise disposing of accessories, chemicals, drugs or devices found in illegal traffic when the pharmacist, pharmacy intern, or pharmacy technician knows or should have known of their intended use in illegal activities. Alleged violations of law: KRS 315.121(2) (c)(d)(f) and (j). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 12-0121A. REVISIT. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a medication error, allegedly a prescription refill was filled with the wrong medication. 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. 12-0121B. REVISIT. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public, by dispensing the wrong medication to a patient. 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. 12-0204A. REVISIT. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0204B. REVISIT. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205C. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205D. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205E. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205F. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0205G. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. Alleged violation of law: 315.121(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. 12-0207A. REVISIT. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0207B. REVISIT. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-208A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient allegedly received 55 of the 60 tablets of hydrocodone/acetaminophen 7.5mg/500mg prescribed by the physician. 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. 12-0208B. Pharmacist allegedly dispensed a misbranded product as the result of a medication error. Patient allegedly received 55 of the 60 tablets of hydrocodone/acetaminophen 7.5mg/500mg prescribed by the physician. 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. 12-0209A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0209B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0209C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. Alleged violation of law: 315.121(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. 12-0210A. Pharmacy allegedly engaged in unprofessional or unethical conduct by transferring a patient's prescription from another pharmacy without the patient's consent. 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. 12-0210B. Pharmacist allegedly engaged in unprofessional or unethical conduct by transferring a patient's prescription from another pharmacy without the patient's consent. 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. 12-0211A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0211B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0211C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted a controlled substance from the pharmacy of employment. Alleged violation of law: KRS 315.121(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. 12-0219. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by using a physician's name as the prescriber on a prescription when the physician did not write the prescription. 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. 12-0223A. Special pharmacy permit holder for medical gasses allegedly closed the facility without notifying the Kentucky Board of Pharmacy 15 days in advance of closure. Alleged violation of law: 201 KAR 2:106 Section 2 (2)(c). 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. 12-0223B. Pharmacist-in-charge allegedly did not notify the Kentucky Board of Pharmacy of a closure of the medical gas facility. 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. 12-0225A and B. Pharmacy permit holder and pharmacist-in-charge allegedly engaged in or aided and abetted the unlawful distribution legend medications. Alleged violation of law: KRS 315.121(1)(j). 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. 12-0225C. Pharmacy technician allegedly stole approximately 30,000 hydrocodone/ APAP tablets between 4/2012 and 10/2012. Alleged violation of law: KRS 315.121(2)(f)(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. 12-0226A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a medication to be dispensed to the wrong patient. 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. 12-0226B. Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing the wrong medication to the wrong patient and by engaging in conduct likely to harm the public. Alleged violations of law: KRS 315.121(1)(a) and (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. 12-0227A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing patient to receive a refill medication with directions that were no longer to be followed. 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. 12-0227B. Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing patient to receive a refill medication with directions that were no longer to be followed. Alleged violation of law: 201 KAR 2:210 Section 4. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 12-0229A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by selling pseudoephedrine without using Meth Check. 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. 12-0229B. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling pseudoephedrine without using Meth Check. 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. 12-0231A. Pharmacy permit holder allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0231B. Pharmacist-in-charge allegedly did not provide adequate security and control of a controlled medication. Pharmacy permit holder allegedly allowed a pharmacy technician to divert a controlled substance from the pharmacy of employment. 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. 12-0231C. 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. 12-0232. Pharmacist allegedly failed to complete 1.5 continuing education units for 2011. Pharmacist allegedly completed only .75 continuing education units. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 12-0233. Home medical equipment and services provider allegedly changed locations without proper notification to the Board Office. Alleged violations of law: KRS 215.514(1) and 201 KAR 2:350 Section 3(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. 12-0234. Pharmacist allegedly failed to complete 1.5 continuing education units for 2011. Pharmacist allegedly completed only 1.2 continuing education units. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 12-0237A. 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. 12-0237B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 8/22/12. 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. 12-0238A. 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. 12-0238B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/12 to 5/3/12. 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. 12-0239A. 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. 12-0239B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/12 to 6/18/12. 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. 12-0240A. 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. 12-0240B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/21/12 to 9/13/12. 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. 12-0241A. 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. 12-0241B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/14/12 to 10/5/12. 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. 12-0242A. 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. 12-0242B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/13/12 to 9/18/12. 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. 12-0243A. 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. 12-0243B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/22/12 to 10/1/12. 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. 12-0244A. 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. 12-0244B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/13/12 to 9/05/12. 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. 12-0245A. 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. 12-0245B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 1/14/12 to 2/23/12. 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. 12-0246A. 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. 12-0246B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 6/11/12 to 6/28/12. 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. 12-0247A. 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. 12-0247B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 5/2/12 to 5/11/12. 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. 12-0249A. 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. 12-0249B. Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 10/8/12 to 11/13/12. 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. 12-0252. Pharmacist allegedly failed to complete 1.5 continuing education units for 2011. Pharmacist allegedly completed only 1.2 continuing education units. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if

unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

RECIPROCITY/RELICENSE/INTERNSHIP/PHARMACY TECHNICANS

Hootan Melamed. Hootan Melamed submitted a pharmacist's application for reciprocity. Dr. Melamed had disciplinary action as an intern. Dr. Greenwell moved to approve Hootan Melamed's request to reciprocate his pharmacist's license to Kentucky. Mr. Hadley seconded, and the motion passed unanimously.

Pharmacy Technician Registration Summary. No summary was provided due to technical difficulties.

CORRESPONDENCE/COMMUNICATION:

Vann Healthcare. Vann Healthcare requested that William Gravely be pharmacist-in-charge for both Van Healthcare Services and Medical Arts Pharmacy. Dr. Greenwell moved to allow William Gravely be pharmacist-in-charge for both Van Healthcare Services and Medical Arts Pharmacy. Dr. Hanna seconded, and the motion passed unanimously.

AmeriMed, Inc. AmeriMed Inc. requested an equipment waiver. Dr. Greenwell moved to approve AmeriMed, Inc.'s request for an equipment waiver. Dr. Hanna seconded, and the motion passed unanimously.

Pharmacy Specialists Compounding Pharmacy. Pharmacy Specialists Compounding Pharmacy requested a waiver of an out of state pharmacy permit. Dr. Greenwell moved to deny the request for a waiver of an out of state pharmacy permit for Pharmacy Specialist Compounding Pharmacy. Dr. Hanna seconded, and the motion passed unanimously.

LEGISLATION/REGULATION:

Regulations 201 KAR 2:020; 030; 061; 205; 350; 040 will go before the Administrative Review Subcommittee on December 17, 2012 and if accepted will be presented before the House and Senate Committees for final approval in January 2013.

HME Statute. Stakeholders are working with staff to clean up the HME statute.

Collaborative Care Agreement Statute. After discussion with the pharmacy profession it was decided the Collaborative Care Agreement statute needs to be vetted throughout the professional community over the next year with plans to bring it before the Legislature in 2014.

Compounding. President Thornbury plans to have a meeting in January 2013 with compounders, hospital pharmacists and any interested party regarding compounding in Kentucky.

201 KAR 2:074. Discussion of 201 KAR 2:074, pharmacy services in hospitals or other organized health care facilities, was tabled until the January 2013 Board Meeting.

CONTINUING EDUCATION: Dr. Greenwell moved to approve continuing education programs 12-31 through 12-35 as amended, granting program 12-32 the requested 3.27 continuing education units. Dr. DeWire seconded, and the motion passed unanimously.

OLD BUSINESS: Pharmacist Recovery Network Contingency Plan. Ms. Brewer moved to accept the contingency plan as amended, with the Board President having the password and the Executive Director having the data and changing “emailing” the data to “electronically secure transmission” of data. Dr. Hanna seconded, and the motion passed unanimously.

NEW BUSINESS: Robert Kuhn: Licensure Transfer Requirements. President Thornbury tabled this discussion until the January 2013 Board Meeting.

FYI: Expungement. There was one Agreed Order for a continuing education violation that met criteria for expungement.

ADJOURNMENT: On motion by Dr. Greenwell, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the Board Meeting at 11:55 a.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on January 9, 2013 at the Board Office, Frankfort, Kentucky.

Michael Burleson, R.Ph.
Executive Director