

**KENTUCKY BOARD OF PHARMACY**

**Board Meeting**

**State Office Building Annex**

**125 Holmes Street, Suite 300**

**Frankfort KY 40601**

**January 11, 2012**

**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. ELECTION OF OFFICERS FOR 2012**

**III. MINUTES**

\*A. December 14, 2011

**IV. APPEARANCES**

*A. Paul Michael Burchett-Reinstatement:	9:15 a.m.
*B. Roy DePiero-Reinstatement	9:45 a.m.
*C. Bill Hewlett, R.Ph.-DME Providers	10:15 a.m.

**V. INTERAGENCY**

**VI. BOARD REPORTS**

A. Board Executive Director

- \*1. eMARS (November and December 2011 FY 2012) and Financial Reports
- 2. Travel
  - a. NABP Annual Meeting May 2012

**VII. CURRENT/PENDING CASES**

A. OAG-Cheryl Lalonde

- \*B. Case Update
- \*C. Case Review

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

A. Pharmacy Technician Summary

**IX. CORRESPONDENCE/COMMUNICATION**

**X. NABP**

**XI. LEGISLATION/REGULATION**

**XII. CONTINUING EDUCATION**

\*A. CE Programs: 12-01 to 12-02

**XIII. FINES**

**XIV. OLD BUSINESS**

A. Brian Fingerson-Follow up to Dr. Ferguson phone conference

**XV. NEW BUSINESS**

**XVI. FYI**

1. Expunged one Continuing Education violation

**\*Information enclosed with this agenda**

**\*\*Information in addendum**

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**

State Office Building Annex  
125 Holmes Street  
Frankfort, KY 40601

**January 11, 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 Hadley called the meeting to order at 9:13 a.m.

Members present: Larry Hadley, Deborah Brewer, Brian DeWire, Scott Greenwell, Cathy Hanna, and Joel Thornbury. Staff: Mike Burlison, Executive Director; Shannon Allen, Katie Busroe, Chris Frasure and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General and Board Counsel; Lisa Atha, Executive Secretary; and Brian Fingerson, Pharmacist Recovery Network Committee. Guests: Bob McFalls, Kentucky Pharmacists Association; Chris Killmeier, Walgreens; Bill Hewlett, Teresa Camfield, Tammy Johnson and Wayne Knewasser, Kentucky Medical Equipment Supplies Association (KMESA); Mike Burchett; Joe Long; Ray DePiero; and Shawn Baird, Courtney Reite, Lauren Grant, Saran Desoky, Eric Volpenhein, Anita Sakal-Davidson, and Whitney Ballard, College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting. Steve Hart, Pharmacy Inspections and Investigations Coordinator, was not present.

The Board held elections for 2012 officers. Dr. Hanna nominated Dr. Greenwell for President; Ms. Brewer nominated Mr. Thornbury. Vote was taken by secret ballot, Mr. Thornbury was elected President.

Dr. Hanna nominated Dr. Greenwell for Vice President; Ms. Brewer nominated Dr. DeWire. Vote was taken by secret ballot, Dr. DeWire was elected Vice President.

Mr. Thornbury presented Mr. Hadley with a plaque and past president's pin.

At this time, President Thornbury began presiding over the Board meeting.

**MINUTES:** On motion by Dr. DeWire, seconded by Dr. Hanna and passed unanimously, the Minutes of December 14, 2011 Board Meeting were approved as written.

**APPEARANCE:** **Paul Michael Burchett.** Paul Michael Burchett was sworn in by Melanie Curtis, Court Reporter. Dr. Burchett was appearing to request reinstatement of his Kentucky pharmacist's license. Dr. Burchett gave a brief overview of the events that lead to the loss of his pharmacist's license. Dr. Burchett had his first drink at age 14 and first smoked marijuana at

about age 17. Dr. Burchett took his first non-prescribed prescription drug while he was in college. He graduated from college and began a career as a high school biology teacher. After graduation, he stopped smoking marijuana and drinking. In 2005, he started pharmacy school and began drinking again. He became a Kentucky licensed pharmacist in September 2008. At his first position as a pharmacist, he began taking non-prescribed prescription drugs again. After about a year, he changed positions. In February 2010, Dr. Burchett contacted Brian Fingerson, KYPRN, admitting his addiction. Later that month, Dr. Burchett entered in QuestHouse. Dr. Burchett completed 6 months of documented sobriety in August 2010.

After discussion, Mr. Hadley moved to reinstate Paul Michael Burchett's Kentucky pharmacist's license with stipulations as follows: probation for 5 years; 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 for the next 3 years, 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: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; 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. Ms. Brewer seconded, and the motion passed 4 to 1 with Mr. Hadley, Ms. Brewer, Dr. Greenwell and Dr. Hanna voting for the motion and Dr. DeWire voting against the motion.

**Ray DePiero.** Ray DePiero was sworn in by Melanie Curtis, Court Reporter. Mr. DePiero was appearing to request reinstatement of his Kentucky pharmacist's license. Mr. DePiero gave a brief overview of the events that lead to the loss of his pharmacist's license. Mr. DePiero began drinking alcohol in high school. Mr. DePiero became a licensed pharmacist in 1980 and a Kentucky licensed pharmacist in June 2003. Mr. DePiero continued to drink socially and on weekends. About 2006, his drinking became more problematic. In 2008, Mr. DePiero began using prescription drugs occasionally, but his drug of choice was alcohol. On April 10, 2011, Mr. DePiero drank two shots of vodka and started driving to work. On the way, he wrecked his vehicle. Mr. DePiero was arrested for Driving Under the Influence and in addition had prescription medications and marijuana on his person. He contacted Brian Fingerson, KYPRN, on April 11, 2011 and entered QuestHouse on April 20, 2011. On May 20, 2011, Mr. DePiero pled guilty to Driving Under the Influence and a misdemeanor contraband charge.

After discussion, Mr. Hadley moved to reinstate Ray DePiero's Kentucky pharmacist's license with stipulations as follows: probation for 5 years; 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 for the next 3 years, 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: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; 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. Hanna seconded, and the motion passed 4 to 1 with Mr. Hadley, Dr. Hanna, Ms. Brewer and Dr. DeWire voting for the motion and Dr. Greenwell voting against the motion.

**Bill Hewlett.** Mr. Hewlett appeared representing the Kentucky Medical Equipment Suppliers Association (KMESA). Mr. Hewlett was present with Teresa Camfield, Tammy Johnson and Wayne Knewasser. Mr. Hewlett presented proposed changes to KRS 315 which would give the Board of Pharmacy oversight of Durable Medical Equipment (DME) providers by permitting these facilities. Mr. Hewlett, on behalf of KMESA, was seeking support from the Board of Pharmacy for the legislative changes to KRS 315. Dr. DeWire moved to accept the proposal for the Board of Pharmacy to become the licensing and oversight agency for the DME providers. Mr. Hadley seconded and the motion passed 4 to 1 with Dr. DeWire, Mr. Hadley, Ms. Brewer and Dr. Hanna voting for the motion and Dr. Greenwell voting against the motion.

### **INTERAGENCY**

Mr. Burlson informed the Board there is a pharmacist consultant position open with the Office of Inspector General with the Drug Enforcement and Professional Practices Branch.

Mr. Burlson informed the Board that William Schmidt, Executive Director of the Kentucky Board of Medical Licensure, retired and Mike Rodman is the new Executive Director.

Bob McFalls, Executive Director KPhA, announced that Kelly Whitaker, a Kentucky licensed pharmacist, was running for State Representative from the Western part of Kentucky. He voiced a concern of pharmacists around the state that because of the inordinate amount of time spent administratively handling the Managed Care Organizations, patient care is being affected and pharmacists are burdened. Mr. McFalls said that KPhA would be taking award nominations soon and nominations for KPhA Board of Directors. There will be a membership push for the Association in the coming months. The KPhA Annual Meeting will be June 13-16, 2012 at the Marriott Griffin Gate in Lexington.

### **BOARD REPORTS:**

**Board Executive Director.** 1). EMars monthly report for November and December FY 2012 and a Financial Report Summary were presented to the Board. 2). Mr. Hadley moved to allow all Board Members to travel to NABP Annual meeting in Philadelphia, PA, May 18-23, 2012, using Board funds and all staff travel on educational funds from the Federal monies. Dr. Hanna seconded, and the motion passed unanimously.

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

**Case Updates:** Dr. DeWire moved to accept Case Updates for Case Numbers: Case No. 11-0075A; 11-0143A; 11-0152B; 11-0158A; 11-0167; 11-0175A; 11-0177A; 11-0182A; 11-0183A; 11-0186A; 11-0193A; 11-0193B; 11-0198B; 11-0205C; 11-0206B; 11-0230A; 11-0231A; 11-0231B; and 11-0232 as written. Dr. Hanna seconded, and the motion passed unanimously.

**Case Review:** Dr. Hanna moved to accept Case Review as presented. Dr. DeWire seconded, and the motion passed unanimously.

**Case No. 11-0027A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to allegedly diverted controlled substances 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. 11-0027B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician allegedly diverted controlled substances 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. 11-0027C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly diverted controlled substances from the pharmacy of employment. 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. 11-0094. REVISIT.** Out of state pharmacy failed to have a Kentucky licensed pharmacist-in-charge reported to the Board within 14 days. Board office received an email that stated an out of state pharmacy may be shipping controlled substances into Kentucky without a Kentucky licensed pharmacist-in-charge. Alleged violations of law: KRS 315.0351(2)(7) and 201 KAR 2:205. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0140.** Pharmacy technician allegedly acted in an unprofessional or unethical manner by accepting a controlled substance from a patient of the technician's 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. 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 3/31/10 to 3/31/11. 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. REVISIT.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. **NEW INFORMATION:** Technician was in compliance. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: Case is dismissed.

**Case No. 11-0162B. REVISIT.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/14/11. **NEW INFORMATION:** Technician was in compliance. Alleged violation of law: KRS 315.138(1). CRC Recommendation: Case is dismissed.

**Case No. 11-0169A. REVISIT.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. **NEW INFORMATION:** Technician was working in a different capacity during lapsed period. Pharmacy technician registration was renewed at the request of management in case emergency pharmacy coverage is needed. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: Case is dismissed.

**Case No. 11-0169B. REVISIT.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/14/11. **NEW INFORMATION:** Technician was working in a different capacity during lapsed period. Pharmacy technician registration was renewed at the request of management in case emergency pharmacy coverage is needed. Alleged violation of law: KRS 315.138(1). CRC Recommendation: Case is dismissed.

**Case No. 11-0182A. REVISIT.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. **NEW INFORMATION:** Technician was a front end manager on 3<sup>rd</sup> shift and was not acting in the capacity of technician during the timeframe in question, and is no longer employed with the company. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: Case is dismissed.

**Case No. 11-0182B. REVISIT.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/14/11. **NEW INFORMATION:** Technician was a front end manager on 3<sup>rd</sup> shift and was not acting in the capacity of technician during the timeframe in question, and is no longer employed with the company. Alleged violation of law: KRS 315.138(1). CRC Recommendation: Case is dismissed.

**Case No. 11-0184A. REVISIT.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. **NEW INFORMATION:** Technician was working in a different capacity during lapsed period. Pharmacy technician registration was renewed at the request of management in case emergency pharmacy coverage is needed. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: Case is dismissed.

**Case No. 11-0184B. REVISIT.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 3/14/11. **NEW INFORMATION:** Technician was working in a different capacity during lapsed period. Pharmacy technician registration was renewed at the request of management in case emergency pharmacy coverage is needed. Alleged violation of law: KRS 315.138(1). CRC Recommendation: Case is dismissed

**Case No. 11-0203A.** Pharmacy permit holder allegedly did not assure adequate security and control of drugs due to a 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. 11-0203B.** Pharmacist-in-charge allegedly did not assure adequate security and control of drugs due to a 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. 11-0203C.** 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. 11-0209A.** 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. 11-209B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging to unauthorized persons patient information without the patient's express consent or without order or direction of the court and by engaging in conduct likely to harm the public. Alleged violations of law: KRS 315.121(2)(b) and (d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0210.** Pharmacy permit holder allegedly participated in wholesale distribution to an unpermitted entity. 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. 11-0222A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a pharmacy technician to divert 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. 11-0222B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by allowing pharmacy technician to allegedly divert 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. 11-0222C.** 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(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. 11-0233A.** Pharmacy permit holder allegedly engaged in unprofessional and unethical conduct by knowing or having reason to know that a pharmacist has engaged in or aided and abetted the unlawful distribution of legend medications. Employee pharmacist allegedly engaged in conduct likely to harm the public, demonstrating a willful and careless disregard for the health, welfare or safety of a patient by filling control substances in an untimely manner. Pharmacist allegedly engaged in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist and by engaging in grossly negligent professional conduct by filing control substance medications in an untimely manner. Pharmacist allegedly did not perform Drug Use Review for proper utilization for optimum therapeutic outcome or clinical misuse or abuse. Alleged violations of law: KRS 315.121(1)(a) and (j). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0233B.** Pharmacist-in-charge allegedly engaged in unprofessional and unethical conduct by engaging in conduct likely to harm the public, demonstrating a willful and careless disregard for the health, welfare or safety of a patient by filling control substances in an untimely manner. Pharmacist allegedly engaged in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist and by engaging in grossly negligent professional conduct by filing control substance medications in an untimely manner. Pharmacist allegedly did not perform Drug Use Review for proper utilization for optimum therapeutic outcome or clinical misuse or abuse. Alleged violations of law: KRS 315.121(2)(d)(e) and 201 KAR 2:210. 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. 11-0239A.** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. A prescription written for Vancomycin 125mg capsules to take 2 capsules every 6 hours was dispensed with Vancomycin 125mg to take 1 capsule every 6 hours. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 11-0239B.** Pharmacist allegedly dispensed a misbranded product as the result of a medication error. The pharmacist dispensed a prescription written for Vancomycin 125mg capsules to take 2 capsules every 6 hours was dispensed with Vancomycin 125mg to take 1 capsule every 6 hours. 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. 11-0240.** Pharmacist allegedly engaged in unprofessional or unethical conduct and has mental or physical incapacity that prevents the licensee from engaging or assisting in the practice of pharmacy due to failing a drug test. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, dispensing, and ingesting a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug. Alleged violations of law: KRS 315.121(1)(b) and (2)(f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 11-0241.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct. Pharmacy technician allegedly failed a random drug test conducted by her employer and tested positive for cannabinoids. 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. 11-0247.** Wholesaler permit holder allegedly closed without informing the Board office of closure by written notice fifteen (15) days prior to the anticipated closing. Alleged violation of law: 201 KAR 2:106 Section 2 (1)(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. 11-0249.** Permit holder allegedly failed to notify the Board of pharmacist-in-charge within the required fourteen days after the former pharmacist-in-charge informed the Board office of resignation and departure on September 30, 2011. Alleged violation of law: KRS 315.320(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. 11-0252A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Alleged violation of law: 201 KAR 2:100 Section 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. 11-0252B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. 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. 11-0252C.** 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. 11-0253A.** Pharmacy permit holder allegedly sold a misbranded prescription. Pharmacy permit holder allegedly sold a prescription that did not have an accurate statement of quantity as ordered 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. 11-0253B.** Pharmacist allegedly committed a medication error by misbranding a prescription. Pharmacist allegedly dispensed a prescription written for 10 day supply, quantity of #40 capsules, with a quantity of #10 capsules. Alleged violation of law: KRS 217.065(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0255A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a patient to receive a misbranded product. Alleged violations of law: KRS 315.121(1)(a) and KRS 217.065(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 11-0255B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing a patient to receive a misbranded product. 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. 11-0256A.** Pharmacy permit holder allegedly dispensed a misbranded product, a prescription for 24 Percodan was dispensed with only 14 tablets. 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. 11-0256B.** Pharmacist engaged in unprofessional or unethical conduct by allegedly dispensing a misbranded product, a prescription for 24 Percodan was dispensed with only 14 tablets. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation; however, the penalty shall be the issuance of a Letter of Reprimand.

**Case No. 11-0258A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by not communicating with the patient about refill information. 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. 11-0258B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by not communicating with the patient about refill information. 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. 11-0260A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing Cytomel 50mg instead of Cytomel 5mg as prescribed. 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. 11-0260B.** Pharmacist allegedly committed a medication error by dispensing Cytomel 50mg instead of Cytomel 5mg as prescribed. Alleged violations of law: KRS 315.121(2)(d) and KRS 217.065. 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. 11-0261A.** 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. 11-0261B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/10 to 8/30/10. 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. 11-0262A.** 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. 11-0262B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 5/30/11 to 10/06/11. 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. 11-0265A.** 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: Case is dismissed.

**Case No. 11-0265B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 10/03/11. Alleged violation of law: KRS 315.138(1). CRC Recommendation: Case is dismissed.

**Case No. 11-0266A.** 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. 11-0266B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 7/20/11 to 9/30/11. 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. 11-0267A.** 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. 11-0267B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 9/30/11. 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. 11-0268A.** 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. 11-0268B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/29/11 to 11/28/11. 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. 11-0269A.** 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. 11-0269B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 10/20/11. 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. 11-0270A.** 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. 11-0270B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 3/18/11. 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. 11-0271A.** 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. 11-0271B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 6/26/11 to 10/3/11. 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. 11-0272A.** 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. 11-0272B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 9/22/11 to 12/3/11. 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. 11-0273A.** 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. 11-0273B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 8/15/11 to 10/18/11. 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. 11-0274A.** 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. 11-0274B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/11 to 8/8/11. 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. 11-0275A.** Pharmacy permit holder allegedly engaged in unprofessional and unethical conduct by knowing or having reason to know that a pharmacist has engaged in or aided and abetted the unlawful distribution of legend medications. Employee pharmacist allegedly engaged in conduct likely to harm the public, demonstrating a willful and careless disregard for the health, welfare or safety of a patient by filling control substances in an untimely manner. Pharmacist allegedly engaged in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist and by engaging in grossly negligent professional conduct by filing control substance medications in an untimely manner. Pharmacist allegedly did not perform Drug Use Review for proper utilization for optimum therapeutic outcome or clinical misuse or abuse. Alleged violations of law: KRS 315.121(1)(a) and (j).

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

**Case No. 11-0275B.** Pharmacist-in-charge allegedly engaged in unprofessional and unethical conduct by engaging in conduct likely to harm the public, demonstrating a willful and careless disregard for the health, welfare or safety of a patient by filling control substances in an untimely manner. Pharmacist allegedly engaged in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist and by engaging in grossly negligent professional conduct by filing control substance medications in an untimely manner. Pharmacist allegedly did not perform Drug Use Review for proper utilization for optimum therapeutic outcome or clinical misuse or abuse. Alleged violations of law: KRS 315.121(2)(d)(e) and 201 KAR 2:210. 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**

**Pharmacy Technician Registrant JB.** Dr. Greenwell moved to approve the new pharmacy technician application for GB provided he signs an Agreed Order with standard language that includes probation for 1 year and up to 3 drug screens per year with a PRN agreement. Dr. DeWire seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant MT.** Dr. Greenwell moved to deny MT registration as a pharmacy technician. Mr. Hadley seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant JB.** Dr. Greenwell moved to deny JB registration as a pharmacy technician. Mr. Hadley seconded, and the motion passed unanimously.

**CONTINUING EDUCATION:** Dr. Greenwell moved to approve continuing education programs 12-01 through 12-02 as recommended, with 12-01 receiving 0.2 Continuing Education Units and 12-02 receiving 0 Continuing Education Units. Dr. DeWire seconded, and the motion passed unanimously.

**OLD BUSINESS:** Brian Fingerson reiterated to the Board that the presentation by Dr. Ferguson, Medical Director, Professional Health Monitoring at Firstlab, at the December Board Meeting was very general. All abnormal drug screens are reported to Mr. Fingerson. Mr. Fingerson has options as how to proceed with abnormal drug screens, such as consulting with Dr. Ferguson or ordering another drug screen. All collection sites sign a contract stating all drug urine screens are observed per Department of Health and Human Services guidelines.

**NEW BUSINESS:** There was discussion regarding the current use of TransferSafe in Kentucky. Board staff reviewed 201 KAR 2:165, Transfer of Prescription Information, and determined TransferSafe meet the regulation. After discussion, it was determined that pharmacists in

Kentucky could continue to use TransferSafe, however, this topic will be revisited at the March Board Meeting.

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

**ADJOURNMENT:** On motion by Dr. DeWire, seconded by Ms. Brewer and passed unanimously, President Thornbury adjourned the Board Meeting at 12:16 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on March 7, 2012, at the Sullivan College of Pharmacy in Louisville, Kentucky.

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Michael Burleson, R.Ph.  
Executive Director