

**KENTUCKY BOARD OF PHARMACY**  
**Hilton Downtown Lexington**  
**369 W. Vine Street**  
**Lexington, KY 40507**  
**November 7-8, 2014 (following Board Meeting on Nov. 7)**

**BOARD RETREAT**

**AGENDA**

**The Kentucky Board of Pharmacy serves the Commonwealth to promote, preserve, and protect the public health, safety, and welfare through effective regulation of the practice of pharmacy. The Kentucky Board of Pharmacy accomplishes this mission through the examination, testing, and credentialing of prospective pharmacists; regulation, discipline of all licensed pharmacists; and through appropriate communication of information and laws pertaining to the practice of pharmacy in Kentucky.**

I. CALL TO ORDER

II. INTRODUCTIONS

III. ITEMS for discussion

- Pharmacist and reporting of DUI
- Transfers of prescriptions by pharmacy technicians
- Workflow management as it relates to patient care
- E-prescriptions and number of medication errors
- Requiring posted expiration date/discard date to be either 1 year from the filling date or the actual manufacturer date of expiration, whichever is earlier
- Board only allowing pharmacists and physicians to perform medication management and consulting services
- Expanded care delivery models that support provider status and most efficiently utilize pharmacist's time during the drug distribution process
- Expansion of role of pharmacists in providing naloxone and other antidotes for overdose.

**\* Casual dress attire**

**SCHEDULE:**

Friday, November 7, 2014

Time permitting Retreat Agenda items will commence on Friday afternoon

Saturday, November 8, 2014

8:30a.m.-12:00p.m.	Discussion of Agenda items
12:00p.m.-1:30p.m.	Lunch on your own
1:30p.m.-5:00 p.m.	Discussion of Agenda items

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
**Hilton Downtown Lexington**  
**369 West Vine Street**  
**Lexington, KY 40507**

**November 7, 2014**

**CALL TO ORDER:** A regular meeting was held at the Hilton Downtown Lexington, 369 West Vine Street, Lexington, Kentucky. President Hanna called the Meeting to order at 9:04 a.m.

Members present: Cathy Hanna, Deborah Brewer, Brian DeWire, Scott Greenwell, Larry Hadley and Joel Thornbury. Staff: Michael Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Christina Amburgey, Katie Busroe, Amanda Harding, and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General and Board Counsel; Brian Fingerson, Pharmacist Recovery Network Committee; and Lisa Atha, Executive Secretary. Guests: Chris Killmeier, Walgreens; Chad Peters, CVS; Ralph Bouvette, APSC; Anne Policastri, KSHP; Robert McFalls, KPhA; Jan Gould and Gay Dwyer, Kentucky Retail Federation; Deidra Kearns and James Arn, Sleep Management; Taryn Howell; and Warren Finlinson and Eva Atala, College of Pharmacy interns. Lisa Schwarz, Court Reporter, recorded the meeting.

**MINUTES:** On motion by Mr. Thornbury, seconded by Dr. Greenwell and passed unanimously, the Minutes of September 10, 2014, were approved.

**BOARD REPORTS:**

**Board Executive Director.** 1) Emars and financial report for August and September 2014 were presented to the Board. 2) Pharmacy and Drug Inspector Phil Losch is resigning December 31, 2014. Mr. Burleson expressed his gratitude for Mr. Losch's 21 year service to the Board. 3) Steve Hart, Inspections and Investigations Coordinator, was re-elected to the CLEAR Board of Directors.

**CURRENT/PENDING CASES:**

**Case Updates:** Mr. Thornbury moved to accept Case Updates as presented for Case Numbers 10-0046B; 11-0032C; 12-0226B; 13-0003; 13-0112; 13-0172A; 13-0192; 13-0206C; 14-0060; 14-0076; 14-0083; 14-0086; 14-0094; 14-0095; 14-0097; 14-0104; 14-0105; 14-0106; 14-0108; 14-0111; 14-0112; 14-0118; 14-0119; 14-0120; 14-0124; 14-0125; 14-0126; 14-0131; 14-0137; 14-0139; 14-0142; 14-0143; 14-0147; 14-0152; 14-0156; 14-0158; 14-0161; 14-0162; 14-0163; 14-0164; 14-0165; 14-0170; 14-0175; 14-0176; 14-0183; 14-0187; 14-0193; 14-0195; 14-0198; 14-0204; 14-0210; 14-0211; 14-0213; 14-0215; 14-0216; 14-0222; 14-0223; 14-0234; 14-0237; 14-0242; and 14-0337A. Dr. DeWire seconded, and the motion passed unanimously. There was discussion. Mr. Thornbury moved to rescind the previous motion to accept Case Updates as presented. Dr. DeWire seconded, and the motion passed unanimously. Mr. Thornbury moved for a 10 minute recess. Dr. DeWire seconded, and the motion passed unanimously. Dr. DeWire moved to accept Case Updates as presented for Case Numbers 10-0046B; 11-0032C; 12-0226B; 13-0003; 13-0112; 13-0172A; 13-0192; 13-0206C; 14-0060; 14-0076; 14-0083; 14-0086; 14-

0094; 14-0095; 14-0097; 14-0104; 14-0105; 14-0106; 14-0108; 14-0111; 14-0112; 14-0118; 14-0119; 14-0120; 14-0124; 14-0125; 14-0126; 14-0131; 14-0137; 14-0139; 14-0142; 14-0143; 14-0147; 14-0152; 14-0156; 14-0158; 14-0161; 14-0162; 14-0163; 14-0164; 14-0165; 14-0170; 14-0175; 14-0176; 14-0183; 14-0187; 14-0193; 14-0195; 14-0198; 14-0204; 14-0210; 14-0211; 14-0213; 14-0215; 14-0216; 14-0222; 14-0223; 14-0234; 14-0237; 14-0242; and 14-0337A. Dr. Greenwell seconded, and the motion passed unanimously.

**CASE REVIEW SUMMARY:**

Mr. Thornbury moved to accept Case Review Committee recommendations as written. Dr. DeWire seconded, and the motion passed unanimously. Dr. Greenwell requested more information in the Case Review Summary if it was a diversion investigation.

**Case No. 14-0354.** Nonresident pharmacy permit holder disciplined by its home state for violations related to the act of non-sterile compounding and unprofessional behavior related to the dispensing of nonsterile compounded prescriptions. Alleged violation of law: KRS 315.121(1)(c)3. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 14-0372A.** Pharmacy permit holder allegedly dispensed a misbranded prescription. Prescription was allegedly labeled for 60 buprenorphine 2mg tablets and the patient received only 52 tablets. 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. 14-0372B.** Pharmacist allegedly committed a medication error by dispensing only 52 tablets for a prescription written for 60 tablets of buprenorphine 2mg. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0376A.** Pharmacy permit holder allegedly engaged in or aided and abetted the unlawful distribution of controlled substances. 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. 14-0376B.** Pharmacist-in-charge allegedly failed in his responsibility of procurement, storage, security and disposition of drugs. Alleged violation of law: 201 KAR 2:205 Section 2(3)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0376C.** Pharmacy technician allegedly diverted over 3000 hydrocodone/APAP from the pharmacy. 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. 14-0376D.** Pharmacy technician may have assisted in the theft of hydrocodone/APAP from the pharmacy. Alleged violation of law: KRS 315.121(2)(c). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0377A.** 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0377B.** 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. 14-0377C.** 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. 14-0378A.** Pharmacy was allegedly open and a technician was working with access to medication without a pharmacist present. Pharmacy permit holder allegedly aided and abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violations of law: 201 KAR 2:100 Section 1 and 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. 14-0378B.** Pharmacy was allegedly open and a technician was working with access to medication without a pharmacist present. 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. 14-0378C.** A pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from approximately January or February 2012 to August 22, 2014. 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. 14-0379A.** Pharmacy permit holder allegedly aided and 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. 14-0379B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/14 to 5/1/14. 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. 14-0380A.** Pharmacy permit holder allegedly aided and 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. 14-0380B.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/14 to 6/11/14. 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. 14-0380C.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/14 to 6/11/14. 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. 14-0380D.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/14 to 6/11/14. 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. 14-0380E.** Pharmacy technician allegedly assisted in the practice of pharmacy without a current pharmacy technician registration from 4/1/14 to 6/11/14. 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. 14-0381A.** Pharmacy permit holder allegedly failed to provide adequate security and control of medications. Alleged violation of law: 201 KAR 2:100 Section 1. CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0381B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of medications. Alleged violation of law: 201 KAR 2:205 (3)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0381C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting a controlled substance from place 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. 14-0382A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs and allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violations of law: 201 KAR 2:100 Section 1 and KRS 315.121(1)(g). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0382B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of medications. 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. 14-0382C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting a controlled substance and assisted in the practice of pharmacy without a current pharmacy technician registration from 3/21/14 to 8/25/14. Alleged violations of law: KRS 315.121(2)(f) and 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. 14-0383A.** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient allegedly received hydrocodone/apap 7.5/325mg tablets instead of the prescribed Percocet 7.5/325mg tablets. 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. 14-0383B.** Pharmacist allegedly committed a medication error. The patient was allegedly dispensed hydrocodone/apap tablets instead of the prescribed Percocet tablets. 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. 14-0384A.** Pharmacy permit holder allegedly failed to provide adequate security and control of medications. 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. 14-0384B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of medications. 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. 14-0384C.** 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. 14-0392A.** Pharmacy permit holder allegedly failed to provide adequate security and control of medications. 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. 14-0392B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of medications. 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. 14-0392C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting a controlled substance from place 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. 14-0393.** Special Medical Gas permit holder allegedly closed permit location without prior notification to the Board of Pharmacy. 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. 14-0394.** Home Medical Equipment permit holder allegedly closed permit location without prior notification to the Board of Pharmacy. 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. 14-0395A.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs due to a technician diversion. Alleged violation of law: 201 KAR 2:200. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0395B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs due to a technician diversion. Alleged violation of law: 201 KAR 2:200. CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0395C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring or otherwise disposing of drugs when the



pharmacy technician knew or should have known of their intended use in illegal activity. 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. 14-0398A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing a patient to receive a refill on their medication which had the directions to take one tablet once a day instead of the direction take one tablet twice a day. 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. 14-0398B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public by dispensing a refill to a patient which had the directions to take one tablet once a day instead of the directions of take one tablet twice a day. 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. 14-0399A.** Nonresident pharmacy permit holder allegedly shipped prescriptions into the Commonwealth without a Kentucky licensed pharmacist-in-charge from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.351(7). 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. 14-0399B.** Pharmacist-in-charge of a nonresident pharmacy allegedly shipped prescriptions into the Commonwealth without having an active Kentucky license from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.121(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0400A.** Nonresident pharmacy permit holder allegedly shipped prescriptions into the Commonwealth without a Kentucky licensed pharmacist-in-charge from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.351(7). 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. 14-0400B.** Pharmacist-in-charge of a nonresident pharmacy allegedly shipped prescriptions into the Commonwealth without having an active Kentucky license from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.121(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0401A.** Nonresident pharmacy permit holder allegedly shipped prescriptions into the Commonwealth without a Kentucky licensed pharmacist in charge from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.351(7). 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. 14-0401B.** Pharmacist-in-charge of nonresident pharmacy allegedly shipped prescriptions into the Commonwealth without having an active Kentucky license from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.121(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0402A.** Nonresident pharmacy permit holder allegedly shipped prescriptions into the Commonwealth without a Kentucky licensed pharmacist-in-charge from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.351(7). 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. 14-0402B.** Pharmacist-in-charge of nonresident pharmacy allegedly shipped prescriptions into the Commonwealth without having an active Kentucky license from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.121(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0403A.** Nonresident pharmacy permit holder allegedly shipped prescriptions into the Commonwealth without a Kentucky licensed pharmacist-in-charge from March 1, 2014 until March 26, 2014. Alleged violation of law: KRS 315.351(7). 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. 14-0403B.** Pharmacist-in-charge of a nonresident pharmacy allegedly shipped prescriptions into the Commonwealth without having an active Kentucky license from March 1, 2014 until June 27, 2014. Alleged violation of law: KRS 315.121(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. 14-0404.** Non-Resident Pharmacy permit holder shipped prescriptions into the Commonwealth without a Kentucky licensed pharmacist in charge from February 19, 2014 until present. Non-resident pharmacy falsified renewal application. Alleged violation of law: KRS 315.351(7) and KRS 315.121(1)(e). 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. 14-0405A.** Pharmacy permit holder allegedly sold an adulterated product. The patient allegedly received Synthroid tablets that were tainted. Alleged violation of law: KRS 217.055(2). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0405B.** Pharmacy permit holder allegedly sold an adulterated product. The patient allegedly received Synthroid tablets that were tainted. Alleged violation of law: KRS 217.055(2). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0405C.** Pharmacist allegedly dispensed an adulterated product. The patient allegedly received Synthroid tablets that were tainted. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0405D.** Pharmacist allegedly dispensed an adulterated product. The patient allegedly received Synthroid tablets that were tainted. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0406A.** Pharmacy permit holder allegedly allowed a medication error by dispensing Adderall 20mg for a prescription written for Adderall 10mg for a six year old. 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. 14-0406B.** Pharmacist-in-charge allegedly allowed a medication error by dispensing Adderall 20mg for a prescription written for Adderall 10mg for a six year old. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0406C.** Pharmacist allegedly committed a medication error by dispensing Adderall 20mg for a prescription written for Adderall 10mg for a six year old. 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. 14-0407A.** Pharmacy permit holder allegedly provided a controlled substance prescription for phentermine to a consumer without having a prescription from a prescriber. Alleged violation of law: KRS 315.11(2)(f). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0407B.** Pharmacist allegedly provided a controlled substance prescription for phentermine to a consumer without having a prescription from a prescriber. Alleged violation of law: KRS 315.11(2)(f). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0409A.** 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0409B.** Pharmacist-in-charge allegedly failed to provide adequate security and control of medications. 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. 14-0409C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting a controlled substance. 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. 14-0410A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing controlled substance medications to be diverted from the pharmacy. 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. 14-0410B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by not ensuring the procurement, storage, security and disposition of

drugs. Alleged violation of law: 201 KAR 2:205 Section 2(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0410C.** 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. 14-0414A.** Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. A patient allegedly received lisinopril 30mg instead of the prescribed 10mg. 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. 14-0414B.** Pharmacist allegedly committed a medication error by dispensing lisinopril 30mg instead of lisinopril 10mg as the prescription was written. 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. 14-0415.** Pharmacist license summarily suspended by the North Carolina Board of Pharmacy for unprofessional conduct for obtaining controlled substances. Pharmacist license was suspended on September 16, 2014. 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. 14-0416.** Pharmacist reported alleged failure to complete the required 15 hours of continuing education for 2013 during audit conducted by Board staff. Pharmacist successfully completed .5 hours before Jan. 1, 2014. Alleged violation of law: 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. 14-0417.** Pharmacist reported alleged failure to complete the required 15 hours of continuing education for 2013 during audit conducted by Board staff. Pharmacist

successfully completed 0 hours before Jan. 1, 2014. Alleged violation of law: 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. 14-0418A.** 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0418B.** 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. 14-0418C.** Pharmacy technician allegedly engaged in unprofessional or unethical conduct by diverting a controlled substance. 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. 14-0420.** Home medical equipment permit holder allegedly closed permit location without proper notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106 Section 2(1)(c). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0421.** Home medical equipment permit holder allegedly closed permit location without proper notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106 Section 2(1)(c). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0422.** Wholesale permit holder allegedly closed permit location without proper notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106 Section 2(1)(c). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0423.** Manufacturer permit holder allegedly closed permit location without proper notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106 Section 2(1)(c). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0424.** Home medical equipment permit holder allegedly failed to renew permit by September 30 and remained open to the public. Alleged violation of law: KRS

315.520(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. 14-0425.** Home medical equipment permit holder allegedly failed to renew by September 30. Alleged violation of law: KRS 315.520(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. 14-0419.** Home medical equipment permit holder allegedly closed permit location without proper notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:106. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

#### **RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS:**

**Pharmacy Technician Registrant JC.** Mr. Thornbury moved to approve the application for pharmacy technician registration for JC provided he signs an Agreed Order with one year probation with standard KYPRN language. Dr. Greenwell seconded, and the motion passed unanimously.

**Pharmacy Technician Registrant SW.** Mr. Thornbury moved to approve the application for pharmacy technician registration for SW provided he signs an Agreed Order with one year probation and standard KYPRN language and 3 drug screens. Dr. DeWire seconded, and the motion passed unanimously.

**Pharmacy Technician KL.** Mr. Thornbury moved to approve the application for pharmacy technician registration for KL provided he signs an Agreed Order with one year probation and standard KYPRN language. Dr. DeWire seconded, and the motion passed unanimously.

**Pharmacy Technician JH.** Mr. Thornbury moved to approve the application for pharmacy technician registration for JH provided he signs an Agreed Order with one year probation and standard KYPRN language. Dr. Greenwell seconded, and the motion passed unanimously.

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

**Appalachian Regional Healthcare Harlan/ James Ryan Turner.** James Ryan Turner requested to be dual pharmacist-in-charge of Appalachian Regional Healthcare inpatient pharmacy and outpatient pharmacy located in the same hospital. Dr. Greenwell moved to approve James Ryan Turner's request to be dual pharmacist-in-charge of Appalachian Regional

Healthcare Harlan inpatient and outpatient pharmacies. Mr. Thornbury seconded, and the motion passed unanimously.

**Medi Home Infusion, Irmo, SC/Joni Kinsey Sane.** Joni Kinsey Sane requested to be dual pharmacist-in-charge of Medi Home Pharmacy and Medi Home Infusion located in the same building in adjacent suites in Irmo, South Carolina. The South Carolina Board of Pharmacy approved Ms. Sane to be pharmacist-in-charge of both pharmacies. Dr. Greenwell moved to approve Joni Kinsey Sane's request to be pharmacist-in-charge of Medi Home Pharmacy and Medi Home Infusion located in the same building in adjacent suites in Irmo, South Carolina. Mr. Thornbury seconded, and the motion passed unanimously.

**CustomScript, Hurricane, WV/Chad Wallace.** Chad Wallace requested to be dual pharmacist-in-charge of CustomScript Pharmacy and CustomScript Infusion Vital Care located in the same building in adjacent suites in Hurricane, West Virginia. Mr. Thornbury moved to table the request from Chad Wallace to be pharmacist-in-charge of CustomScript Pharmacy and CustomScript Infusion Vital Care until more information is obtained including information from the West Virginia Board of Pharmacy. Mr. Hadley seconded, and the motion passed unanimously.

**Laura Hambergren, CE Waiver.** Pharmacist Laura Hambergren failed to obtain 15 hours of continuing education for 2013 due to an unexpected hospitalization for pre-term labor and after delivery, the child was admitted to NICU for a short period of time in May and June 2013. Dr. Hambergren requested an extension to complete the 2013 continuing education requirements. Dr. Greenwell moved to deny Laura Hambergren's request for an extension to complete her 2013 continuing education requirements. Ms. Brewer seconded, and the motion passed unanimously with Mr. Thornbury abstaining.

#### **LEGISLATIVE/REGULATION:**

**201 KAR 2:030: Update.** 201 KAR 2:030 License Transfer became law October 15, 2014.

**201 KAR 2:040: Update.** 201 KAR 2:040 Registration of Pharmacy Interns became law October 15, 2014.

**Collaborative Care: Update.** A strategy is being formulated to introduce the collaborative care bill in the House of Representatives. It is substantially the same bill as was introduced in 2014.

**HME: Update.** Mike Burlison is working on the HME bill and will provide an update at a later date.

**Nalaxone: Update.** There have been two bills regarding pharmacist involvement with nalaxone pre-filed with the Kentucky Legislature. One requiring a pharmacist to use a prescriber approved protocol and one the pharmacist will be able to prescribe and dispense the nalaxone.

**Wholesaler/Pharmacy: Proposed DRAFT Bill.** The draft of KRS 315.402 was presented to the Board. Mr. Thornbury moved to pursue finding a sponsor and introducing the amended KRS



315.402 in the 2015 Kentucky Legislature. Ms. Brewer seconded, and the motion passed unanimously.

**Compounding/Inspections: Proposed DRAFT Bill.** There was discussion regarding the inclusion of the inspection to be paid for by the out of state applicant. Mr. Thornbury moved to clarify the language regarding the payment for the out of state inspection and bring the amended KRS 315.0351 back to the December 2014 Board Meeting. Dr. Greenwell seconded, and the motion passed unanimously.

**CONTINUING EDUCATION:**

Mr. Thornbury moved to approve continuing education programs 14-29 through 14-37 and 14-40 as recommended. Dr. Greenwell seconded, and the motion passed unanimously.

Dr. Greenwell moved to approve continuing education program 14-38 as requested. Mr. Thornbury seconded, and the motion passed unanimously.

Dr. Greenwell moved to deny continuing education program 14-39. Mr. Thornbury seconded, and the motion passed 4 to one, with Dr. Greenwell, Mr. Thornbury, Ms. Brewer and Mr. Hadley voting for the motion and Dr. DeWire voting against the motion.

**OLD BUSINESS:**

**Advisory Council Applications.** After secret ballot voting, Mr. Thornbury moved to appoint Joe Bickett, Lisa Hart and Taryn Howell to four year terms on the Advisory Council. Mr. Hadley seconded, and the motion passed unanimously.

**NEW BUSINESS:**

**State Record Retention.** It was decided the Board of Pharmacy would not change the current standards for record retention. Mr. Burleson was directed to find out what is being stored in the boxes at the Kentucky Library of Archives and report at the December 2014 Board Meeting.

**MALTAGON.** President Hanna gave a brief overview of the 2014 MALTAGON Meeting. Kentucky is hosting the 2015 meeting. President Hanna appointed a MALTAGON Planning Committee of Shannon Allen, Lisa Atha, Katie Busroe, Amanda Harding, Joel Thornbury and chaired by Steve Hart.

**Gabapentin.** Mr. Burleson informed the Board legislation was being pursued to change KASPER so that drugs of concern may be tracked, including gabapentin.

President Hanna recessed the Meeting for lunch from 11:15 a.m. to 1 p.m.

**BOARD RETREAT – November 7, 2014 Began at 1:10 p.m.:**

Members present: Cathy Hanna, Deborah Brewer, Brian DeWire, Scott Greenwell, Larry Hadley and Joel Thornbury. Staff: Michael Burleson, Executive Director; Steve Hart, Pharmacy Inspections and Investigations Coordinator; Shannon Allen, Christina Amburgey, Katie Busroe, Amanda Harding, and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde, Assistant Attorney General and Board Counsel; Brian Fingerson, Pharmacist Recovery Network

Committee; and Lisa Atha, Executive Secretary. Guests: Chris Killmeier, Walgreens; Ralph Bouvette, APSC; Anne Policastri, KSHP; Robert McFalls, KPhA; Jan Gould and Gay Dwyer, Kentucky Retail Federation; Taryn Howell; and Warren Finlinson and Eva Atala, College of Pharmacy interns. Court Reporter, Lisa Schwarz, was not present for the Board Retreat.

**Pharmacist and Reporting of DUI.** There was discussion on changing the pharmacist's renewal application to ask the question if the pharmacist had been charged with an alcohol related offense. Mr. Burleson was directed to find out if the question could be added to the 2015 renewal. Mr. Burleson is to add the question to the application and bring the application and policy of how to handle the answers back to the Board.

**Transfers of Prescriptions by Pharmacy Technicians and Workflow Management as it Effects Patient Care.** There was discussion about allowing technicians to transfer prescriptions and receive new verbal prescription orders. Mr. Burleson was directed to notify to all pharmacists and pharmacies informing them transfer of prescriptions must be done pharmacist to pharmacist and not by a technician.

**E-Prescriptions and Number of Medication Errors.** Mr. Burleson was directed to invite Surescripts and ISMP to the January 2015 Board Meeting to discussion this issue.

Dr. Greenwell moved to continue with the Retreat. Mr. Hadley seconded, and the motion passed unanimously.

**Requiring Posted Expiration Date/Discard Date to be Either 1 Year from the Filling Date or the Actual Manufacturer Date of Expiration, Whichever is Earlier.** There was discussion that labeling is a USP issue. Mr. Burleson was directed to review the USP chapter on labeling and bring information back to the December 2014 Board Meeting.

**Board Only Allowing Pharmacists and Physicians to Perform Medication Management and Consulting Services.** There was discussion on promoting pharmacists to perform medication management and consulting services.

**Expanded Care Delivery Models That Support Provider Status and Most Efficiently Utilize Pharmacist's Time During the Drug Distribution Process.** There was discussion regarding pharmacist's obtaining provider status.

**Expansion of Role of Pharmacists in Providing Naloxone and Other Antidotes for Overdose.** This issue was discussed during the Board Meeting.

There was discussion regarding increasing the attendance at the annual Board Retreat and advertising the event.

**ADJOURNMENT:** On motion by Dr. Greenwell, seconded by Ms. Brewer and passed unanimously, President Hanna adjourned the Board Meeting and Retreat at 4:30 p.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on December 17, 2014, at the Board Office, Frankfort, Kentucky.

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Mike Burleson, R.Ph.