

**KENTUCKY BOARD OF PHARMACY**  
**Board Meeting**  
**University of Kentucky College of Pharmacy**  
**789 South Limestone**  
**Lexington KY 40506**  
**September 10, 2014**  
**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- \*A. July 9, 2014

**III. APPEARANCES**

- \*A. William Hamilton 9:15 a.m.

**IV. INTERAGENCY**

**V. BOARD REPORTS**

- A. Board Executive Director
  - \*1. eMARS July 2014 (FY 2015) and financial report
  - \*2. FY 2014 Federal Funds Report
  - \*3. Board Calendar 2015
  - 4. NABP Executive Officer Forum Chicago IL (Executive Director)
  - 5. NABP Board Member Forum Chicago IL

**VI. CURRENT/PENDING CASES**

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

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

**VIII. CORRESPONDENCE/COMMUNICATION**

- \*A. AHSSHC: Dual PIC

**IX. NABP**

**X. LEGISLATION/REGULATION**

- \*A. Legislation for 2015 Legislative Session

**XI. CONTINUING EDUCATION**

- \*A. CE Programs: 14-24 to 14-28

**XII. FINES**

**XIII. OLD BUSINESS**

- \*A. Board Retreat Agenda
- \*B. Board in-house attorney
- \*C. Outsourcing Facility
- \*D. KBML Response

**XIV. NEW BUSINESS**

- \*A. Pharmacist Recovery Network Appointments
- \*B. Advisory Council Appointments

**XV. FYI**

\*Information enclosed with this agenda

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
**University of Kentucky College of Pharmacy**  
**789 South Limestone**  
**Lexington, KY 40506**

**September 10, 2014**

**CALL TO ORDER:** A regular meeting was held at the University of Kentucky College of Pharmacy at 789 South Limestone, Lexington, Kentucky. President Hanna called the Meeting to order at 9:22 a.m.

Members present: Cathy Hanna, Deborah Brewer, Brian DeWire, Scott Greenwell, Larry Hadley and Joel Thornbury. Staff: Michael Burlison, 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 and Al Carter, Walgreens; Ralph Bouvette, APSC; Anne Policastri, KSHP; Robert McFalls, KPhA; Jan Gould, Kentucky Retail Federation; Randall Cole, Resident; Ashley Holland, Appalachia College of Pharmacy; Darren Parker, Omnicare; Bill Hamilton, self; and University of Kentucky College of Pharmacy Professional Year 3 students. Lesley Price, Court Reporter, recorded the meeting.

Dean Tracy welcomed the Board and the students. President Hanna thanked the University of Kentucky College of Pharmacy for hosting the Board meeting. President Hanna introduced herself and gave a brief overview of the purpose and mission of the Board. Board Members and staff introduced themselves.

**MINUTES:** On motion by Mr. Thornbury, seconded by Mr. Hadley and passed unanimously, the Minutes of July 9, 2014, were approved.

**APPEARANCES:**

**William Hamilton.** Mr. Hamilton was sworn-in by Lesley Price, Court Reporter. Mr. Hamilton had appeared at the July 9, 2014 Board Meeting because of a violation of his Agreed Order. Mr. Hamilton's Kentucky pharmacist's license was suspended on March 5, 2003, due to an inability to practice with care, skill and competence to patients by submitting false claims to insurance providers. On November 29, 2010, Mr. Hamilton's Kentucky pharmacist's license was reinstated with restrictions. One of the restrictions was Mr. Hamilton shall keep the Board advised at all times of his places of employment and shall only practice at a location and a work schedule that has received prior approval of the Board or its President. Mr. Hamilton is on the OIG Exclusion List. He had been employed by Fort Campbell Military base pharmacy. On or about June 14, 2014, he applied for a job with Kindred Hospital. After discussion among Kindred Hospital employees, it was determined Mr. Hamilton could be hired. He trained on June 21, 2014. On June 23, 2014, he emailed Pharmacy and Drug Inspector Phil Losch informing him of his new position. Within a few days, Kindred Hospital determined he was not hireable but did pay him for the one day he trained. A case was opened for violation of an Agreed

Order. Mr. Hamilton did indicate on his application to Kindred Hospital that his Kentucky pharmacist's license was in good standing. At the July 9, 2014 Board Meeting the Board voted to suspend William Hamilton's Kentucky pharmacist's license for one year, add an additional 4 years of probation to his existing Agreed Order of Reinstatement, and levy a \$500 fine.

Mr. Hamilton was appearing before the Board to ask for reconsideration of the July 9, 2014 decision. Mr. Hamilton has an opportunity to work as a pharmacist in the Federal System and was asking for leniency with the suspension.

Mr. Hadley moved to rescind the one year suspension. Motion died due to the lack of a second.

After discussion, Mr. Thornbury moved to go into Executive Session pursuant to KRS 61.810(1)(c)(j) to discuss proposed or pending litigation and individual adjudications with Ms. Lalonde, Mr. Burluson, and Mr. Losch in attendance. Dr. Greenwell seconded, and the motion passed unanimously.

Dr. Greenwell moved to come out of Executive Session. Ms. Brewer seconded, and the motion passed unanimously.

Dr. Greenwell moved to amend the previous July 9, 2014 decision to a 6 month suspension from April 23, 2014, the date of the email notifying the Board office of the change in employment, until October 23, 2014, add an additional 4 years of probation to his existing Agreed Order of Reinstatement, and levy a \$1000 fine. Mr. Thornbury seconded, and the motion passed unanimously.

**INTERAGENCY:** DEA recently published the DEA Disposal Act. Mr. Burluson distributed a Fact Sheet issued by DEA regarding the Disposal Act.

The KPhA Midyear Meeting on Legislative Priorities is November 14-15, 2014 at the Marriott in Lexington, Kentucky.

Anne Policastri of KSHP thanked all who attended the Fall Meeting.

**BOARD REPORTS:**

**Board Executive Director.** 1) Emars and financial report for July 2014 was presented to the Board. The budget for the Board is \$1.5 million. 2) President Hanna signed the Federal Funds Report which informs the Federal Government how the Board spent the Federal Funds in Fiscal Year 2014. 3) Mr. Thornbury moved to approve the Board Calendar Meeting Dates for 2015 as:

January 14 (Board office)	September 9 (location to be determined)
March 11 (location to be determined)	November 6 (location to be determined)
May 13 (Board office)	November 6-7 Retreat (location to be determined)
July 8 (Board office)	December 16 (Board office)

All Board Meetings will begin at 9 a.m. with Case Review Committee meeting the day preceding the Board Meeting at 1 p.m. Dr. Greenwell seconded, and the motion passed unanimously.

4) Mr. Thornbury moved to approve Mr. Burleson to attend the NABP Executive Officers Forum, October 14-15, 2014, at no cost to the Board. Mr. Hadley seconded, and the motion passed unanimously. 5) Mr. Thornbury moved to approve Mr. Hadley to attend the NABP Board Member Forum, December 2-3, 2014, at no cost to the Board. If Mr. Hadley is unable to attend, Mr. Thornbury will attend. Dr. Greenwell seconded, and the motion passed unanimously.

**CURRENT/PENDING CASES:**

**Case Updates:** Mr. Thornbury moved to accept Case Updates as presented for Case Numbers 12-00048; 12-0169; 12-0184B; 12-0192B; 12-0197A; 12-0197B; 12-0223A; 12-0225C; 12-0233; 12-0250C; 13-0002; 13-0039A; 13-0083A; 13-0108A and B; 13-0136; 13-0151A; 13-0152A; 13-0164A; 13-0170C; 13-0194A; 13-0200C; 13-0209; 14-0001; 14-0005; 14-0006; 14-0009B; 14-0046; 14-0057B; 14-0058B; 14-0059B; 14-0059C; 14-0064; 14-0069B; 14-0070; 14-0071A; 14-0074; 14-0077; 14-0079; 14-0080; 14-0082; 14-0089; 14-0091; 14-0096; 14-0098; 14-0107; 14-0110; 14-0113; 14-0114; 14-0115; 14-0117; 14-0127; 14-0129; 14-0130; 14-0132; 14-0133; 14-0136; 14-0140; 14-0141; 14-0144; 14-0145; 14-0148; 14-0150; 14-0153; 14-0155; 14-0160; 14-0166; 14-0167; 14-0169; 14-0177; 14-0179; 14-0180; 14-0182; 14-0185; 14-0192; 14-0197; 14-0200; 14-0202; 14-0203; 14-0205; 14-0206; 14-0207; 14-0208; 14-0209; 14-0212; 14-0214; 14-0217; 14-0218; 14-0224; 14-0225; 14-0229; 14-0232; 14-0236; and 14-0239. Dr. DeWire seconded, and the motion passed unanimously.

**CASE REVIEW SUMMARY:**

Dr. DeWire moved to accept Case Review Committee recommendations as written. Ms. Brewer seconded, and the motion passed unanimously.

**Case No. 13-0197A.** Pharmacy permit holder allegedly failed to provide adequate security of controlled substances. 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. 13-0197B.** Pharmacist-in-charge allegedly failed to provide adequate security, procurement and disposition of controlled substances. Alleged violation of law: 201 KAR 2:205 Section 2(3)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/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. 14-0067 REVISIT.** Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing a drug for himself for which a prescription drug order is required without having first received a prescription drug order for the drug. Alleged violation of law: KRS 315.121(2)(f). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0151.** Pharmacist self-reported allegedly failing to complete 15 hours of continuing education between January 1, 2013 and December 31, 2013 during the renewal period.

Pharmacist successfully completed 6 hours before January 1, 2014. Alleged violations of law: KRS 315.121(1)(e) and 201 KAR 2:015 Section 5(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. 14-0250A. REVISIT.** Pharmacy permit holder allegedly sold misbranded products as the result of medication errors. Alleged violation of law: KRS 216.065(1). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0250B. REVISIT.** Pharmacist allegedly engaged in unprofessional or unethical conduct by committing medication errors. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0250C. REVISIT.** Pharmacist allegedly engaged in unprofessional or unethical conduct by committing medication errors. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0318A.** Pharmacy permit holder allegedly violated patient confidentiality. Alleged violation of law: KRS 315.121(2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0318B.** Pharmacist allegedly violated patient confidentiality and was allegedly aiding and abetting an individual to engage in the practice of pharmacy without a license. Alleged violations of law: KRS 315.121(1)(g) and (2)(b). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0318C.** Pharmacy technician allegedly falsely identified himself as a pharmacist. Alleged violation of law: KRS 315.121(1)(g). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0334A.** 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. 14-0334B.** 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. 14-0334C.** 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. 14-0335A.** Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient allegedly received gabapentin 800mg tablets in the prescription bottle along with the prescribed gemfibrozil 600mg 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. 14-0335B.** Pharmacist allegedly committed a medication error. The patient was allegedly dispensed gabapentin 800mg tablets in the prescription bottle along with the prescribed gemfibrozil 600mg tablets. 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. 14-0351.** Special Medical Gas permit holder allegedly failed to renew permit by June 30<sup>th</sup> and was in operation with an expired permit. Alleged violation of law: KRS 315.035(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. 14-0352A.** Pharmacy permit holder allegedly failed to provide adequate security and control of medications. 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. 14-0352B.** 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. 14-0353A.** 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. 14-0353B.** 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. 14-0353C.** 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. 14-0355.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0356.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0357.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 1 hour before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0358.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 1 hour before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0359.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0360.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0361.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0362.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0363.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully

completed 0 hours before January 1, 2014. Alleged violation of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0364.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0365.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0367.** Pharmacy permit holder allegedly failed to place a pharmacist-in-charge from June 24, 2014 to August 8, 2014. Alleged violation of law: KRS 315.020(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. 14-0368.** Wholesale 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. 14-0369.** Home Medical Equipment permit holder allegedly changed location without proper notification to the Board of Pharmacy. Alleged violation of law: 201 KAR 2:350 Section 3(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0370.** Home Medical Equipment permit holder allegedly relocated without notifying the Board office. Alleged violations of law: KRS 315.520 and 201 KAR 2:350. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order 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. 14-0371A.** Pharmacy permit holder allegedly sold a misbranded drug as the result of a medication error. Patient received buprenorphine instead of the prescribed levothyroxine. 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. 14-0371B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by committing a medication error. Patient received buprenorphine instead of the prescribed levothyroxine. 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. 14-0373.** Pharmacy permit holder allegedly allowed store manager to enter the pharmacy without a pharmacist being present. This occurred shortly after the pharmacist in charge was terminated on the same day. 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. 14-0374A.** Pharmacy permit holder allegedly engaged in or aided and abetted the unlawful distribution of pseudoephedrine. Alleged violation of law: KRS 315.121(1). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0374B.** Pharmacist-in-charge allegedly failed in her 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. 14-0374C.** Pharmacy technician allegedly passed several boxes of Claritin D and Sudafed to a third party without proper scanning for the Rx process or using MethChek and with knowledge that they would be used in methamphetamine production. Alleged violation of law: KRS 315.121(2)(c). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 14-0375A.** 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 14-0375B.** Pharmacist-in-charge allegedly failed in her 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. 14-0375C.** Pharmacy Technician allegedly stole hydrocodone/APAP, alprazolam, diazepam, klonopin and citalopram over a four month period. 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. 14-0385.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 14.5 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0386.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a) and KRS 315.121(1)(e) and KRS 315.065. 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. 14-0388.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0389.** Pharmacist allegedly failed to supply proof of 15 hours of continuing education during audit conducted by Board staff for 2013. Pharmacist successfully completed 0 hours before January 1, 2014. Alleged violations of law: 201 KAR 2:015 Section 5(1)(a), KRS 315.121(1)(e) and KRS 315.065. 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. 14-0390.** Pharmacist is allegedly unable to engage in the practice of pharmacy with reasonable skill, competence, and safety to the public. Alleged violation of law: KRS 315.121(1)(b). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

**Case No. 14-0349.** Medical Gas permit holder allegedly changed location without prior approval from the Board of Pharmacy. Alleged violation of law: KRS 315.035(5). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order 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. 14-0350.** Home Medical Equipment permit holder allegedly changed location without prior approval from the Board of Pharmacy. Alleged violation of law: 201 KAR 2:350 Section 3(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**CORRESPONDENCE/COMMUNICATION:**

**AHSSHC d/b/a Expedien Rx Pharmacy/Trenia Yielding.** Trenia Yielding requested to be dual pharmacist-in-charge of Expedien Rx Pharmacy and Rx Plus Pharmacy both located in the same building in Sanford, Florida. Expedien Rx Pharmacy will offer mail order services to the patients in the Manchester, Kentucky, hospital. Dr. Greenwell moved to approve Trenia Yielding's request to be dual pharmacist-in-charge of AHSSHC d/b/a Expedien Rx Pharmacy and Rx Plus Pharmacy. Mr. Thornbury seconded, and the motion passed unanimously.

**NABP:** The Annual NABP Meeting will be in New Orleans, May 16-19, 2015.

**LEGISLATIVE/REGULATION:**

**Legislative Agenda for 2015 Legislative Session.** The Board prioritized the Agenda items to concentrate on for the 2015 Legislative Session: Wholesale Distributer, HME Reciprocal, and Compounding/Inspection of Out-of-State Pharmacies being the top three, followed by Naloxone Prescribing by Pharmacists and Collaborative Care. It was decided the toughest was Quality Assurance.

**CONTINUING EDUCATION:**

Mr. Thornbury moved to approve continuing education programs 14-24 through 14-28 as corrected. Mr. Hadley seconded, and the motion passed unanimously.

**OLD BUSINESS:**

**Board Retreat Agenda.** Mr. Thornbury moved to approve the Board Retreat Agenda as:

1. Pharmacist and reporting of DUI
2. Transfer of prescriptions by technicians
3. Expansion of role of pharmacists in providing Naloxone and other antidotes for overdose
4. Expanded care delivery models that support provider status and most efficiently utilize pharmacist's time during the drug distribution process
5. E-prescribing of prescriptions and number of medication errors
6. Board allowing pharmacists and physicians only to offer medication management and consulting services
7. 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
8. Workflow management including technician ratio, pharmacist workload and quality assurance

Mr. Hadley seconded, and the motion passed unanimously.

**Board In-house Attorney.** The Budget Analysis was approved for the Board to hire an attorney. The next step is to send the request to Personnel. There was a discussion regarding the salary of the attorney. Mr. Thornbury moved to make salary adjustments as necessary and move forward with the process. If possible, have the application deadline October 31, 2014, and the Board will set the interview dates at the November Board Meeting. Dr. Greenwell seconded, and the motion passed unanimously.

**Outsourcing Facility.** There was a discussion concerning outsourcing facilities. Mr. Thornbury moved for the Board to permit outsourcing facilities as wholesale distributors if the facility is shipping non-patient specific compounded sterile product, if allowed by law. Ms. Brewer seconded, and the motion passed unanimously.

Board Attorney and Assistant Attorney General Lalonde stated she would need to look more closely whether there is a conflict in the FDA language preempting Kentucky law on office use. Dr. Greenwell moved for Assistant Attorney General and Board Counsel Lalonde to review FDA language to determine if it is in conflict with Kentucky law especially concerning outsourcing facilities and sterile compounding for office use. Mr. Thornbury seconded, and the motion passed unanimously.

**KBML Response.** Mr. Burlson had requested input from the Kentucky Board of Medical Licensure on whether a pharmacist can use his/her professional judgment to adjust the quantity of non-controlled maintenance medications without contacting the prescriber. Executive Director of Kentucky Board of Medical Licensure, Michael Rodman, responded pharmacists would need to contact the prescriber before adjusting the quantity of non-controlled maintenance medications.

#### **NEW BUSINESS:**

**Pharmacist Recovery Network Appointments.** Mr. Thornbury moved to reappoint Amber Cann and Karen Kelly to 4 year terms on the Pharmacist Recovery Network Committee. There will be 3 open positions in 2015 and publicizing of these appointments should begin at KPhA Mid-year and other meetings. Dr. Greenwell seconded, and the motion passed unanimously.

**Advisory Council Appointments.** Mr. Thornbury moved to reappoint Chris Killmeier as Chair of the Advisory Council for a 4 year term. Ms. Brewer seconded, and the motion passed unanimously.

Mr. Thornbury moved to send out application requests for the 3 open positions on the Advisory Council with appointments to be made at the December Board Meeting. Dr. Greenwell seconded, and the motion passed unanimously.

**KASPER Advisory Council and Diabetes Education Board.** There are 3 pharmacists, one from each region, on the KASPER Advisory Council and 3 pharmacists on the Diabetes Education Board. Mr. Thornbury moved to have President Hanna and Executive Director Burlson compile a list and submit to the Governor for the KASPER Advisory Council and the Diabetes Education Board. Ms. Brewer seconded, and the motion passed unanimously.

**Hydrocodone Combination Products.** There was a discussion regarding hydrocodone combination products being moved to Schedule II Federally on October 6, 2014. Dr. Greenwell moved for Executive Director Burlson to get an opinion from Drug Enforcement and Professional Practices Branch (DEPPB) of the Office of Inspector General by Friday, September 12, 2014, in order to inform pharmacists on how to handle refills of hydrocodone combination products for prescriptions issued prior to October 6, 2014. If the DEPPB opinion is not issued by September 12, 2014, Mr. Burlson is directed to inform pharmacists pursuant to KRS

218A.180(1), a Schedule II prescription may not be refilled. Mr. Thornbury seconded, and the motion passed unanimously.

**ADJOURNMENT:** On motion by Mr. Thornbury, seconded by Dr. DeWire and passed unanimously, President Hanna adjourned the Board Meeting at 11:55 a.m. The next regularly scheduled Board Meeting is scheduled to begin at 9:00 a.m. on November 7, 2014, at the Downtown Hilton, Lexington, Kentucky.

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Mike Burleson, R.Ph.