

KENTUCKY BOARD OF PHARMACY
Board Meeting
125 Holmes Street Suite 300
Frankfort KY 40601
December 14, 2016
9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

- *A. November 4 &5, 2016

III. APPEARANCES

- *A. Steven Mitchell

IV. INTERAGENCY

V. BOARD REPORTS

- A. Board Executive Director
 - *1. eMARS (November 2016)
 - 2. Travel National Rx Drug Abuse & Heroin Summit April 17th-20th, 2017
 - *3. Audit Recommendations for Public and Nonprofit Boards

VI. CURRENT/PENDING CASES

- *A. Case Update
- *B. Final Orders

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- *A. Pharmacy Technician Summary
- *B. Alex Anderson- Intern License
- *C. Terry Stubblefield- Reciprocity
- *D. Dmitriy Chetverchenko- Reciprocity
- *E. Daniel Morrow-Reciprocity
- *F. Idrisse Tetsadjio- Initial Licensure
- *G. Daniel Lasselle – Initial Licensure

VIII. CORRESPONDENCE/COMMUNICATION

- *A. Donald Riley- Dual PIC Request
- *B. St. Matthews Community Pharmacy – Offsite Storage Request

IX. NABP

X. LEGISLATION/REGULATION

- *A. Technician Background Check
- *B. Licensure Bill (outsourcers, 3PLs)
- *C. 201 KAR 2:380. Protocols.

XI. CONTINUING EDUCATION

- *A. CE Programs: 16- 51 through 16- 62

XII. OLD BUSINESS

- A. Appoint Committee 201 KAR 2:076 Compounding
- B. Appoint Committee on Automation in LTC

XIII. NEW BUSINESS

- A. Board Elections
- *B. Advisory Council Applications (vote for three)
 - 1. Thomas Kaye
 - 2. Chris Killmeier
 - 3. Tim Koch
 - 4. Sarah Lawrence
 - 5. Shannon Stiglitz
 - 6. Kelly Whitaker
 - 7. Michael Wyant

XIV. FYI.

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY
State Office Building Annex, Suite 300
125 Holmes Street
Frankfort, KY 40601

DECEMBER 14, 2016

CALL TO ORDER A regular meeting was held in the Board office at 125 Holmes Street, Frankfort, Kentucky. President Greenwell called the meeting to order on December 14, 2016 at 9:09 a.m.

Members present: Scott Greenwell, Brian Dewire, Deborah Brewer, Larry Hadley, Cathy Hanna and Craig Martin. Staff: Steve Hart, Executive Director; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Shannon Allen, Pharmacy and Drug Inspector; Cheryl Lalonde, General Counsel; and Darla Sayre, Executive Staff Advisor. Guests: Anne Policastri, KSHP; Trish Freeman, KPhA; Chris Killmeier, Walgreens; Ralph Bouvette, APSC; Robert McFalls, KPhA; Michael Wyant, Cardinal Health; Dean Kip Guy, University of Kentucky; Dean Cindy Stowe, Sullivan; Brian Fingerson, PRN Committee; Shannon Stiglitz, Kentucky Retail Federation; Michael Burleson; Joel Thornbury; Natalie Rosario; Natalie Russell; Alex Anderson; Steve Mitchell and Lee Hendrickson. Pharmacy and Drug Inspectors Paul Daniels, Amanda Harding, and Jessica Williams were not present. Court Reporter Teri Pelosi recorded the meeting.

MINUTES On motion by Mr. Hadley, seconded by Ms. Brewer and passed unanimously, the Minutes of November 4-5, 2016 were approved.

APPEARANCES Steven Mitchell was sworn in by Terri Pelosi, Court Reporter. Mr. Mitchell appeared before the Board to request reinstatement of his Kentucky pharmacist's license. Mr. Mitchell gave a brief overview of the events that led to the loss of his pharmacist's license and the steps taken for his recovery. Mr. Mitchell surrendered his North Carolina pharmacist's license on June 23, 2015 and his Kentucky pharmacist's license on July 9, 2015. He surrendered his licenses due to addiction and a misdemeanor larceny charge following an incident at his former place of employment, Walmart. He entered a 28 day program at Questhouse in July 2015. He gives July 15, 2015 as his sobriety date. His recovery plan includes 2 to 3 meetings a week, service work and focusing on being less self-absorbed. After several questions from Board members, Dr. Martin moved to go into Executive Session pursuant to KRS 61.810(1)(c) and (j) to deliberate regarding an individual adjudication and to discuss proposed or pending litigation. Ms. Brewer seconded, and the motion passed unanimously. Ms. Brewer moved to come out of Executive Session. Dr. Hanna seconded, and the motion passed unanimously. Dr. Martin moved to deny reinstatement; Dr. Dewire seconded. President Greenwell requested a verbal individual vote and all members voted to deny reinstatement.

INTERAGENCY Bob Mcfalls, KPhA, informed the Board the Governor's office should be providing the Board appointments to replace Board Members whose terms expire December 31, 2016 by December 16, 2017.

BOARD REPORTS:

1. Financial reports and eMars were presented for November 2016.
2. President Greenwell requested a report on vacant office positions. Pharmacy and Drug Inspector for the Western Region second round interviews will be conducted December 15-16, 2016. Administrative Specialist III position has been approved and will be posted for applicants in January 2017.
3. Mr. Hadley moved to allow Mr. Hart and any Board Members to travel to the National Rx Drug Abuse and Heroin Summit, April 17-20, 2017 in Atlanta, Georgia. Dr. Martin seconded, the motion passed unanimously.
4. Mr. Hart reported to the Board that the recommendations previously suggested by former State Auditor Crit Luallen had been updated to the current process for compliance. The Board reviewed the recommendations that included Mr. Hart's responses, and took no further action.

CURRENT/PENDING CASES:

Case Update. Mr. Hadley moved to accept Case Updates for Case Numbers 16-0086B, 16-0090C, 16-0099A, 16-0099B, 16-0113, 16-0388B, 16-0433, 16-0438C, 16-0477C, 16-0484, 16-0490 and 16-0502. Dr. Hanna seconded, the motion passed unanimously.

Final Orders. Dr. Hanna moved to accept the Hearing Officer's Recommended Order, and issue the Final Order for Case 16-0243 and Case 16-0372B as presented. Dr. Dewire seconded, and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

Pharmacy Technician Registrant, Case 16-0517. Dr. Martin moved to approve an application for pharmacy technician registration provided applicant signs an Agreed Order with standard KYPRN language that includes 3 years' probation, 8 AA meetings per month and up to 6 drug screens per year. Dr. Hanna seconded, and the motion passed unanimously.

Alex Anderson – Intern Registration Request. Alex Anderson was sworn in by Terri Pelosi, Court Reporter. Mr. Anderson appeared before the Board to request consideration to obtain a pharmacist intern registration at the request of Sullivan College of Pharmacy prior to acceptance into the program. Mr. Anderson gave a brief overview of the events that led to the loss of his Indiana pharmacist intern registration. Mr. Anderson has been in contact with Mr. Fingerson, KYPRN. Dr. Martin moved, barring any additional information or incidents, to accept Mr. Anderson's intern application upon acceptance to a College of Pharmacy provided he signs an Agreed Order with standard KYPRN language that includes up to 12 drug screens per year while he is in pharmacy school and any violation of the KYPRN would result in revocation of intern registration; the motion is conditioned upon acceptance into a college of pharmacy no later than December 31, 2017. Dr. Hanna seconded, the motion passed unanimously.

Terry Stubblefield – Reciprocity. Dr. Martin moved to deny the reciprocal application. Mr. Hadley seconded, the motion passed unanimously.

Dmitriy Chetverchenko – Reciprocity Dr. Martin moved to accept the reciprocal application with no restrictions. Dr. Hanna seconded, the motion passed unanimously.

Daniel Morrow – Reciprocity Dr. Martin moved to accept the reciprocal application with no restrictions. Ms. Brewer seconded, the motion passed unanimously.

Idriss Tetsadjio – Initial Licensure Ms. Brewer moved to accept the initial pharmacist application with no restrictions. Dr. Martin seconded, the motion passed unanimously.

Daniel Lasselle – Initial Licensure Mr. Lasselle requested the Board to revisit the decision made at the November Board meeting to accept his application provided he signs an Agreed Order of Reprimand. Dr. Martin moved to uphold the November decision. Dr. Hanna seconded and after discussion, the motion was defeated because there were no votes in favor of the motion. Dr. Dewire moved to accept the initial pharmacist application with no restrictions. Ms. Brewer seconded, the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION

Donald Riley - Dual PIC request Donald Riley requested to be pharmacist-in-charge of Riley White Drugs in Russellville, Kentucky and Clinic Pharmacy Franklin during the application process. There is a pharmacist-in-charge hired for Clinic Pharmacy Franklin that will start prior to the opening of the pharmacy. Mr. Hadley moved to approve Donald Riley's request to be pharmacist-in-charge of Riley White Drugs in Russellville, Kentucky and Clinic Pharmacy Franklin during the application process. Dr. Martin seconded, and the motion passed unanimously.

Chris Harlow, St. Matthews Community Pharmacy – Offsite Storage Request Dr. Martin moved to accept Chris Harlow's request for offsite storage of pharmacy records for St. Matthews Community Pharmacy. Mr. Hadley seconded, the motion passed unanimously.

LEGISLATION/REGULATION

Technician Background Check. Dr. Martin moved to proceed with the statute and for Executive Director Steve Hart to pursue sponsorship. Dr. Dewire seconded, the motion passed unanimously.

Licensure Bill [outsources, 3PLs]. Dr. Martin moved to proceed with the statute and for Executive Director Steve Hart to pursue sponsorship. Dr. Dewire seconded, the motion passed unanimously.

201 KAR 2:380 Protocols. After discussion and due to the late response of comments on the proposed regulation, Mr. Hadley moved to have the Advisory Council review the comments in January 2017 and meet as frequently as needed in order to present their findings at the regular scheduled March Board meeting. Dr. Martin seconded, the motion passed unanimously.

OLD BUSINESS

Appoint Committee 201 KAR 2:076 Compounding Dr. Martin moved to direct Mr. Hart to amend the draft regulation by removing USP 800 references and present the proposed regulation at the regularly scheduled January Board meeting. Ms. Brewer seconded, the motion passed unanimously.

Appoint Committee on Automation in LTC President Greenwell tabled until the regularly scheduled January Board meeting.

CONTINUING EDUCATION

Mr. Hadley moved to approve continuing education programs 16-51 through 16-62. Dr. Hanna seconded, and the motion passed unanimously.

NEW BUSINESS:

Board Elections. Dr. Martin moved to nominate President Greenwell for the 2017 President; there were no other nominations. Mr. Hadley seconded, the motion passed unanimously. President Greenwell was elected by acclamation.

Dr. Hanna moved to nominate herself for the 2017 Vice President; there were no other nominations. Dr. Martin seconded, the motion passed unanimously. Dr. Hanna was elected by acclamation.

Advisory Council Appointments. Mr. Hadley moved to remove Elizabeth Scott from her appointment on the Advisory Council, since DME representation is no longer required by law. Dr. Martin seconded, and the motion passed unanimously. The Board voted to fill the four vacancies on the Advisory Council by ballot. The ballots were counted by Katie Busroe, Pharmacy Inspections and Investigations Supervisor and Brian Fingerson, PRN Committee Chairman. The applicants appointed for a four year term are Kelly Whitaker and Mike Wyant. Their terms will begin January 1, 2017. There was a tie for the remaining vacancies with Shannon Stiglitz and Sarah Lawrence receiving three votes. After a revote, the tie remained. President Greenwell declined an additional revote; he appointed Shannon Stiglitz to a four year term beginning January 1, 2017 and Sarah Lawrence to a three year term beginning January 1, 2017.

RECOGNITIONS

PRN Committee James Liebetrau and Michael Wyant were recognized for their service on the PRN Committee. Their terms expire December 31, 2016.

Advisory Council Gay Dwyer, Joseph Fink III and Lewis Wilkerson were recognized for their service on the Advisory Council. Their terms expire December 31, 2016.

Board Members Joel Thornbury was recognized for his service on the Board from January 1, 2009 to February 25, 2016. Larry Hadley was recognized for his service on the Board from January 1, 2009 to December 31, 2016.

ADJOURNMENT: On motion by Mr. Hadley, seconded by Dr. Martin and passed unanimously, President Greenwell adjourned the meeting at 12:26 p.m. The next regularly scheduled meeting begins at 9 a.m. on January 18, 2017 at the Board Office in Frankfort, Kentucky.

B. Steven Hart, R.Ph.

Date

Executive Director