

KENTUCKY BOARD OF PHARMACY
Board Meeting
125 Holmes Street, Suite 102
Frankfort, KY 40601
December 20, 2017
9:00 a.m.

Agenda

- I. CALL TO ORDER**
- II. MINUTES**
 - A. *November 8, 2017
 - B. *December 13, 2017
- III. APPEARANCES**
- IV. INTERAGENCY**
- V. BOARD REPORTS**
 - A. Board Executive Director
 - 1. *eMars- November 2017
- VI. CURRENT/PENDING CASES**
 - A. *Case Review and Fine Report
 - B. *Final Order
 - C. *Pharmacy Technician Summary
- VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS**
 - A. *Cody Glenn – Pharmacy Technician Registration Reinstatement
 - B. *Orenthal James Carter – Reciprocal Application-additional information
- VIII. CORRESPONDENCE/COMMUNICATION**
 - A. *UK Healthcare – C-SCA Waiver Request
- IX. NABP**
- X. LEGISLATION/REGULATION**
 - A. *201 KAR 2:074 Pharmacy services in hospitals
 - B. *201 KAR 2:370 Pharmacy services in long-term care facility (LTCF)
 - C. *201 KAR 2:015 Continuing Education
- XI. CONTINUING EDUCATION**
 - A. *CE Programs – 17-66 – 17-77
- XII. OLD BUSINESS**
 - A. Election of Board Officers
- XIII. NEW BUSINESS**
 - A. *KY PRN appointments
 - 1. Aida Faltas
 - 2. Amanda Wiley

3. Angela Park
4. Durran Taylor
5. Josiah Durham
6. Lisa Bradley
7. O. Andrew Pierron
8. Tyler Stewart

B. *Tobacco Cessation Protocol

XIV. FYI

A. Expungement

*Information enclosed with this agenda

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

DECEMBER 20, 2017

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 20, 2017 at 9:09 a.m.

Members present: Scott Greenwell, Brian Dewire, Deborah Brewer, Ron Poole, Cathy Hanna and Craig Martin.

Staff: Steve Hart, Executive Director; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Amanda Harding, Pharmacy and Drug Inspector; Paul Daniels, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector; Cheryl Lalonde, General Counsel; and Darla Sayre, Executive Staff Advisor. Court Reporter Terri Pelosi recorded the meeting.

Guests: Anne Policastri, KSHP; Trish Freeman, KPhA; Chris Killmeier, Walgreens; Ralph Bouvette, APSC; Dean Cindy Stowe, Sullivan University College of Pharmacy; Brian Fingerson, PRN Committee; Shannon Stiglitz, Kentucky Retail Federation; Joel Thornbury, NOVA Pharmacy; Larry Hadley; David Gresham, Pharmerica; Steve Larihine, Pharmerica; Scott Dilley, Pharmerica; Brittany Reid, Wal-mart; Paula York, OIG; and Darren Parks, Omnicare.

MINUTES On motion by Dr. Martin, seconded by Mr. Poole and passed unanimously, the minutes of November 8, 2017 were approved. On motion by Mr. Poole, seconded by Dr. Hanna and passed unanimously, the minutes of December 13, 2017 were approved.

BOARD REPORTS:

1. Financial reports and eMars were presented for November 2017.
2. Ms. Lalonde requested guidance regarding a concern of Julie Denton, former Kentucky Senator and current lobbyist for a Louisville health system, on the recent shortage of opioids. Ms. Denton was made aware of this shortage resulting in limited quantities of opioids in hospitals and for hospice patients, which is resulting hundreds of patients unable to receive medications. Ms. Lalonde informed Ms. Denton the Board of Pharmacy did not have any data on the shortages but she would initiate a discussion at the Board Meeting with all the involved stakeholders. Anne Policastri, Executive Vice President of the Kentucky Society of Healthsystem Pharmacists, informed the Board that there is a national shortage on many medications including opioids, partially due to the hurricane in Puerto Rico and manufacturers unable to produce drugs. There are national pharmacy organizations working on resolutions to this situation. David Gresham, Pharmerica, stated that DEA requirements could also be a cause for

this shortage as wholesalers must now initiate tracking of opioids and reduce quotas if possible. Ms. Lalonde requested a copy this portion of the transcript be sent to Ms. Denton or Executive Director Hart could relay the information.

CURRENT/PENDING CASES Mr. Poole moved to accept Case Review Committee's recommendations:

Case No. 11-0259A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by being owned by a pharmacist allegedly engaged in unprofessional or unethical conduct by selling drugs found in illegal traffic when the pharmacist knows or should have known of their intended use in illegal activities; selling and ingesting a drug for which a prescription drug order is required without having first received a prescription drug order for the drug; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules or administrative regulations; obtaining any remuneration by fraud, misrepresentation, or deception; and failing to exercise appropriate professional judgement in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121(1)(a).

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

Case No. 11-0259B. Pharmacist allegedly engaged in unprofessional or unethical conduct by selling drugs found in illegal traffic when the pharmacist knows or should have known of their intended use in illegal activities; selling and ingesting a drug for which a prescription drug order is required without having first received a prescription drug order for the drug; willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules or administrative regulations; obtaining any remuneration by fraud, misrepresentation, or deception; and failing to exercise appropriate professional judgement in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121(1)(a),

(2)(c), (f), (g), (h), and (j). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation.**

Case No. 17-0416A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by dispensing medications to a patient that had been discontinued by the treating physician. Pharmacy permit holder allegedly dispensed baclofen and olanzapine to a patient after they were discontinued at the hospital, causing the patient to fall and seek medical treatment. Alleged Violation of Law: KRS 315.121(1)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case No. 17-0416B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by demonstrating a willful or careless disregard for the health, welfare, or

safety of a patient with or without established proof of actual injury by dispensing medications to a patient that had been discontinued by the treating physician. Pharmacist-in-charge allegedly dispensed baclofen and olanzapine to a patient after they were discontinued at the hospital, causing the patient to fall and seek medical treatment. 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. 17-0417A. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by allowing a pharmacist to inappropriately access confidential patient information. Alleged Violation of Law: KRS 315.121 (1)(a) and 201 KAR 2:300 Section 2 (5)(a), (c). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case No. 17-0417B. Pharmacist-in-charge allegedly engaged in unethical or unprofessional conduct by allowing a pharmacist to inappropriately access confidential patient information. Alleged Violations 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. 17-0417C. Pharmacist allegedly engaged in unprofessional or unethical conduct by accessing confidential patient information outside the context of a pharmacist-patient relationship and the provision of pharmacy care. Alleged Violation of Law: KRS 315.121 (2)(i). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case No. 17-0473. Pharmacist allegedly engaged in unprofessional or unethical conduct by requesting transfers of inactive prescriptions, transferring prescriptions without authorization from patients, and failing to conduct prospective drug use reviews. Alleged Violation of Law: KRS 315.121 (2)(d) and 201 KAR 2:210 Section 4. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case No. 17-0485A Revisit. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient allegedly received 120 alprazolam 0.5mg tablets instead of the labeled 180 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. 17-0485B Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly received 120 alprazolam 0.5mg tablets instead of the labeled 180 tablets. 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 17-0495A. Pharmacy permit holder allegedly sold adulterated medications; compounded preparations containing expired ingredients were dispensed. Permit holder allegedly failed to maintain an accurate computerized recordkeeping system. The system does not have an identifying designation

of the dispensing pharmacist. Pharmacy permit holder allegedly failed to report all dispensed Schedule II, III, IV, or V controlled substances to the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER). Alleged Violations of Law: KRS 315.121 (1)(h); KRS 217.055 (1)(a); 201 KAR 2:170 Section 1 (1)(h); and 902 KAR 55:110 Section 2 (1). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0495B. Pharmacist-in-charge (PIC) allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by dispensing compounded preparations containing expired ingredients. Pharmacist allegedly engaged in unprofessional or unethical conduct by willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations.

PIC allegedly failed in the procurement, storage, security, and disposition of drugs.

PIC allegedly failed to make or file any reports required by state or federal laws and regulations. Alleged Violations of Law: KRS 315.121 (2)(d); KRS 315.121 (2)(g); 201 KAR 2:205 Section 2 (3)(b)(e) and 201 KAR 2:170 Section 1 (8)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0495C. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by dispensing compounded preparations containing expired ingredients. Pharmacist allegedly engaged in unprofessional or unethical conduct by willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations. Pharmacist allegedly failed to maintain accurate records of each day's prescription data. Alleged Violations of Law: KRS 315.121 (2)(d); KRS 315.121 (2)(g); 201 KAR 2:170 Section 1 (8)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0496A. Permit holder allegedly failed to maintain an accurate computerized recordkeeping system. The system does not have an identifying designation of the dispensing pharmacist. Permit holder allegedly dispensed misbranded prescriptions. Pharmacy permit holder allegedly failed to report all required information to the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER). Alleged Violations of Law: 201 KAR 2:170 Section 1 (1)(h); KRS 217.065(1); KRS 315.121(1)(h) and 902 KAR 55:110 Section 2(2)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0496B. Pharmacist-in-charge (PIC) allegedly engaged in unprofessional or unethical conduct by dispensing a drug for which a prescription drug order is required without first receiving a prescription drug order. PIC allegedly failed to maintain accurate records of each day's prescription data. PIC allegedly failed in the provision of pharmacy services and the making or filing of any reports required by the state. Alleged Violations of Law: KRS 315.121(2)(f); 201 KAR 2:170 Section 1(8)(a) and 201 KAR 2:205 Section 2 (3)(b) and (e). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0508. Registered pharmacy technician allegedly knowingly made or caused to be made a false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal or a license, permit, or certificate. Alleged Violation of Law: KRS 315.121(1)(e). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0524A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 3601 hydrocodone/APAP tablets in an audit period of 16 months. 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. Standard terms and \$5000 administrative fine, approved corrective action plan to prevent future occurrences.**

Case 17-0524B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 3601 hydrocodone/APAP tablets in an audit period of 16 months. 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 17-0524C. Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug. Technician admitted to diverting hydrocodone/APAP over a period of four months. 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. Standard terms and revocation.**

Case 17-0528A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient allegedly was prescribed Dexilant 60 mg capsules but was dispensed duloxetine 60 mg capsules. Alleged Violation of Law: KRS 217.065 (1). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0528B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly was prescribed Dexilant 60 mg capsules but was dispensed duloxetine 60 mg capsules. 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 17-0531A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient allegedly received generic tacrolimus instead of the labeled Prograf. 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 17-0531B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly received generic tacrolimus instead of the labeled Prograf. 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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on medication errors and their prevention.**

Case 17-0533A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 3547 tramadol 50mg tablets. 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. Standard terms and \$3000 administrative fine, approved corrective action plan to prevent future occurrences.**

Case 17-0533B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 3547 tramadol 50mg tablets. 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 17-0534A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly received an oxycodone/acetaminophen 7.5mg/325mg bottle labeled for 58 tablets that only contained 46 tablets. Pharmacy permit holder allowed pharmacy technician to work without a valid registration from 04/01/2017 to 10/23/2017. Alleged Violations of Law: KRS 217.065 (1) and 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. Standard terms and \$100 administrative fine.**

Case 17-0534B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly received an oxycodone/acetaminophen 7.5mg/325mg bottle labeled for 58 tablets that only contained 46 tablets. 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 17-0534C. Pharmacy technician failed to renew registration prior to 4/1/17 and worked as a technician between 4/1/17 and 10/23/17 when registration was renewed. 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. Standard terms and \$25 administrative fine.

Case 17-0535A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 32 tablets of hydrocodone/acetaminophen 10mg/325mg, 53 tablets of oxycodone 15mg, and 30 tablets of oxycodone 10mg due to employee pilferage. 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 17-0535B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 32 tablets of hydrocodone/acetaminophen 10mg/325mg, 53 tablets of oxycodone 15mg, and 30 tablets of oxycodone 10mg due to employee pilferage. 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 17-0535C. Registered Pharmacy Technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug 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. Standard terms and revocation.**

Case 17-0538A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Alleged Violation of Law: KRS 315.121 (1)(a). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1000 administrative fine.**

Case 17-0538B. Pharmacist-in-charge allegedly failed in the provision of pharmacy services. 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. Standard terms and \$500 administrative fine.**

Case 17-0540A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing invalid refills of schedule III and restricted schedule IV medications prescribed by a nurse practitioner. 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 17-0540B. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

Alleged Violation of Law: KRS 315.121 (2)(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. Standard terms and \$5000 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 17-0540C. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121 (2)(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. Standard terms and \$5000 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 17-0540D. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121 (2)(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. Standard terms and \$5000 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 17-0540E. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121 (2)(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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 17-0540F. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121 (2)(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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 17-0544A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly received a prescription for sildenafil citrate 20mg tablets quantity of 450 tablets with a bottle that only contained 360 tablets. Alleged Violation of Law: KRS 271.065(1). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, approved corrective action plan to prevent future occurrences.**

Case 17-0544B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly received a prescription for sildenafil citrate 20mg tablets quantity of 450 tablets with a bottle that only contained 360 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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on medication errors and their prevention.**

Case 17-0550A. Pharmacy permit holder allegedly sold adulterated drugs. The pharmacy dispensed 149 prescriptions compounded with an expired ingredient. Permit holder allegedly failed to maintain an accurate computerized recordkeeping system. The system does not have an identifying designation of the dispensing pharmacist. Alleged Violation of Law: KRS 217 (1)(a) and 201 KAR 2:170 Section 1 (1)(h). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0550B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by dispensing compounded preparations containing expired ingredients. Pharmacist allegedly failed to maintain accurate records of each day's prescription data. Alleged Violations of Law: KRS 315.121 (2)(d) and 201 KAR 2:170 Section 1 (8)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0550C. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by dispensing compounded preparations containing an expired ingredient. Pharmacist allegedly failed to maintain accurate records of each day's prescription data. Alleged Violations of Law: KRS 315.121 (2)(d) and 201 KAR 2:170 Section 1 (8)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0557. Pharmacist intern allegedly has a mental or physical incapacity that prevents the certificate holder from assisting with the practice of pharmacy with reasonable skill, competence, and safety to the public. Pharmacist intern tested positive for marijuana on a drug screen for an advanced pharmacy practice experience (APPE) rotation. Alleged Violation of Law: KRS 315.121(1)(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. Standard terms and one year probation. Probation will terminate upon graduation with written confirmation of compliance with school's contingencies.**

Ms. Brewer seconded, and the motion passed unanimously.

FINAL ORDER Dr. Hanna moved to accept the Hearing Officer's Recommended Order, and issue the Final Order for Case 17-0465B as presented. Mr. Poole seconded, and the motion passed unanimously.

PHARMACY TECHNICIAN REGISTRANT, CASE 16-0563 Dr. Martin moved to approve the application with no further action. Dr. Hanna seconded, and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

Cody Glenn, Pharmacy Technician Registration Reinstatement – Cody Glenn was sworn in by the Court Reporter, Terri Pelosi. Mr. Glenn appeared before the Board to request reinstatement of his Kentucky pharmacy technician registration. Mr. Glenn gave a brief overview of the events leading to his registration being placed in Do Not Renew status. Dr. Martin moved for the Board to go into Executive Session pursuant to KRS 61.810(1)(c) and (j) to deliberate an individual adjudication and to discuss proposed or pending litigation. Ms. Brewer seconded, and the motion passed unanimously. Steve Hart, Cheryl Lalonde and Katie Busroe were included in the Executive Session. Mr. Poole moved to come out of Executive Session. Dr. Hanna seconded, and the motion passed unanimously. The Board applauded Mr. Glenn in his recovery and willingness to appear before the Board. Dr. Martin moved to deny Mr. Glenn's petition for reinstatement due to Mr. Glenn being non-compliant in Case Number 13-0033C, diversion of controlled substances. The following controlled substances were reported missing on a DEA 106 Theft/Loss Form from Mr. Glenn's pharmacy of employment: 3 tablets of hydrocodone/APAP 7.5mg/325mg; 2 tablets of oxycodone/APAP 5mg/325mg; 1 ml of hydromorphone 1mg/ml syringe; 95 ml of hydromorphone 2mg/ml syringes; 1 ml of morphine 2mg/ml syringe; 9 ml of midazolam 1mg/ml vials; 415 ml of fentanyl 0.05mg/ml ampules; 2 ml of lorazepam 2mg/ml vials; 1 tablet of zolpidem 5mg; and 1 tablet of hydrocodone/APAP 5mg/325mg over a time period of approximately 3 months. Ms. Brewer seconded, and the motion passed unanimously.

Orenthal James Carter – Reciprocal Application - Dr. Martin moved to approve the reciprocal application with restrictions consistent with Alabama probation and a signed KYPRN agreement. Dr. Hanna seconded, the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION

UK Healthcare – C-SCA Waiver Request Dr. Martin recused himself and left the meeting. Dr. Hanna moved to table this item until further information is obtained. The Board directed Pharmacy and Drug Inspector Jessica Williams to obtain clarification regarding the request. Mr. Poole seconded, and the motion passed unanimously.

Dr. Martin returned to the meeting.

LEGISLATION/REGULATION

Dr. Martin moved to table discussion 201 KAR 2:074, 201 KAR 2:370 and 201 KAR 2:015 until the January meeting. Dr. Hanna seconded, and the motion passed unanimously.

Dr. Martin moved to direct Board staff to include information in the Legislation/Regulation section of the Board Packet with the Agenda for upcoming meetings. The Agenda is available for public view from

the Board's website one week prior to the meetings. Dr. Hanna seconded, and the motion passed unanimously.

CONTINUING EDUCATION

Dr. Martin moved to approve continuing education programs 17-66 through 17-77. Mr. Poole seconded, and the motion passed unanimously.

OLD BUSINESS

Hazardous Drug Task Force Committee Mr. Poole moved to adopt the following members for the Hazardous Drug Task Force Committee: Matt Martin, chair; Paul Daniels; Alyson Roby, John Carver, Trenika Mitchell, Jennifer Groves, Barb Jolley and Chris Harlow. Ms. Brewer seconded, and the motion passed unanimously.

NEW BUSINESS

Board Elections. Dr. Dewire moved to nominate Dr. Martin for the 2018 President. President Greenwell moved to nominate Dr. Hanna for the 2018 President. Dr. Martin removed his name from consideration. Ms. Brewer moved to accept the nomination of Dr. Hanna for the 2018 President. Mr. Poole seconded, the motion passed unanimously. President Hanna was elected by acclamation.

Mr. Poole moved to nominate Dr. Martin as 2018 Vice-President; there were no other nominations. Dr. Hanna seconded, and the motion passed unanimously. Dr. Martin was elected by acclamation.

PRN Committee Appointments - The Board voted to fill the pharmacist vacancy on the PRN Committee by ballot. Paul Daniels and John Romines, Pharmacy and Drug Inspectors counted the ballots. The applicant appointed for a four-year term was Lisa Bradley. Her term will begin January 1, 2018. Mr. Poole moved to accept this appointment. Dr. Martin seconded, and the motion passed unanimously. Mr. Poole moved to appoint Mary Ann Burch to the consumer vacancy on the PRN Committee. This appointment is contingent upon submission of application. Dr. Hanna seconded, and the motion passed unanimously.

Tobacco Cessation Therapy Protocol – Dr. Hanna moved to accept the proposed tobacco cessation therapy protocol with the following edits; change wording to include up to 30-day supply and number pages as 1 of 6, 2 of 6, etc. Mr. Poole seconded, and the motion passed unanimously.

KYPRN – Ms. Lalonde informed the Board that the wording of KRS 315.126 only allows for participation in KYPRN due to impairment of alcohol or drug abuse. The Board will need to change the wording of this statute or provide an alternate process for those individuals requesting participation in the program without meeting this requirement.

Board Appointments – Mr. Hart's retirement will be effective December 31, 2017. Notice was received during the meeting that the appointment of Larry Hadley as Executive Director was approved by the Governor's Office. His appointment will be effective January 1, 2018.

Ms. Brewer, Mr. Greenwell and Dr. Dewire's terms on the Board will terminate December 31, 2017. In the event no appointments are received from the Governor's office, they will remain on the Board until such appointments are received.

ADJOURNMENT: On motion by Dr. Martin, seconded by Mr. Poole and passed unanimously, President Greenwell adjourned the meeting at 11:25 p.m. The next regularly scheduled meeting begins at 9 a.m. on January 20, 2018 at the Board Office in Frankfort, Kentucky.

B. Steven Hart, R.Ph.
Executive Director