

**KENTUCKY BOARD OF PHARMACY**

**Board Meeting**

**125 Holmes Street, Suite 300**

**Frankfort, KY 40601**

**January 18, 2017**

**9:00 a.m.**

**Agenda**

**I. CALL TO ORDER**

**II. MINUTES**

- A. \*December 14, 2016

**III. APPEARANCES**

- A. \*Brenda Shafer           Quarles & Brady
- B. \*Wade Hinkle           MatchRx
- C. \*John Carver            CBC Group

**IV. INTERAGENCY**

**V. BOARD REPORTS**

- A. Board Executive Director
  - 1. CAPTASA Meeting January 27-28 2017
  - 2. \*eMars- December 2016
  - 3. Travel approval:
    - a. NABP Annual meeting May 20 - 23
    - b. NABP MPJE Annual Item Writing Workshop – March 15 – 16

**VI. CURRENT/PENDING CASES**

- A. \*Case Update and Fines Report
- B. \*Case Review
- C. \*Final Orders

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

- A. \*Jyh-Chi Jessica Hsu - Reciprocal

**VIII. CORRESPONDENCE/COMMUNICATION**

- A. \*Grace E. Loyola        CE
- B. \*Lisa Carroll           Dual PIC
- C. \*Steve Cummings      Dual PIC
- D. \*Steve Cummings      Compounding Equipment Waiver

**IX. NABP**

- A. NABP Delegate

**X. LEGISLATION/REGULATION**

- A. KYBOP Bills Update

**XI. CONTINUING EDUCATION**

- A. \*CE Programs – 17-01 – 17-04

**XII. OLD BUSINESS**

- A. \*Nonresident Disciplinary Actions

**XIII. NEW BUSINESS**

**XIV. FYI**

- A. Expungement
  - 1. 11-0003
  - 2. 02-0017

\*Information enclosed with this agenda

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

**January 18, 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 January 18, 2017 at 9:08 a.m.

Members present: Scott Greenwell, Brian Dewire, Deborah Brewer, Cathy Hanna and Craig Martin. Staff: Steve Hart, Executive Director; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Shannon Allen, Pharmacy and Drug Inspector; Amanda Harding, Pharmacy and Drug Inspector; Paul Daniels, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Cheryl Lalonde, General Counsel; and Darla Sayre, Executive Staff Advisor. Guests: Anne Policastri, KSHP; Chris Killmeier, Walgreens; Ralph Bouvette, APSC; Robert McFalls, KPHA; Brian Fingerson, PRN Committee; Shannon Stiglitz, Kentucky Retail Federation; John Carver, CBC; Angela Sandlin, CBC; Jenee Gisewhite; Kristen McGraw; Brenda Shafer, Quarles & Brady; Austin Little; Eli Whitaker; Emily Caporal, KYPRN; Tyler Hill, Wal-mart and Darren Parks, Omnicare. Board Member Larry Hadley was not present. Court Reporter Jessica Taylor Ross recorded the meeting.

**MINUTES** On motion by Dr. Martin, seconded by Dr. Hanna and passed unanimously, the Minutes of December 14, 2016 were approved.

**APPEARANCES**

**Brenda Shafer, Quarles & Brady.** Ms. Shafer appeared before the Board requesting approval of a proposed model for a central fill pharmacy. The proposed model allows for remote processing of initial fills in addition to refills. After discussion, the Board advised that this was not permitted under current regulations which allow refills only. The Board decided to consider amending 201 KAR 2:230 to allow for initial fills. The Executive Director is to compile information so that the Board may consider this further at the March 8, 2017 meeting.

**Wade Hinkle, RX30 Marketplace.** Mr. Hinkle appeared before the Board requesting guidance from the Board on the process to establish a pharmacy marketplace allowing pharmacies to advertise and/or purchase excess stock to/from other pharmacies. Mr. Hinkle inquired if a third party logistics (3PL) license was required for this type of service. Mr. Hart advised that a 3PL license or federal license was required for resident facilities. The Board voiced concerns regarding misbranding, partial bottles having mixed lot numbers and recalls. After discussion, the Board determined that no action was necessary at this time.

**John Carver, CBC Group.** Dr. Carver appeared before the Board requesting greater control over automated dispensing cabinets in infusion center pharmacies. One option is for ownership of

the automated dispensing cabinets to be held by the Medical Director, and the cabinets would not have any direct link to the pharmacy. CBC is proposing a system that would allow the nursing staff to have access to the cabinet and the patient's pharmacy record. Only those medications on the patient's file would be available to be withdrawn providing increased security for the medications. Access to the patient's pharmacy records would provide increased patient care allowing for orders to be reviewed by a registered pharmacist prior to administering, thereby decreasing the risk for drug interaction and side effects. On motion by Ms. Brewer, seconded by Dr. Martin and passed unanimously, the Board directed the Advisory Council to look at this regulation change at their February 8, 2017 meeting and report back to the Board at the March 8, 2017 Board Meeting.

### **BOARD REPORTS**

1. Mr. Hart advised the Board of the annual CAPTASA meeting to be held on January 27-28, 2017 in Lexington, Kentucky.
2. Financial reports and eMars were presented for December 2016.
3. Dr. Hanna moved to allow Mr. Hart and any Board Members to travel to the 2017 NABP Annual Meeting, May 20-23, 2017 held in Orlando, Florida. Dr. Martin seconded, the motion passed unanimously.
4. Dr. Martin moved to allow Mr. Hart to travel to the NABP MPJE Annual Item Writing Workshop, March 15-16, 2017 in Mount Prospect, Illinois, at no expense to the Board. Ms. Brewer seconded, the motion passed unanimously.

### **CURRENT/PENDING CASES**

**Case Update.** Dr. Hanna moved to accept Case Updates for Case Numbers 08-0064C, 15-0251D, 15-0257A, 16-0127A, 16-0393A, 16-0476A, 16-0476B, 16-0486B, 16-0488, 16-0504A, 16-0504B, 16-0507A, 16-0510A, 16-0510B and 16-0517. Dr. Martin seconded, the motion passed unanimously. Ms. Brewer moved to accept Case Updates with the following changes; amend the wording of all technician employment cases in Case Update from "with" to "without an active technician registration." Dr. Hanna seconded, the motion passed unanimously.

**Case Review.** Dr. Martin moved to accept Case Review recommendations with following changes: amend the wording of all technician employment cases in Case Review from "with" to "without an active technician registration":

**Case 11-0240 Revisit.** Pharmacist tested positive for Diphenhydramine during a random drug screen conducted on October 27, 2016. This is a violation of the contract with KYPRN. Alleged violation of law: 201 KAR 2:250, Section 3 (2). **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. Standard terms and one year continuous sobriety.**

**Case 12-0173C Revisit.** Pharmacist allegedly engaged in unethical or unprofessional conduct by selling, transferring, or otherwise disposing of accessories, chemicals, drugs, or devices found in

illegal traffic when the pharmacist, pharmacy intern, or pharmacy technician knows or should have known of their intended use in illegal activities; by engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist or pharmacy intern, with or without established proof of actual injury; by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged violations of law: KRS 315.121(2)(c), (d), and (f). **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. Standard terms and \$5000 administrative fine prior to reinstatement, two year suspension.**

**Case 16-0156A Revisit.** Permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 4,818 hydrocodone/apap 10mb/325mg tablets in the audit period 6/9/2015 to 4/6/2016. Permit holder allegedly failed to maintain proper records of controlled substances received, disposed of and dispensed. Alleged violations of law: 201 KAR 2:100 Section 1 and KRS 218A.200 (3)(4). **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. Standard terms and \$5000 administrative fine, approved corrective action plan to prevent future occurrences.**

**Case 16-0156B Revisit.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 4,818 hydrocodone/apap 10mb/325mg tablets in the audit period 6/9/2015 to 4/6/2016. Alleged violation of law: 201 KAR 2:205 Section 2 (3)(b). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0436 A Revisit.** Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 2888 hydrocodone/APAP tablets, the audit period was June 2015 to June 2016. Alleged violation of law: 201 KAR 2:100 Section 1. **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. Standard terms and \$5000 administrative fine, approved corrective action plan to prevent future occurrences, one year probation.**

**Case 16-0436 B Revisit.** Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 2888 hydrocodone/APAP tablets, the audit period was June 2015 to June 2016. Alleged violation of law: 201 KAR 2:2015 Section 2(3)(b). **1 - CRC**

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

**Case 16-0448 A Revisit.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by employing a pharmacist who divulge or reveal patient information to unauthorized person. Alleged violation of law: KRS 315.121(1)(a) **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. Standard terms and \$1000 administrative fine, approved corrective action plan to prevent future occurrences to include no record disclosures by technicians only pharmacists.**

**Case 16-0448 B Revisit.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information. Alleged violation of law: KRS 315.121(2)(b). **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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

**Case 16-0448 C Revisit.** Technician allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information. Alleged violation of law: KRS 315.121(2)(b). **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. Standard terms and \$100 administrative fine.**

**Case 16-0479.** Pharmacist allegedly violated her KYPRN monitoring agreement and 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). **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. Standard terms and six month continuous sobriety monitored by KYPRN after 30 day in-house residence program completion.**

**Case 16-0481 A.** Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by failing to deliver a dispensed prescription to a patient. Alleged violation of law: KRS 315.121(1)(a). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0481 B.** Pharmacist-in-charge allegedly failed in his quality assurance responsibility in regards to the provision of pharmacy services. Alleged violation of law: 201 KAR 2:205 Section 2(3)(b). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0493.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by inappropriately filling prescriptions early. Permit holder allegedly failed to provide a recordkeeping system that allowed pharmacists to perform a prospective drug use review for proper utilization for optimum therapeutic outcomes. Alleged violations of law: KRS 315.121 (1)(a) and 201 KAR 2:210 Section 1(1) and Section 4. **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0503.** Pharmacist allegedly has a mental or physical incapacity that prevents licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and 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 having first received a prescription drug order for the drug. Alleged violations of law: KRS 315.121(1)(b) and (2)(f). **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. Standard terms and six month continuous sobriety monitored by KYPRN after 30 day in-house residence program completion.**

**Case 16-0511 A.** Pharmacy permit holder allegedly failed to maintain a patient record that enabled the pharmacist to determine the impact of previously dispensed drugs and known disease conditions upon the newly submitted prescriptive drug order. Alleged violation of law: 201 KAR 2:210 Section 1(d)(3). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0511 B.** Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent. Alleged violation of law: KRS 315.121 (2)(b). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0511 C.** Pharmacist allegedly failed to perform a proper prospective drug use review prior to dispensing a prescription. Alleged violation of law: 201 KAR 2:210 Section 4 (1). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0512 A.** Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. Alleged violations of law:

KRS 315.121(1) (a) and 201 KAR 2:210 Section 3. **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0512 B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. Alleged violation of law: KRS 315.121(2) (d). **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. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

**Case 16-0515.** Pharmacist self-reported she allegedly failed to obtain the required 1.5 continuing education units in 2015. Alleged violations of law: KRS 315.065(2) and 201 KAR 2:015 Section 5(1)(a). **Standard terms and \$250 administrative fine, additional hours of continuing education to total of double the amount of deficiency [11 hours].**

**Case 16-0518.** 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. Pharmacist allegedly dispensed warfarin 6mg rather than the prescribed warfarin 3mg. Alleged violation of law: KRS 217.065 (1). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0520 A.** Pharmacy permit holder employed a pharmacist who allegedly engaged in unprofessional or unethical conduct by dispensing without a prescription. Alleged violation of law: KRS 315.121(1)(a). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 16-0520 B.** Pharmacist allegedly engaged in unprofessional or unethical conduct by dispensing without a prescription. Alleged violation of law: KRS 315.121(2)(f). **1 - CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

**Case 17-0003A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0003B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 5/20/2016 to 5/24/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0004A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0004B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 7/19/2016 to 10/13/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0005A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0005B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2016 to 10/19/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0006A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0006B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2015 to 10/10/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0007A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0007B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 10/3/2016 to 11/9/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0008A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0008B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 10/3/2016 to 11/9/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0009A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0009B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 10/16/2016 to 11/1/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

**Case 17-0010A.** Pharmacy permit holder allegedly aided or abetted an employee to assist in the practice of pharmacy without having a current pharmacy technician registration. Alleged violation of law: KRS 315.121(1)(g). **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. Standard terms and \$100 administrative fine.**

**Case 17-0010B.** Pharmacy technician assisted in the practice of pharmacy without a current pharmacy technician registration from 3/31/2016 to 11/14/2016. Alleged violation of law: KRS 315.138(g). **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. Standard terms and \$25 administrative fine.**

Dr. Hanna seconded, the motion passed unanimously. The Board discussed streamlining the case process and drafting regulation to allow for established case precedents. Ms. Lalonde advised the Board to review these precedents annually for updates.

**Final Orders.** Ms. Brewer moved to accept the Hearing Officer's Recommended Order, and issue the Final Order for Case 16-0383 as presented. Dr. Martin seconded, the motion passed unanimously.

#### **RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIAN**

**Jyh-Chi Jessica Hsu – Reciprocity.** Dr. Martin moved to allow reciprocity without restrictions. Dr. Hanna seconded, the motion passed unanimously.

#### **CORRESPONDENCE/COMMUNICATION**

**Grace Loyola – CE Extension.** Grace Loyola requested an extension on a previous disciplinary case to allow her additional time to complete CE requirements due to extenuating circumstances. Neither the medical condition nor absence from the country prevented Ms.

Loyola from timely complying with the terms of her Agreed Order; thus, Dr. Martin moved to deny the request and directed Ms. Lalonde to draft an Agreed Order to include a \$1000 fine and double the amount of deficient CEs [20 hours]. Thereafter, the pharmacist may renew her license. Dr. Hanna seconded, the motion passed unanimously.

**Lisa Carroll – Dual PIC Request.** Lisa Carroll requested to be PIC of ARH Family Health, pending permit P07812 until a full time pharmacist is hired. Ms. Carroll is currently the PIC of Morgan County ARH Pharmacy, P05019. Kinsey Whitt has applied for this position dependent upon graduation and successfully attaining her pharmacist license. Dr. Dewire moved to approve this request providing licensure of Ms. Whitt is obtained in a timely manner. Dr. Martin seconded, the motion passed unanimously.

**Steve Cummings – Dual PIC Request and Compounding Equipment Waiver.** Mr. Cummings requested to be PIC of Our Lady of Peace Long Acting Injection Clinic, pending permit P07814. Mr. Cummings is currently PIC of Our Lady of Peace, P05174. Additionally, Mr. Cummings requested a compounding equipment waiver from the Board. No compounding will be done at Our Lady of Peace Long Acting Injection Clinic. Dr. Hanna moved to approve these requests. Dr. Martin seconded, the motion passed unanimously.

### **NABP**

Dr. Martin moved to appoint President Greenwell as NABP Delegate with Vice-President Hanna as alternate. Dr. Hanna seconded, the motion passed unanimously.

### **LEGISLATION/REGULATION**

Mr. Hart updated the Board on bills currently up for review in this Legislative session.

### **CONTINUING EDUCATION**

Dr. Martin moved to approve continuing education programs 17-01 through 17-04. Dr. Hanna seconded, the motion passed unanimously.

### **OLD BUSINESS**

**Non-resident Disciplinary Actions.** Staff requested guidance from the Board on how to proceed with notification from individuals and entities that are disclosing discipline in other jurisdictions. After discussion, this was tabled until the March 8, 2017 Board meeting.

### **NEW BUSINESS**

President Greenwell voiced concerns over the opioid epidemic. He directed the staff to initiate a process for tracking DEA forms 106 reporting controlled substance theft/loss to the Board. Staff will report at the March 8, 2017 Board meeting on a tracking process.

**FYI**

Mr. Hart informed the Board that requests were received to expunge prior disciplinary actions. These actions meet the requirements of 201 KAR 2:270.

**ADJOURNMENT**

President Greenwell adjourned the meeting at 12:02 p.m. The next regularly scheduled meeting begins at 9 a.m. on March 8, 2017 at the Sullivan College of Pharmacy, Louisville, Kentucky.