

KENTUCKY BOARD OF PHARMACY

Board Meeting

125 Holmes Street, Suite 102

Frankfort, KY 40601

May 10, 2017

9:00 a.m.

Agenda

I. CALL TO ORDER

II. MINUTES

- A. *March 8, 2017

III. APPEARANCES

- A. *U.S.P 09:15 am
- B. *Kelly Gritton 10:15 am
- C. *Eric Reid 11:00 am

IV. INTERAGENCY

- A. *CHFS-OIG Forthcoming Regulation Amendments
 - 1. 902 KAR 55:015
 - 2. 902 KAR 55:020
 - 3. 902 KAR 55:025
 - 4. 902 KAR 55:030
 - 5. 902 KAR 55:035
 - 6. 902 KAR 55:040

V. BOARD REPORTS

- A. Board Executive Director
 - 1. *eMars- March and April
 - 2. Travel approval:
 - a. CLEAR Annual Meeting September 12 through 17- Executive Director

VI. CURRENT/PENDING CASES

- A. *Case Review
- B. *Fines Report
- C. *Final Order

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- A. *Bradley Johnson Initial Licensure
- B. *Michael Petrilli reciprocity
- C. *Luke Schmid Intern Application
- D. *Pharmacy Technicians

VIII. CORRESPONDENCE/COMMUNICATION

- A. *Johnna Neary CE
- B. *Charles Ifeachor CE
- C. *Linda Evans CE
- D. *Amanda Rasberry CE
- E. *Laura Keene CE
- F. *Santhosh Mathew NAPLEX Testing

IX. NABP

- A. *Candidate letter from Lee Ann Bundrick
- B. *Candidate letter from Richard Mazzoni District VIII
- C. *Candidate letter from Jay Campbell Treasurer
- D. *Candidate letter from Ken Sanders Treasure

X. LEGISLATION/REGULATION

- A. *502 KAR 2:076 Compounding
 - a. KPhA letter
 - b. Kentucky Retail Federation letter
 - c. APSC letter
- B. *Outsourcer Regulation

XI. CONTINUING EDUCATION

- A. *CE Programs – 17-10 – 17-29

XII. OLD BUSINESS

- A. *Appointment to APRN Council

XIII. NEW BUSINESS

- A. Board Reorganization

XIV. FYI

- A. Expungement
 - 1. 13-0156

XV. BOARD WORK SESSION

- A. *Protocols

*Information enclosed with this agenda

MINUTES
KENTUCKY BOARD OF PHARMACY
125 Holmes Street
Frankfort KY 40601
May 10, 2017

CALL TO ORDER A regular meeting was held at Kentucky Board of Pharmacy, Frankfort, KY. President Greenwell called the meeting to order on May 10, 2017 at 9:15 a.m. He welcomed the guests and explained the makeup and function of the Board.

Members present: Scott Greenwell, Brian Dewire, Deborah Brewer, Cathy Hanna, Ron Poole and Craig Martin. Staff: Steve Hart, Executive Director; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Shannon Garrett, Pharmacy and Drug Inspector; Amanda Harding, Pharmacy and Drug Inspector; Paul Daniels, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; Cheryl Lalonde, General Counsel; and Darla Sayre, Executive Staff Advisor. Guests: Ralph Bouvette, APSC; Trish Freeman, KPhA; Anne Policastri, KSHP; Chris Killmeier, Walgreens; Brian Fingerson, KYPRN; Mike Wyant, Cardinal Health; Matt Martin; Barb Jolly, Sullivan College of Pharmacy; Clayton Johnston, Alicia Robinson, Samantha Bochenek, University of Kentucky; John Giordullo, St. Elizabeth Healthcare; Sarah Lawrence, Sullivan College of Pharmacy; James Brown, Pharmetric; Ronnie Brooks, Brooks Quality Assurance Cons.; Brian Yarberr, Norton Children's Hospital; Leslie Kenney; Norton Healthcare; Brittany Reid, Wal-mart; Eric Reid, KYPRN; Kim Richards, Baptist Health; Stephanie Huff, University of Louisville Hospital; Philip Koceimba, University of Louisville Hospital; Kelly Zaccarelli, Rood & Riddle Veterinary Pharmacy; Shannon Stiglitz, Kentucky Retail Federation; Paula York, OIG; Lanee Smith, Rich Palumbo, Express Scripts; Sam Willett, KPHA; Erik Mays, Louisville Pharmacy; William Cover, NABP; Carla Barriero, student of UK College of Pharmacy and Ben Gatlin, student. Court Reporter Terri Pelosi recorded the meeting.

MINUTES On motion by Mr. Poole, seconded by Dr. DeWire and passed unanimously, the Minutes of March 8, 2017 were approved.

APPEARANCES

USP. Jeanne Sun, Pharm.D. remotely via the internet presented a PowerPoint presentation of *An Overview of USP and Compounding Standards*. Due to the topic, President Greenwell suggested opening the discussion on 205 KAR 2:076 Compounding immediately. The following individuals provided their opinions on the upcoming regulation: Trish Freeman, representative from Eli Lilly, Ralph Bouvette, William Cover, Seth Depasquale, Kim Richards, Ann Policastri, Erik Mays, Barb Jolly, Shannon Stiglitz, John Giordullo, Ron Brooks, Greg Killmeier, Jim Brown, Matt Martin and Willis Triplett. After much discussion, Dr. Martin moved to approve the KPHA version with waiver language from the staff version. The motion died with no second. The Board discussed adding an effective date of January 1, 2018 to the staff version of the regulation.

President Greenwell recessed for a 15 minute break. Discussion will continue later in the meeting.

Kelly Gritton. Ms. Gritton was sworn in by Terri Pelosi, Court Reporter. Ms. Gritton appeared before the Board to request reinstatement of her Kentucky pharmacist's license. Ms. Gritton gave a brief overview of the events that led to the loss of her pharmacist's license. 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. Mr. Poole seconded, and the motion passed unanimously. Mr. Poole moved to come out of Executive Session. Dr. Martin seconded, and the motion passed unanimously.

Ms. Brewer moved to reinstate Ms. Gritton's pharmacist license with stipulations as follows: lifetime probation; no dispensing of controlled substances; may not have access to controlled substances; may not be pharmacist-in-charge of a facility that dispenses controlled substances; signed KYPRN; signed release of medical records; monthly report of AA/NA meetings; observed urine, other body fluid, or hair samples for drug/alcohol screens; prohibited from accepting position as pharmacist-in-charge, power of attorney, or preceptor; attendance within 1 year of entry of this Agreed Order at Utah School or CAPTASA; monthly written self-performance evaluations. Ms. Gritton stated she understood that a substantive violation of the Agreed Order of Reinstatement shall cause her to automatically lose her license to practice pharmacy for not less than five years and one day of continued sobriety with KYPRN and shall require her to petition the Board for reinstatement only after she has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. Ms. Gritton shall not seek to amend or modify this Agreed Order. At a minimum, the Board expects all stipulations to be complied with scrupulously with any non-compliance resetting the beginning date of probation. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Mr. Poole seconded, and the motion passed 4 to 1 with Ms. Brewer, Mr. Poole, Dr. Martin and Dr. Hanna voting for the motion and Dr. Dewire opposed.

President Greenwell recessed at 1:00 for a 45 minute lunch break. President Greenwell reconvened the meeting at 1:48. Ms. Pelosi, Court Reporter, was no longer present after the recess to record the meeting.

Eric Reid. Mr. Reid was sworn in by Cheryl Lalonde, General Counsel. Mr. Reid appeared before the Board to request reinstatement of his Kentucky pharmacist's license. Mr. Reid gave a brief overview of the events that led to the loss of his pharmacist's license. Mr. Reid was licensed as a pharmacist in Kentucky in 2008. Mr. Reid surrendered his license in March 2015. Mr. Reid admitted that his alcohol abuse began in college with DUIs in November 1998, April 2002 and June 2013. Alcohol abuse is prevalent in his family. He received his fourth DUI in October 2014. January 1, 2015 is his sobriety date. He completed rehab in April 2015 and signed a KYPRN agreement. He signed an Agreed Order with the Board in June 2015. He is continuing his recovery. Mr. Poole inquired about leading any AA meetings. Mr. Reid informed the Board that he has chaired some meetings but not led any. Dr. Hanna inquired about his employment status. Mr. Reid owns and works at a consignment shop. Mr. Poole inquired about his coping

mechanisms. Mr. Reid informed the Board that he copes with his stress with hobbies, imagery, music therapy and prayer. Ms. Brewer inquired as how he handles family situations where drinking is involved now that he is sober. Mr. Reid informed the Board that he has stopped associating with the main instigators [cousins] relying on his wife who does not drink to help him. President Greenwell inquired about an upcoming family trip. Mr. Reid assured the Board that he would surround himself with family members that do not drink to avoid any pitfalls. The Board asked Brian Fingerson, KYPRN Committee Chairman, what the committee's recommendations were. Mr. Fingerson stated that the vote was seven in favor of reinstatement with 2 opposed. 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. Mr. Poole seconded, and the motion passed unanimously. Ms. Brewer moved to come out of Executive Session. Dr. Dewire seconded, and the motion passed unanimously.

Mr. Poole moved to reinstate Mr. Reid's license with stipulations as follows: successful completion of the PARE exam within one year of license reinstatement; ten years probation; perpetual inventory at all places of employment for Schedule II drugs; electronic tracking of Schedule III-V drugs and expired controlled substances; perpetual inventory available; audits; 18 monthly AA/NA meetings; quarterly inspections for 2 years with semi-annual inspections thereafter; place of employment may not sell alcohol; maximum work hours with no overtime; copy of Agreed Order to all employers and pharmacists-in-charge; KYPRN; signed release of medical records; monthly report of AA/NA meetings; observed urine, other body fluid, or hair samples for drug/alcohol screens; prohibited from accepting position as pharmacist-in-charge, power of attorney, or preceptor; attendance within 1 year of entry of this Agreed Order at Utah School or CAPTASA; monthly written self-performance evaluations. Mr. Reid stated he understood that any violation of the Agreed Order of Reinstatement shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require him to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. Mr. Reid shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. The Board expects all stipulations to be complied with scrupulously with any non-compliance will at a minimum reset the beginning date of probation. Dr. Martin seconded, and the motion passed unanimously.

INTERAGENCY

Paula York, Drug Enforcement and Professional Practices (DEPP) Branch of the Office of Inspector General in the Cabinet for Health and Family Services. Ms. York gave a summary of the regulation and statute changes in process by DEPP.

Anne Policastri; KSHP. Dr. Policastri announce the KSHP Spring Meeting will be held May 12, 2017 at the Louisville Marriott East.

BOARD REPORTS

1. Financial reports and eMars were presented for March and April 2017.

2. Dr. Martin moved to allow Mr. Hart to travel to the CLEAR Annual Meeting on September 12-17, 2017. Mr. Poole seconded, and the motion passed unanimously.

CURRENT/PENDING CASES

Case Review. Dr. Hanna moved to accept Case Review recommendations:

Case 12-0173. 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). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 16-0129 Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct by being incapable of practicing pharmacy with reasonable skill, competency and care to the public; allegedly ingesting a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug; and being convicted of a Misdemeanor charge of Theft by Unlawful Taking for diverting controlled substances. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(b)(c) and (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 status of 'Do Not Renew.'**

Case 16-0514A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient was allegedly dispensed prescription for oxycodone/apap 7.5/325mg tablets that contained oxycodone/apap 10/325mg tablets. ALLEGED VIOLATION OF LAW: KRS 217.065(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 and preventative measures memorialized.**

Case 16-0514B. 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 was allegedly dispensed a prescription for

oxycodone/apap 7.5/325mg tablets that contained oxycodone/apap 10/325mg 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 16-0516C Revisit. A Pharmacist technician allegedly ingested controlled substances for which prescription drug orders are required, without having first received prescription drug orders for the drugs. 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 revocation.**

Case 16-0519. Pharmacy permit holder allegedly aided and abetted an individual to engage in the practice of pharmacy with a license. The pharmacy allowed a registered nurse to administer immunizations pursuant to prescriber-approved protocol. 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 17-0002A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. A patient alleged patient information was divulged or revealed to unauthorized persons. 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 17-0002B. Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to unauthorized persons. 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 17-0062 Revisit. Pharmacist allegedly failed to make six (6) daily calls to FirstLab between July 1 and December 31, 2016. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(i). **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 \$600 administrative fine, Monitoring Agreement start date will be November 27, 2016.**

Case 17-0128 Revisit. Out of state pharmacy was allegedly convicted of a violation of pharmacy or drug laws, rules or administrative regulations of another state. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(c)3. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0217A. Pharmacy permit holder allegedly sold a misbranded drug due to dispensing an expired medication. Patient allegedly was dispensed a prescription for amoxicillin oral suspension 400mg/5mL on January 21, 2017 that had an expiration date of August 2016. 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 17-0217B. 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 dispensing an expired medication. Patient allegedly was dispensed a prescription for amoxicillin oral suspension 400mg/5mL on January 21, 2017 that had an expiration date of August 2016. 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 or pharmacy law.**

Case 17-0218A. Pharmacy permit holder allegedly sold a misbranded drug due to a false or misleading medication name and an incorrect physician name placed on the dispensed medication bottle. Patient allegedly was dispensed a prescription for levetiracetam 100mg/ml solution that contained levetiracetam 100mg/ml solution with Ora Sweet with an incorrect physician name. 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 17-218B. 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 placing a false or misleading medication name on the dispensed medication bottle and an incorrect physician name. Patient allegedly was dispensed a prescription for levetiracetam 100mg/ml solution that contained levetiracetam 100mg/ml solution with Ora Sweet with an incorrect physician name. 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 \$1500 administrative fine, additional 6 hours of continuing education on pharmacy law.

Case 17-0221. Pharmacist allegedly used the title of “pharmacist”, “registered pharmacist”, “licensed pharmacist”, “druggist”, initials “R.Ph”, term which implied he was a pharmacist when not duly licensed under the provision of KRS Chapter 315. ALLEGED VIOLATION OF LAW: KRS 315.030 (2). **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 17-0231A. Pharmacy permit holder allegedly disclosed the names of purchasers of hypodermic needles or syringes recorded in bound book to an unauthorized individual. ALLEGED VIOLATIONS OF LAW: KRS 315.030 (2). ALLEGED VIOLATIONS OF LAW: KRS 217.177(5)(e) and KRS 315.121(1)(h). **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, probation until the following are met; develop policy for syringe log book, maintain confidentiality and document proof of employee training on policy.**

Case 17-0231B. Pharmacist allegedly disclosed the names of purchasers of hypodermic needles or syringes recorded in bound book to an unauthorized individual. ALLEGED VIOLATIONS OF LAW: KRS 315.030 (2). ALLEGED VIOLATIONS OF LAW: KRS 217.177(5)(e) and KRS 315.121(1)(h). **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 17-0231C. Pharmacy technician allegedly disclosed the names of purchasers of hypodermic needles or syringes recorded in bound book to an unauthorized individual. ALLEGED VIOLATIONS OF LAW: KRS 315.030 (2). ALLEGED VIOLATIONS OF LAW: KRS 217.177(5)(e) and KRS 315.121(1)(h). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0232A. Pharmacy permit holder allegedly sold a misbranded product as the result of a medication error. Patient allegedly received memantine 10mg instead of the prescribed

methadone 10mg. ALLEGED VIOLATION OF LAW: KRS 217.065(1). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0232B. 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 memantine 10mg instead of the prescribed methadone 10mg. 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 17-0233A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 36 buprenorphine/naloxone 8mg/2mg, 92 buprenorphine 8mg, 97 pregabalin 150mg, 98 zolpidem 10mg, 784 butalbital/apap/caffeine, 25 clonazepam 0.5mg, 30 clonazepam 1mg, and 4906 gabapentin of various strengths over a period of 6 months. 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 17-0233B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 36 buprenorphine/naloxone 8mg/2mg, 92 buprenorphine 8mg, 97 pregabalin 150mg, 98 zolpidem 10mg, 784 butalbital/apap/caffeine, 25 clonazepam 0.5mg, 30 clonazepam 1mg, and 4906 gabapentin of various strengths over a period of 6 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 17-0233C. 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. 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 17-0234A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 1,043 acetaminophen-codeine #3 tablets due to pilferage by a pharmacy technician. 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 17-0234B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 1,043 acetaminophen-codeine #3 tablets due to pilferage by a pharmacy technician. 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 17-0234C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a drug order is required, without first receiving a prescription drug order for the drug. ALLEGED VIOLATION OF LAW: KRS 315.121 (2) (f). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation or do not renew.**

Case 17-0236A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by circulating false, misleading, or deceptive statements concerning the practice of pharmacy. ALLEGED VIOLATION OF LAW: KRS 315.121 (1)(a). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0236B. Pharmacist allegedly engaged in unprofessional or unethical conduct by circulating false, misleading, or deceptive statements concerning the practice of pharmacy. ALLEGED VIOLATION OF LAW: KRS 315.121 (2)(a). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0237A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by delaying the dispensing of a prescription medication. 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 17-0237B. Pharmacist in charge alleged failed to provide adequate pharmacy services. There was an alleged delay in the dispensing of a prescription medication. ALLEGED VIOLATIONS 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 17-0298A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 247 units of various controlled substances between May 2016 and February 2017. 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 17-0298B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 247 units of various controlled substances between May 2016 and February 2017. 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 17-0298C. 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. ALLEGED VIOLATION OF LAW: KRS 315.121 (2) (f). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0341A. 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 actual injury by failing to maintain the security of confidential patient information. Patient information was left behind after the closure of pharmacy. 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 17-0341B. 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 actual injury by failing to maintain the security of confidential patient information. Patient information was left behind after the closure of pharmacy. 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 pharmacy law.**

Case 17-0341C. 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 actual injury by failing to maintain the security of confidential patient information. Patient information was left behind after the closure of pharmacy. 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 pharmacy law.**

Case 17-0341D. 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 actual injury by failing to maintain the security of confidential patient information. Patient information was left behind after the closure of pharmacy. 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 pharmacy law.**

Case 17-0342. Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct. Technician employment terminated for theft of store items. 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 revocation; if lapsed, do not renew.**

Case 17-0364A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of an undetermined number of controlled substances over a period of approximately six months due to pilferage by a pharmacy technician. 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 17-0364B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of an undetermined number of controlled substances over a period of approximately six months due to pilferage by a pharmacy technician. 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 17-0364C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a drug order is required, without first receiving a prescription drug order for the drug. ALLEGED VIOLATION OF LAW: KRS 315.121 (2) (f). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation; if lapsed, do not renew.**

Case 17-0365A. Special pharmacy permit holder for medical gases allegedly engaged in the practice of special pharmacy services from an unlicensed location due to moving without notification to the Board. 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. Standard terms and \$500 administrative fine.**

Case 17-0365B. Pharmacist-in-charge allegedly failed to provide notification to the Board of a change of location. Pharmacist-in-charge allegedly failed to review the records of the special pharmacy permit for medical gases not less than once each quarter. ALLEGED VIOLATION OF LAW: 201 KAR 2:205 Section 2 (3) (e) and 201 KAR 2:225 Section 2 (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 \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 17-0366A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly was prescribed albuterol sulfate 0.63 mg/3mL (0.021%), prescription was allegedly labeled as albuterol sulfate 0.042%, and patient allegedly received albuterol sulfate 0.083%. ALLEGED VIOLATION OF LAW: KRS 217.065 (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 17-0366B. 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 albuterol sulfate 0.63 mg/3mL (0.021%), prescription was allegedly labeled as albuterol sulfate 0.042%, and patient allegedly received albuterol sulfate 0.083%. 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 17-0367A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. Patient alleges that pharmacy refused to fill her prescriptions nor would return them in order to be filled elsewhere. 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 17-0367B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in grossly negligent professional conduct, with or without established proof of actual injury. Patient alleges that pharmacist refused to fill her prescriptions nor would return them in order to be filled elsewhere. ALLEGED VIOLATION OF LAW: KRS 315.121 (2) (e). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0368. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 20 hours of continuing education.**

Case 17-0369. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff.

Pharmacist was required to complete additional continuing education in 2016 due to a 2016 medication error disciplinary case. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 9 hours of continuing education.**

Case 17-0370. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 30 hours of continuing education.**

Case 17-0371. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 8 hours of continuing education.**

Case 17-0372. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 30 hours of continuing education.**

Case 17-0373. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff.

Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 30 hours of continuing education.**

Case 17-0374. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 20 hours of continuing education.**

Case 17-0376. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 20 hours of continuing education.**

Case 17-0377. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 14.5 hours of continuing education.**

Case 17-0378. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff.

Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 22 hours of continuing education.**

Case 17-0380. Wholesaler permit holder allegedly delivered prescription drugs to an unpermitted location. Wholesaler delivered oxygen tanks to a medical gases special pharmacy permit holder who did not have a valid permit due to a change of address. ALLEGED VIOLATIONS OF LAW: KRS 315.400(17) and (18). **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 17-0381. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2016 and December 31, 2016 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2016 due to a 2015 continuing education violation. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(e) and 201 KAR 2:015. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education.**

Case 17-0409. The sole owner/chief executive officer, chief financial officer and wholesale distributor permit holder were convicted on charges of federal mail fraud, wire fraud, theft of government property, money laundering conspiracy, obstruction of justice, and making false statements. ALLEGED VIOLATIONS OF LAW: KRS 315.121(1)(c). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0410A. Out of state pharmacy permit was disciplined by home state Board of Pharmacy because a pharmacy technician trainee diverted 9,527 hydrocodone/acetaminophen 10/325mg tablets over a 30 day time period. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(c)3. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0410B. Pharmacist-in-charge failed to provide adequate security and control of controlled substances. A pharmacy technician trainee diverted 9,527 hydrocodone/acetaminophen 10/325mg tablets over a 30 day time period. 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 17-0411A. Wholesale distributor entered into a Settlement Agreement with the Drug Enforcement Administration (DEA) to resolve allegations the wholesale distributor did not report suspicious orders of controlled substances to DEA from January 2009 through 2013. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(c)3. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0411B. Wholesale distributor entered into a Settlement Agreement with the Drug Enforcement Administration (DEA) to resolve allegations the wholesale distributor did not report suspicious orders of controlled substances to DEA from January 2009 through 2013. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(c)3. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0412. Pharmacist was disciplined by another state Board of Pharmacy for failure to provide adequate security and control of controlled substances. ALLEGED VIOLATION OF LAW: KRS 315.121(1)(c)3. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Ms. Brewer seconded, and the motion passed unanimously.

Final Orders. Dr. Hanna moved to accept the Hearing Officer's Recommended Order, and issue the Final Order for Case 16-0465B as presented. Mr. Poole seconded, the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIAN

Bradley Johnson – Initial Applicant. Dr. Hanna moved to allow applicant to sit for exams with no restrictions. Dr. Martin seconded, the motion passed unanimously.

Michael Petrilli – Reciprocal Applicant. Dr. Martin moved to allow licensure without restrictions upon successful completion of the MPJE. Dr. Hanna seconded, the motion passed unanimously.

Luke Schmid – Intern Registration Applicant. Dr. Martin moved to allow registration with the continuance of his KYPRN agreement for the remainder of school. Dr. Hanna seconded, the motion passed unanimously.

Pharmacy Technician Registrant, Case 17-0235. Dr. Dewire moved to deny the application for pharmacy technician registration. Ms. Brewer seconded, and the motion passed 4 to 1 with Dr. DeWire, Ms. Brewer, Dr. Hanna and Mr. Poole voting for the motion and Dr. Martin opposed.

Pharmacy Technician Registrant, Case 17-0361. Dr. Martin moved to approve an application for pharmacy technician registration with no restrictions. Mr. Poole seconded, and the motion passed unanimously.

Pharmacy Technician Registrant, Case 17-0238. Mr. Poole moved to approve a renewal application for pharmacy technician registration with no restrictions. Dr. Martin seconded, and the motion passed unanimously.

Pharmacy Technician Registrant, Case 17-0362. Dr. Hanna moved to approve a renewal application for pharmacy technician registration with no restrictions. Ms. Brewer seconded, and the motion passed unanimously.

Pharmacy Technician Registrant, Case 17-0363. Dr. Hanna moved to approve a renewal application for pharmacy technician registration with the following stipulations; provide a low probability assessment of addiction from a certified addictionologist or one year probation with usual terms. Mr. Poole seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION

Johnna Neary. Ms. Neary requested a waiver of the 2016 CE requirements. Mr. Poole moved to deny the request. Ms. Brewer seconded, and the motion passed unanimously.

Charles Ifeachor. Mr. Ifeachor requested a waiver of the 2016 CE requirements. Mr. Poole moved to deny the request. Dr. Martin seconded, and the motion passed unanimously.

Linda Evans. Ms. Evans requested a waiver of the 2016 CE requirements and a reconsideration of the \$500 fine. Mr. Poole moved to deny the request. Dr. Martin seconded, and the motion passed unanimously.

Amanda Raspberry. Ms. Raspberry requested a deferral of the 2016 CE requirements. Dr. Martin moved to approve the request. Mr. Poole seconded, and the motion passed unanimously.

Laura Keene. Ms. Keene requested a waiver of the 2016 CE requirements. Mr. Poole moved to deny the request. Dr. Martin seconded, and the motion passed unanimously.

Santhosh Mathew. NABP requested the approval for Santhosh Mathew to sit for his 6th attempt of the NAPLEX. There is nothing in Kentucky law that restricts the amount of attempts for the NAPLEX. Ms. Brewer moved to approve the request. Mr. Poole seconded, and the motion passed unanimously.

Mr. Poole moved to direct the staff to propose a regulatory change limiting the amount of test attempts for pharmacist licensure and report at the July Board meeting. Dr. Martin seconded, and the motion passed unanimously.

NABP

Mr. Hart informed the Board that elections would be held at the NABP Annual meeting. He provided the Board with the candidate letters requesting support from the following; Lee Ann Bundrick, Richard Mazzoni, Jay Campbell and Ken Sanders.

LEGISLATION/REGULATION

502 KAR 2:076 Compounding. The Board resumed discussion on the regulation. The Board directed Ms. Lalonde to draft the regulation with the following changes; effective date of January 1, 2018 and an individual waiver process. Ms. Lalonde left the meeting to draft the regulation. Upon her return, the regulation was viewed on the screen. Dr. Martin moved to approve this draft of the regulation. Dr. Dewire seconded. President Greenwell requested a show of hands. The response was Dr. Martin, Dr. Dewire and Ms. Brewer in favor and Mr. Poole and Dr. Hanna opposed. The motion passed. A public hearing for this regulation is scheduled for June 28th at 9:00 a.m. at the Department of Transportation.

Outsourcer Regulation. Mr. Hart presented a draft of outsourcing facilities. Dr. Martin moved to approve the regulation. Dr. Hanna seconded, the motion passed unanimously. A public hearing for this regulation is scheduled for June 28th at 9:00 a.m. at the Department of Transportation.

CONTINUING EDUCATION

Dr. Martin moved to approve continuing education programs 17-10 thru 17-26, 17-28 and 17-29. The reason for the denial of 17-27 is the conflict of the presenter with material topic. Dr. Dewire seconded, and the motion passed unanimously.

OLD BUSINESS

Appointment to APRN Council. Dr. Martin moved to approve the appointment of Mr. Poole to the APRN Council for a four year term. Dr. Dewire seconded, and the motion passed unanimously.

NEW BUSINESS

Board Reorganization. Mr. Hart informed the Board of the results of a meeting with the Secretary of the Public Protection Cabinet on April 25, 2017. The Kentucky Board of Pharmacy will be grouped with the Dentistry Board, Board of Chiropractic Examiners, Board of Podiatry and Board of Optometry under the Public Protection Cabinet. This will be effective upon the Governor's Executive Order.

Mr. Cover presented a letter from the NABP in opposition of this proposed reorganization. The letter is attached in its entirety.

FYI

Mr. Hart informed the Board that a request was received to expunge prior disciplinary actions. This action meets the requirements of 201 KAR 2:270.

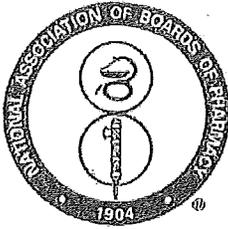
BOARD WORK SESSION

Dr. Dewire moved to table the work session on Board protocols until the July meeting. Dr. Martin seconded, and the motion passed unanimously.

ADJOURNMENT

Dr. Martin moved to adjourn. Mr. Poole seconded, the motion passed unanimously. President Greenwell adjourned the meeting at 5:34 p.m. The next regularly scheduled meeting begins at 9 a.m. on July 12, 2017 at the Board Office in Frankfort, Kentucky.

B. Steven Hart, R.Ph.
Executive Director



NABP

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May 9, 2017

The Honorable Matt Bevin
700 Capital Avenue, Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

The National Association of Boards of Pharmacy (NABP) recently learned that Kentucky Legislative House Bill 443 was enacted creating a new agency called the Department of Professional Licensing. It is our understanding that all regulatory boards will eventually be consolidated into this new agency with oversight from an Executive Director hired by the Public Protection Cabinet.

NABP has been providing impartial assistance to our member boards, such as the Kentucky Board of Pharmacy, since 1904 and as such our organization is keenly aware that states must continuously review current policy, antitrust protections and administrative functions of regulatory boards to ensure that they are fulfilling their critical patient safety mission while delivering efficient services that maintain good stewardship of the financial resources afforded to it by their citizens.

The consolidation of all Kentucky regulatory boards within an agency in which one executive director will have overall oversight and policy control creates significant challenges that impact customer service, administrative efficiencies, and costs. Regulatory boards vary greatly in their scope and approaches to fulfill legislative mandates because of the vast differences in the complexity of the practices regulated by each individual board as well as the varying degree of potential for patient harm. Additionally, the level of practice knowledge and background necessary for an executive director to adequately safeguard Kentucky citizens is much different for pharmacy and other related health care professions than occupations that do not require the completion of formal educational programs and stringent competence assessment standards. The practice of pharmacy is ever evolving in a large number of provider settings and the complexity of the practice models increase with the use of technological tools and processes.

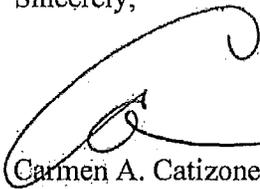
Amongst our 54 member boards, NABP has seen a wide range of regulatory approaches and witnessed firsthand the pros and cons of the various organizational models. States that lack pharmacist expertise at the executive level of board of pharmacy staff, struggle to effectively implement legislative mandates into meaningful practice regulations and requirements and educate pharmacists on how to comply with state law and emerging pharmacy practices. The result of which is increased costs, decreased customer service, and serious alarms for patient safety. It is with these concerns in mind that NABP respectfully requests your consideration and that of Public Protection Cabinet to an alternative method of structuring the Board of Pharmacy in Kentucky. This alternative method would take into consideration that the practice of pharmacy, has a unique role in patient protection as evidenced by the compounding tragedy

of just a few years past that killed and injured patients in states outside of Kentucky. If the Pharmacy Board is to be realigned, an alignment that recognizes the complexity and high risk nature of the practice of pharmacy would better serve the citizens of Kentucky. The effective regulation of high risk health professions can best be assured by continuing to have practice and legal experts at the executive staff level of high risk regulatory boards, such as pharmacy.

Efficiencies of consolidation and antitrust protections will be achieved with an organizational structure that maintains the necessary practice expertise at the executive level of critical regulatory agencies, specifically the Kentucky Board of Pharmacy. The Kentucky Board has a long history of strong and effective pharmacy regulation. The proposed changes of Kentucky Legislative House Bill 443, will negatively impact the ability of the Kentucky Board of Pharmacy to continue the effective and robust regulation provided to Kentucky's citizens.

I appreciate your time and consideration of this proposed change as you are making changes related to this new law. NABP would be glad to provide any additional information if you so request.

Sincerely,



Carmen A. Catizone, MS, RPh, DPh
Executive Director/Secretary

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY

CC: Senator Robert Stivers, Senate Majority Leader
Representative Jeff Hoover, House Majority Leader
Senator Ralph Alvarado, M.D.
Representative Danny Bentley, R.Ph.
Blake Brickman, Governor's Chief of Staff
Brett Gaspard, Executive Director, Boards and Commissions