

KENTUCKY BOARD OF PHARMACY
Special Called Board Meeting
125 Holmes Street
Frankfort KY 40601

July 18, 2018
9:00 AM

Agenda

I. CALL TO ORDER

II. MINUTES

- A. *May 16, 2018
- B. *June 6, 2018

III. APPEARANCES

- A. *Phillip Simpson – Reinstatement
- B. *Baxter Healthcare Corporation

IV. INTERAGENCY

V. BOARD REPORTS

- A. Executive Director
 - 1. *eMars – May and June 2018

VI. CURRENT/PENDING CASES

- A. *Case Update and Fines Report

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- A. *Pharmacist Intern Application

VIII. CORRESPONDENCE/COMMUNICATION

- A. *PCA Pharmacy – Waiver Request
- B. *Sally Armstrong – Waiver Request for preceptor status
- C. *Jennifer Baker – 18-0155 – CE Fine Waiver
- D. *David Pijut – 18-0170 – CE Extension Request
- E. *Allison Zettwoch – 18-0197 – CE Exemption Request
- F. *David Koon, VillageMD – Equipment Waiver Request
- G. *Tailor Made Compounding – Expansion Special Consideration
- H. *Heart of America Pharmacy – Non-Resident Pharmacy Application
- I. *Eric Reid – PARE
- J. *University of Kentucky Healthcare – USP <797> Waiver Request
- K. *Onco 360 – Compounding Equipment Waiver Request

IX. NABP

X. LEGISLATION/REGULATION

A. Appoint Regulation Committee

B. Regulations Scheduled to Sunset on July 1, 2019

1. 201 KAR 2:010
2. 201 KAR 2:070
3. 201 KAR 2:080
4. 201 KAR 2:090
5. 201 KAR 2:095
6. 201 KAR 2:100
7. 201 KAR 2:105
8. 201 KAR 2:106
9. 201 KAR 2:115
10. 201 KAR 2:116
11. 201 KAR 2:160
12. 201 KAR 2:165
13. 201 KAR 2:170
14. 201 KAR 2:175
15. 201 KAR 2:180
16. 201 KAR 2:185
17. 201 KAR 2:190
18. 201 KAR 2:210
19. 201 KAR 2:215
20. 201 KAR 2:225
21. 201 KAR 2:230
22. 201 KAR 2:240
23. 201 KAR 2:250
24. 201 KAR 2:260
25. 201 KAR 2:270
26. 201 KAR 2:280
27. 201 KAR 2:300
28. 201 KAR 2:310
29. 201 KAR 2:320
30. 201 KAR 2:330
31. 201 KAR 2:350 – expires in 2019 on another date.

XI. CONTINUING EDUCATION

A. *CE Programs

XII. OLD BUSINESS

A. *Update on Long Term Care Task Force 201 KAR 2:370

1. *Comments on 201 KAR 2:370

B. Update on Advisory Council

C. Update on Hazardous Drug Compounding Task Force

D. *KPHA/KSHP Grant Proposal

XIII. NEW BUSINESS

- A. *Protocols for Review
- B. Update on implementation of USP 797 and 795
- C. Pharmacists Practicing in Non-Permitted Areas
 - 1. *Tristan Carnes letter
 - 2. * Takeshi 'Bob' Koyagi letter
 - 3. *CCA

XIV. FYI

- A. Expungement
 - 1. 14-0110

*Information enclosed with this agenda.

MINUTES

KENTUCKY BOARD OF PHARMACY Special Called Board Meeting

125 Holmes Street
Frankfort KY 40601

July 18, 2018

CALL TO ORDER A special called meeting was held at the Board office in Frankfort, Kentucky. President Hanna called the meeting to order on July 18, 2018 at 9:05 a.m.

Members present: Cathy Hanna, Ron Poole, Peter P. Cohron, Jill Rhodes, Craig Martin and Jody Forgy.

Staff: Larry Hadley, Executive Director; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Amanda Harding, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Cheryl Lalonde, General Counsel; and Darla Sayre, Executive Staff Advisor. Court Reporter Jolinda Todd recorded the meeting.

Guests: Trish Freeman; Cindy Stowe, Sullivan College of Pharmacy; Daniel Marcon, Baptist Health; Celina Cummings, Baptist Health; Jenna Parrett, Baptist Health; Christina Hatfield, Baptist Health; Brian Fingerson, PRN Committee; Kirk Rhodes, UK College of Pharmacy; Phil Simpson; Tammy Schlensker, PCA Pharmacy; Jade Sillavan, PCA Pharmacy; Joe Elms, PCA Pharmacy; Steve Lariviere, Pharmerica; Joan Haltom, Ephraim McDowell Health; Tracy Macauley, UK Healthcare; David Gresham, Pharmerica; Logan Roberts, Baptist Health; Candace McQueen, Sullivan College of Pharmacy; Jill Lee, OIG; Chris Killmeier, Walgreens; Audry Hawkins, Walgreens; Ryan Garrett, Our Lady of Peace Hospital; Garrett Moreland, Rite-Aid; Brittany Reid, Walmart; Zach Kogut, APSC; Rachel Constant, Baptist Health; Jessica Miller, Baptist Health; Tina Trieu, Baptist Health; Diane White, APSC; Mark Glaper, KPhA; Scott Dilley, Pharmerica; Kourtney Shewmaker, Ephraim McDowell; Sarah Vickey, Ephraim McDowell; Michael Anderson, Baptist Health; Philip Fields, UK Healthcare; Liz Hess, UK Healthcare; Jessica Johnson, UL Health; Dudley Ellis, OIG; Dillen Thompson, UK College of Pharmacy; Abigail Collins, UK College of Pharmacy; Olivea White, UK College of Pharmacy; Julie Fuchs, Baptist Health; Diane Marsh, Baptist Health; Kelsey Villwock, Baptist Health; Helen Tang, Baptist Health; Sierra George, Ephraim McDowell; Krista Kemp, Neil Medical Group; Leslie Kenney, KSHP; Chris Palutis, KPhA and James Nash, Sullivan College of Pharmacy.

MINUTES On motion by Mr. Poole, seconded by Mr. Cohron and passed unanimously, the minutes of the May 16, 2018 Board Meeting were approved.

On motion by Mr. Forgy, seconded by Mr. Poole and passed unanimously, the minutes of the June 6, 2018 Special Called Board Meeting were approved. Ms. Busroe questioned the validity of the closed session during this meeting. The statute cited for closed session KRS 61.810 [1][n] became effective July 14, 2018 after the meeting took place. Mr. Hadley informed the Board that the office was working under the direction of the Finance Cabinet. The Board requested Mr. Hadley to consult with the Finance Cabinet on the validity of the meeting and the awarded contract resulting from it.

APPEARANCES

PHILLIP SIMPSON Phillip Simpson was sworn in by the court reporter, Jolinda Todd. Dr. Simpson appeared before the Board to request reinstatement of his Kentucky pharmacist license. Dr. Simpson gave a brief overview of the events leading to the surrender of his license. Dr. Simpson surrendered his Indiana pharmacist license September 2016. After treatment and continued sobriety, his Indiana license was reinstated July 6, 2017. Dr. Simpson signed a KYPRN agreement on April 24, 2017. He signed an agreed order of surrender with the Kentucky Board of Pharmacy stipulating six months of continuous sobriety and scrupulous compliance with the directives of the KYPRN Monitoring Agreement on January 26, 2017. His sobriety date is June 1, 2016. Brian Fingerson, chairman of the Kentucky Pharmacy Recovery Network, informed the Board that the committee voted 9-0 in favor of reinstatement.

Dr. Martin moved to reinstate Dr. Simpson's pharmacist's license with stipulations as follows: five years of probation [beginning from date of KYPRN agreement, April 24, 2017]; 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; 12 monthly AA/NA meetings; inspections; 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 his Agreed Order at Utah School or CAPTASA; monthly written self-performance evaluations. The specifics of his agreement will be detailed for Dr. Simpson later by Mr. Fingerson. Dr. Simpson 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. Dr. Simpson shall not seek to amend or modify his Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. President Hanna cautioned Dr. Simpson that the Board requires strict compliance with all stipulations. Mr. Cohron seconded, and the motion passed unanimously. Ms. Busroe raised concerns regarding the start date of his probation.

BAXTER HEALTHCARE CORPORATION Kevin Peyton and Vince Hanks appeared before the Board to discuss proposed legislation regarding delivery of peritoneal dialysis drug and device products to end-stage renal disease patients. Kentucky law requires these products to be shipped to the patient from a Kentucky permitted pharmacy. Their legislation will amend the pharmacy practice act to allow manufactures of home dialysis drugs, supplies and devices to be exempt from this requirement.

BOARD REPORTS Mr. Hadley presented financial reports for May and June 2018.

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

Case 17-0475 A Revisit. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 548 dosage units of controlled substances. Alleged Violations of Law: 201 KAR 2:100 Section 1 **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0546 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a legitimate prescription. 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 17-0546 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to dispense a legitimate prescription. Alleged Violation of Law: KRS 315.121 (2)(j). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0546 C. Pharmacist allegedly engaged in unprofessional or unethical conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury. 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 17-0566A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Alleged Violation of Law: KRS 315.121(1)(a). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0566B. Pharmacist-in-charge allegedly failed in the provision of pharmacy services. Alleged Violation of Law: 201 KAR 2:205 Section 2(3)(b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0566C. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Pharmacy permit holder allegedly engaged in the practice of pharmacy in Kentucky without a Kentucky pharmacy permit. Alleged Violations of Law: KRS 315.121(1)(a), KRS 315.0351(1), KRS 315.010(19) and (22). **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 \$50,000 administrative fine.**

Case 17-0566D. Pharmacist-in-charge allegedly failed in the provision of pharmacy services and allegedly failed to perform a drug utilization review resulting in an early refill of a non-

controlled substance. Alleged Violations of Law: 201 KAR 2:205 Section 2(3)(b) and 201 KAR 2:210 Section 4(3)(f). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0008A. 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). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0008B. 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). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0010 A Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Alleged Violations 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 \$500 administrative fine, no CAP if AO states corrective action taken.**

Case 18-0010 B Revisit. Pharmacist in charge allegedly failed in the provision of pharmacy services. 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 18-0013 A Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to provide access to a pharmacist through a telephone service. Alleged Violations of Law: KRS 315.121(1) (a), 201 KAR 2:210. **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, no CAP if AO states corrective action taken.**

Case 18-0013 B Revisit. Pharmacist in charge allegedly failed in the provision of pharmacy services. 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 18-0015 A Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Alleged Violations 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 \$500 administrative fine, no CAP if AO states corrective action taken.**

Case 18-0015 B Revisit. Pharmacist in charge allegedly failed in the provision of pharmacy services. 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 18-0030 A Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Alleged Violations 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 18-0030 B Revisit. Pharmacist in charge allegedly failed in the provision of pharmacy services. 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 18-0033 A Revisit. Failed to provide adequate security and control of drugs. Alleged Violations of Law: 201 KAR 2:100 Section 1 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. This will remain the same.**

Case 18-0041. Pharmacy technician allegedly has a mental or physical incapacity that prevents licensee from engaging in assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public. Alleged Violation of Law: KRS 315.121 (1)(b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0046 A Revisit. Pharmacy permit holder allegedly engage in unprofessional or unethical conduct by employing pharmacists that dispensed an incorrect strength on five different occasions. Alleged Violations 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 \$3500 administrative fine, approved corrective action plan to prevent future occurrences.

Case 18-0046 B Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct 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 establish proof of actual injury by committing a medication error. Pharmacist allegedly verified a prescription as clonidine 100 mcg/ml instead of the 50 mcg/ml prescribed by the physician. Alleged Violations 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 \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention.

Case 18-0046 C Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct 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 establish proof of actual injury by committing a medication error. Pharmacist allegedly verified a prescription as clonidine 100 mcg/ml instead of the 50 mcg/ml prescribed by the physician. Alleged Violations 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 medication errors and their prevention.

Case 18-0046 D Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct 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 establish proof of actual injury by committing a medication error. Pharmacist allegedly verified a prescription as clonidine 100 mcg/ml instead of the 50 mcg/ml prescribed by the physician. Alleged Violations 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 \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention.

Case 18-0049 A. Pharmacy permit holder allegedly failed to maintain records. Alleged Violations of Law: 201 KAR 2:170 **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0049 B. Pharmacist allegedly failed to perform proper DUR; Pharmacist allegedly failed to determine if a prescription was lawful. Alleged Violations of Law: 201 KAR2:210 Section 4 (3)(c); KRS 315.121 2(j) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 18-0049 C. Pharmacy permit holder allegedly failed to maintain records. Alleged Violations of Law: 201 KAR 2:170 **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 18-0118 A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient allegedly received 30 trazodone 50mg tablets instead of the labeled 45 tablets on two separate occasions. Alleged Violations of Law: KRS 217.065 (1); KRS 315.121 (1)(h). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0118 B. Pharmacist-in-charge allegedly failed to implement a vigilant and responsive quality assurance program and engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error on 3/6/18. Patient allegedly received 30 trazodone 50mg tablets instead of the labeled 45 tablets. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:205 Section 2 (3)(a); 315.121 (1)(h). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0118 C. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error on 2/10/18. Patient allegedly received 30 trazodone 50mg tablets instead of the labeled 45 tablets. Alleged Violation of Law: KRS 315.121 (2)(d). **CRC**

Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case 18-0130 A Revisit. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Pharmacy permit holder allegedly filled a prescription for metformin ER 500mg without verifying which formulation the prescriber wanted. Alleged Violations 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 18-0130 B Revisit. 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 filled a prescription for metformin ER 500mg without verifying which formulation the prescriber wanted. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0130 C Revisit. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Pharmacy permit holder allegedly filled a prescription for metformin ER 500mg that was not AB rated to the metformin ER 500mg the patient had previously been dispensed. Alleged Violations 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 18-0130 D Revisit. 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 filled a prescription for metformin ER 500mg that was not AB rated to the metformin ER 500mg the patient had previously been dispensed. Alleged Violations 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 18-0131 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to maintain security of prescription records. A patient reported that pharmacy staff lost prescriptions. Alleged Violations of Law: KRS 315.121 (1)(a); 201 KAR 2:100. **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0131 B. Pharmacist-in-charge allegedly failed to maintain security of prescription records. A patient reported that pharmacy staff lost prescriptions. Alleged Violation of Law: 201 KAR 2:205 Section 1. **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0131 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121 (2)(j). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0142 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 298 dosage units of controlled substances over an approximate three-month period. Alleged Violations 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 18-0142 B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 298 dosage units of controlled substances over an approximate three-month period. 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 18-0142 C. 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 Violations 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 18-0143 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. Alleged Violations 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 18-0143 B. Pharmacist in Charge allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violations of Law: KRS 315.121 (2) (j) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0145 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner. Alleged Violations 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 18-0145 B. Pharmacist in charge allegedly failed in the provision of pharmacy services. 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 18-0148 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing invalid prescription of schedule two controlled substance prescribed by a nurse practitioner. Alleged Violations 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 18-0148 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violations of Law: KRS 315.121 (2) (j). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on pharmacy law.**

Case 18-0150 A. Pharmacy permit holder allegedly allowed a Pharmacy Technician to work without a valid registration. Alleged Violations 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 18-0150 B. Pharmacy Technician allegedly worked in a Pharmacy without having a valid Pharmacy Technician registration. Alleged Violations of Law: KRS 315.135 (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 revocation.**

Case 18-0254 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. Alleged Violations 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 18-0254 B. Pharmacist in Charge allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violations of Law: KRS 315.121 (2) (j). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0256. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2017 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 \$1000 administrative fine, additional 2 hours of continuing education.**

Case 18-0258. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2016 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 \$1000 administrative fine, additional 4 hours of continuing education.**

Case 18-0259. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2016 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 \$1000 administrative fine, additional 1 hour of continuing education.**

Case 18-0260. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2016 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 \$1000 administrative fine, additional 24 hours of continuing education.**

Case 18-0261. Pharmacist allegedly failed to supply proof of 16 hours continuing education required by an Agreed Order. 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 \$1000 administrative fine, additional 22 hours of continuing education.**

Case 18-0262. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2016 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 \$1000 administrative fine, additional 30 hours of continuing education.**

Case 18-0263. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2016 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 \$1000 administrative fine, additional 22 hours of continuing education.**

Case 18-0264. Pharmacist allegedly failed to supply proof of 15 hours continuing education between January 1, 2017 and December 31, 2017 during an audit conducted by Board staff. Pharmacist was required to complete additional continuing education in 2017 due to a 2016 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 \$1000 administrative fine, additional 14 hours of continuing education.**

Case 18-0268 A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. The pharmacy dispensed a prescription labeled with the incorrect

prescriber on two separate occasions. Alleged Violations of Law: KRS 217.065 (1); 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 18-0268 B. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. The pharmacist dispensed a prescription labeled with the incorrect prescriber on two separate occasions. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:170 Sec 1 (2); 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 medication errors and their prevention.**

Case 18-0269 A. Pharmacy permit holder allegedly engaged in unprofessional conduct by failing to dispense the full quantity of medication prescribed to a patient. Alleged Violations 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 18-0269 B. Pharmacist allegedly engaged in unethical or unprofessional conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury by failing to dispense the full quantity of medication prescribed to a patient. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0292 A. Pharmacy permit holder allegedly engaged in unprofessional conduct by operating a patient records system that failed to prevent three medications dispensed to the wrong patient. Alleged Violations of Law: KRS 315.121 (1) (a); 201 KAR 2:210 (1) (a). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0292 B. Pharmacist allegedly engaged in unprofessional or unethical conduct 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 establish proof of actual injury by committing a medication error. The pharmacist allegedly failed to perform a prospective drug use review that resulted in the dispensing of three drugs labeled with the wrong patient name. Alleged Violations of Law: KRS 315.121 (2) (d); 201 KAR 2:210 (4) (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 medication errors and their prevention.

Case 18-0293 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of 183 dosage units of various controlled substances from the will-call area over the course of approximately 2 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 18-0293 B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of 183 dosage units of various controlled substances from the will-call area over the course of approximately 2 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 18-0293 C. 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 18-0294 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by refusing to fill a prescription. Pharmacy permit holder allegedly refused to fill a patient's prescription for clonazepam early with prescriber approval. Alleged Violations 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 18-0294 B. Pharmacist allegedly engaged in unprofessional or unethical conduct with or without established proof of actual injury by refusing to fill a prescription. Pharmacist allegedly refused to fill a patient's prescription for clonazepam early with prescriber approval. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0295 A. Pharmacy permit holder allegedly engaged in unprofessional conduct by failing to dispense the quantity of medication as listed on the label. Alleged Violations 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 18-0295 B. Pharmacist-in-charge allegedly engaged in unethical or unprofessional conduct likely to deceive, defraud, or harm the public, with or without established proof of

actual injury by failing to dispense the quantity of medication as listed on the label. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0295 C. Pharmacist allegedly engaged in unethical or unprofessional conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury by failing to dispense the quantity of medication as listed on the label. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0295 D. Pharmacist allegedly engaged in unethical or unprofessional conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury by failing to dispense the quantity of medication as listed on the label. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0295 E. Pharmacist allegedly engaged in unethical or unprofessional conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury by failing to dispense the quantity of medication as listed on the label. Alleged Violations of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0298 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. Alleged Violations 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 18-0298 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violations of Law: KRS 315.121 (2) (j). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0300A. Pharmacy permit holder allegedly failed to provide written notification to the Kentucky Board of Pharmacy 15 days prior to permanent closure. Alleged Violation of Law: 201 KAR 2:106 Section 2 (1)(c). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0300B. Pharmacist in charge allegedly did not notify the Kentucky Board of Pharmacy of the closure of a pharmacy permit. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3)(e).

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

Case 18-0301A. Pharmacy permit holder allegedly failed to maintain a patient record that enabled the pharmacist to determine the impact of previously dispensed drugs and known conditions upon the submitted prescriptive drug order. Alleged Violation of Law: 201 KAR 2:210 section 1 (d)(3). **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 18-0301 B. Pharmacist in charge allegedly failed to provide appropriate patient counseling on common and clinically significant adverse effects, interactions, or contraindications that may be encountered, including their avoidance and the action required should they occur. Alleged Violation of Law: 201 KAR 2:210 section 2 (4)(d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0301 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). **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 3 hours of continuing education on medication errors and their prevention, additional 3 hours of continuing education on pharmacy law.**

Case 18-0301 D. 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). **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 3 hours of continuing education on medication errors and their prevention, additional 3 hours of continuing education on pharmacy law.**

Case 18-0303. Permit holder allegedly failed to provide written notification to the Kentucky Board of Pharmacy 15 days prior to permanent closure. Alleged Violation of Law: 201 KAR 2:106 Section 2 (1)(c). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if**

requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.

Case 18-0305A. Pharmacy permit holder allegedly failed to provide written notification to the Kentucky Board of Pharmacy 15 days prior to permanent closure. Alleged Violation of Law: 201 KAR 2:106 Section 2 (1)(c). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0305B. Pharmacist in charge allegedly did not notify the Kentucky Board of Pharmacy of the closure of a pharmacy permit. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3)(e). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0306A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by canceling a prescription and originally having scheduled to mail a specialty infusion medication to the patient's home instead of the infusion center. 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 18-0306B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct, allegedly failed to have an adequate quality assurance program, and allegedly failed in provision of pharmacy services by canceling a prescription and originally having scheduled to mail a specialty infusion medication to the patient's home instead of the infusion center. Alleged Violations of Law: KRS 315.121(1)(a) and (2)(d) and 201 KAR 2:2015 Section 2(3)(a) and (b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0309. Pharmacist allegedly violated his Agreed Order by testing positive for a controlled substance, which he was not prescribed. 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 six-month suspension [after completing 28 day in-house residential treatment, scrupulous compliance during suspension or time starts over.**

Case 18-0311 A. Pharmacy permit holder allegedly sold a misbranded drug and released confidential patient information due to a medication error. Patient's prescription bag allegedly contained another patient's prescription vial. Alleged Violations of Law: KRS 217.065 (1); 201 KAR 2:210 Section 3; 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 18-0311 B. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error allowing the unauthorized release of confidential patient information. Patient's prescription bag allegedly contained another patient's prescription vial. Alleged Violations of Law: KRS 315.121 (2)(b),(d); 201 KAR 2:210 Section 3; 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 medication errors and their prevention.**

Case 18-0312 A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. The pharmacy dispensed a prescription labeled with the incorrect prescriber on 1/31/17. Alleged Violations of Law: KRS 217.065 (1); 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 18-0312 B. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. The pharmacist dispensed a prescription labeled with the incorrect prescriber on 1/31/17. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:170 Sec 1 (2); 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 18-0313 A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. The pharmacy dispensed a prescription labeled with the incorrect prescriber on 1/26/17. Alleged Violations of Law: KRS 217.065 (1); 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 18-0313 B. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. The pharmacist dispensed a prescription labeled with the incorrect prescriber on 1/26/17. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:170 Sec 1 (2); 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.**

Mr. Poole seconded, and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS Dr. Martin moved to grant the intern application for Joseph John Piwowarski with no restrictions. Mr. Poole seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION

PCA PHARMACY Joe Elmes and Jade Sillavan appeared before the Board requesting a waiver to bypass the pharmacist quality check #2 by utilizing a DOSIS machine. A pharmacist checks each canister for accuracy. Verified canisters are stored in a locked cabinet accessed by pharmacists only. After discussion, the board determined that the quality check #2 was performed prior to quality check #1. Mr. Elmes amended his waiver request to move quality check #2 prior to quality check #1. All aspects of the process are detailed in policy and procedures. Dr. Rhodes moved to approve this request under the stipulation that the Board must be notified of any changes to the policy and procedures specific to the waiver. Mr. Poole seconded, and the motion passed unanimously.

SALLY ARMSTRONG – One Year exemption for Preceptor Status JENNIFER BAKER -Dr. Cohron moved to deny this request. Mr. Poole seconded and the motion passed unanimously.

Mr. Cohron recused and left the meeting.

JENNIFER BAKER – CE EXTENSION REQUEST Dr. Martin moved to grant this request stipulating that the 0.25 hour of CE obtained in 2018 to fulfill the 2017 CE requirements not be used to fulfill the 2018 CE requirements for licensure. Dr. Rhodes seconded, and the motion passed unanimously.

DAVID PIJUT – CE EXTENSION REQUEST Dr. Rhodes moved to grant this request stipulating that the 1 hour of CE obtained in 2018 to fulfill the 2017 CE requirements not be used to fulfill the 2018 CE requirements for licensure. Mr. Forgy seconded, and the motion passed unanimously.

Mr. Cohron returned to the meeting.

ALLISON ZETTWOCH – CE EXTENSION REQUEST Mr. Poole moved to grant this request stipulating that the 3 hours of CE obtained in 2018 to fulfill the 2017 CE requirements not be used to fulfill the 2018 CE requirements for licensure. Dr. Martin seconded, and the motion passed unanimously.

DAVID KOON, VILLAGE MD – EQUIPMENT WAIVER REQUEST Mr. Poole moved to deny this request. Mr. Forgy seconded, and the motion passed unanimously.

TAILOR MADE COMPOUNDING – EXPANSION SPECIAL CONSIDERATION John Milam appeared before the Board requesting special consideration for a pharmacy expansion. This expansion consists of a separate compounding room located in another section of the warehouse. The transport of compounded pharmaceuticals to the dispensing area would result in exposure to external elements. Jessica Williams, Pharmacy and Drug Inspector expressed concerns over the shared space of the new room with other businesses. Mr. Milam advised that long-term plans

included combining the two rooms into one location. Mr. Poole moved to deny this request. The pharmacy must permit both locations. Mr. Forgy seconded, and the motion passed unanimously.

Dr. Hanna broke for a 14 minute recess at 11:18 a.m. The meeting resumed at 11:30 a.m.

HEART OF AMERICA NON-RESIDENT PHARMACY APPLICATION Dr. Martin moved to table this item until the next meeting. The Board requested additional information concerning the Missouri Board of Pharmacy disciplinary action. Mr. Poole seconded, and the motion passed unanimously.

ERID REID – PARE EXAM Dr. Rhodes moved to exempt the requirement of the PARE exam as stated in the terms of Mr. Reid’s Agreed Order stipulating the completion of 5 hours of CE on the topics of general pharmacy knowledge, drug updates and pharmacy law. These 5 CE hours cannot be used to fulfill the 2018 CE requirements for licensure. Mr. Poole seconded, and the motion passed unanimously.

Dr. Martin recused and left the meeting.

UNIVERSITY OF KENTUCKY HEALTHCARE – USP <797> REQUEST Philip Fields and Liz Hess appeared before the Board requesting an exemption to use a non-sterile syringe in compounding of aerosolized epoprostenol. The manufacturer has discontinued the adaptor that allowed the syringe to be compatible with compounding equipment. Dr. Rhodes moved to table this item until the next meeting. The Board requested additional information regarding the beyond use date and the results of a survey of other dispensers of this product. Mr. Forgy seconded, and the motion passed unanimously.

Dr. Martin returned to the meeting.

ONCO 360 – COMPOUNDING EQUIPMENT WAIVER REQUEST Mr. Poole moved to table this request until the next meeting. The Board has requested a more detailed request. Dr. Martin seconded, and the motion passed unanimously.

Dr. Hanna broke for a one hour lunch break at 12:10 p.m. The meeting resumed at 1:06 p.m.

LEGISLATION/REGULATION Ms. Lalonde informed the Board that there were several regulations scheduled to expire on July 1, 2019 and one to expire in September 2019. Dr. Hanna appointed the following to the Regulation Committee; Craig Martin, Chris Killmeier, Larry Hadley, Trish Freeman, Ralph Bouvette, Katie Busroe and Chris Palutis. Dr. Hanna charged the committee to review each of these regulations and to report to the Board at the next meeting their findings and recommendations. Mr. Poole moved to approve this directive. Dr. Rhodes seconded, and the motion passed unanimously.

Ms. Lalonde informed the Board that the Public Hearing on 201 KAR 2:015 scheduled for July 24, 2018 has been canceled due to no request.

CONTINUING EDUCATION Mr. Poole moved to approve programs 18-24, 18-25, 18-26, 18-27, 18-28, 18-29, 18-30 and 18-31. Dr. Martin seconded, and the motion passed unanimously. Dr. Martin moved to deny 18-32. Dr. Cohron seconded, and the motion passed unanimously.

OLD BUSINESS

UPDATE ON LONG-TERM CARE TASK FORCE 201 KAR 2:370 The Board considered all comments received on the draft of 201 KAR 2:370. There was much discussion on the exclusion of personal care facilities. Ms. Busroe advised that the opinion received from the Cabinet for Health and Family Services stated that personal care facilities are prohibited from the stocking of non-patient specific medications per law. Dr. Cohron moved to approve this draft with the following changes:

1. Page 3, Line 2: Add the word 'and'.
2. Page 3, Line 3: Delete entire line.
3. Page 3, Line 4: Change 6 to 5.
4. Page 4, Line 3: Delete 'not provided through an ADS'.
5. Page 4, Line 16: change for to from.
6. Page 5, Line 18: Delete 'pharmacy or'.
7. Page 7, Line 6: Delete 'pharmacy personnel'. Add 'pharmacist, pharmacist intern or certified pharmacy technician.'

Dr. Rhodes seconded, and the motion passed with one opposed, Mr. Poole.

Mr. Poole moved to direct Ms. Lalonde to prepare the draft for filing on or before August 15th and to schedule a public hearing on September 26, 2018 9:00 a.m. at the Board Office or other specified location. Dr. Rhodes seconded, and the motion passed unanimously. Dr. Hanna thanked all members and attendees of the Long-Term Care Task Force for their work on this regulation.

KPhA/KSPH GRANT PROPOSAL KPhA provided an update on the progress of this grant. A financial statement was included for monies disbursed. The Board requests that an update be given at each regularly scheduled meeting and the account information of the location of the monies be provided to the Board.

NEW BUSINESS

GRACE HEALTH CLINIC EPINEPHRINE AUTO-INJECTOR DISPENSING PROTOCOL Mr. Poole moved to table this item until the September meeting. The Board requests that the protocol be revised to exclude wording regarding collaborative care agreements and that a representative appear before the Board for any questions. Dr. Cohron seconded, and the motion passed unanimously.

UPDATE ON IMPLEMENTATION OF USP 797 AND USP 795 Dr. Hanna requested an update from Ms. Busroe on the progress of this implementation. Ms. Busroe informed the Board of the length of time involved with these inspections. Non-compliance issues are addressed with a corrective action plan that is reviewed by Board inspectors. The corrective action plans are used to educate licensees and permit holders. There have been 3 consumer complaints received concerning non-sterile compounding.

TRISTAN CARNES Communication was received from Tristan Carnes, Lake Cumberland Regional Hospital concerning the accountability of the pharmacy on the actions of a pharmacist employed at the hospital but not working within the pharmacy. Dr. Martin moved to table this item until the September meeting requesting a representative to appear before the Board for additional information. Mr. Poole seconded, and the motion passed unanimously.

TAKESHI 'BOB' KOYAGI Communication was received from Takeshi 'Bob' Koyagi, Dept. for Behavior Health, Development & Intellectual Disabilities concerning the verifications of orders offsite. Mr. Poole moved to table this item until the September meeting requesting additional information regarding patient records. Mr. Forgy seconded, and the motion passed unanimously.

CCA Celina Cummings and Kelsey Villwock, Baptist Health appeared before the Board requesting an opinion of the transferring of a prescription written by a pharmacist under a collaborative care agreement with a physician. Mr. Poole recused and left the meeting. After some discussion, Dr. Hanna determined that Mr. Poole may return to the meeting due to this request not being specifically for Baptist Health. Mr. Poole returned to the meeting. After much discussion, the Board determined that prescriptions resulting from a CCA may be transferred to another pharmacy at the request of the patient. Dr. Martin moved to approve this opinion. Mr. Poole seconded, and the motion passed unanimously.

ADJOURNMENT On motion by Mr. Poole, seconded by Dr. Rhodes and passed unanimously, President Hanna adjourned the meeting at 4:11 p.m. The next regularly scheduled meeting begins at 9:00 a.m. on September 12, 2018 at the University of Kentucky College of Pharmacy in Lexington, Kentucky.

Larry A. Hadley
Executive Director