

KENTUCKY BOARD OF PHARMACY

Board Meeting

Sullivan College of Pharmacy

Louisville, KY

March 14, 2018

9:00 AM

Agenda

I. CALL TO ORDER

II. MINUTES

- A. *January 17, 2018
- B. *March 1, 2018

III. APPEARANCES

- A. *Jennifer Tucker – Agreed Order Revision
- B. *Vincent Hanks, Baxter – Home Dialysis Distribution[Not appearing-rescheduled for May]
- C. *Jessica Johnson, ULH ACB Pharmacy – Distribution through a Shared Database

IV. INTERAGENCY

V. BOARD REPORTS

- A. Executive Director
 - 1. *eMars – January and February 2018
- B. APhA Institute on Alcoholism and Drug Dependencies – May 30-June 3, 2018
- C. NABP Annual Meeting – May 5-8, 2018
- D. CLEAR – Tools to Succeed in Regulatory Governance
- E. ASHP Summer Meeting – June 2-6, 2018
- F. NABP District III Meeting – August 12-14, 2018
- G. MALTA-GON Meeting – October 11-14, 2018
- H. NABP Seeking Volunteers for 2018-2019 Committees and Task Forces

VI. CURRENT/PENDING CASES

- A. *Case Update and Fines Report
- B. *Final Order
- C. *Pharmacy Technician Summary

VII. RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

- A. *Hayley Jaeger – Pharmacist Intern Application
- B. *Benjamin Black – Pharmacist Intern Application
- C. *Jacqueline Baginski – Pharmacist Intern Application

VIII. CORRESPONDENCE/COMMUNICATION

- A. *Ron Poole – PIC Waiver Request
- B. *James Harmon – CE Waiver Request

- C. *Matthew Gauck, Village Pharmacy – Offsite Storage Request
- D. *Sarah Jones – CE Waiver Request

IX. NABP

X. LEGISLATION/REGULATION

- A. Update on Proposed Legislation

XI. CONTINUING EDUCATION

- A. *CE Programs – 18-04 through 18-14

XII. OLD BUSINESS

- A. Update on Hazardous Drug Task Force
- B. *Travel Health Therapies Protocol
- C. *Tuberculin Skin Testing One-Step Protocol

XIII. NEW BUSINESS

- A. *Release Statement on Opioid Crisis in the Commonwealth

XIV. FYI

- A. Expungement
 - 1. 99-0125
 - 2. 13-0050
 - 3. 14-0215

*Information enclosed with this agenda.

XV. Work Session

- A. *201 KAR 2:074 Pharmacy services in Hospitals
- B. *201 KAR 2:370 Pharmacy services in long-term care facility [LTFCF]

MINUTES

KENTUCKY BOARD OF PHARMACY

Sullivan College of Pharmacy

Louisville KY

March 14, 2018

CALL TO ORDER A regular scheduled meeting was held at the Sullivan College of Pharmacy in Louisville, Kentucky. President Hanna called the meeting to order on March 14, 2018 at 9:08 a.m.

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

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

President Hanna introduced and welcomed the students of the Sullivan College of Pharmacy.

MINUTES On motion by Mr. Cohron, seconded by Dr. Rhodes and passed unanimously, the minutes of January 17, 2018 were approved. On motion by Mr. Forgy, seconded by Dr. Rhodes and passed unanimously, the minutes of March 1, 2018 were approved.

APPEARANCES

Jennifer Tucker – Agreed Order Revision: Ms. Tucker did not appear. Mr. Poole moved to postpone this item until later in the meeting. Mr. Forgy seconded, and the motion passed unanimously.

Dr. Rhodes recused herself from the meeting.

Jessica Johnson, ULH ACB Pharmacy – Distribution through a Shared Database: University of Louisville Hospital has applied for a retail pharmacy permit for dispensing medications to outpatients in the Brown Cancer Center [BBC]. ULH requested Board permission to not keep an inventory for medication dispensing in the BBC retail location. All prescriptions will be filled at the BBC location in the Amb Care Building Pharmacy [ACB]. Mr. Cohron moved to grant this exemption pending written DEA approval and normal application approval process. Dr. Rhodes seconded, and the motion passed unanimously. ULH requested an equipment waiver for the BBC retail location. Mr. Poole moved to grant this waiver. Mr. Cohron seconded, and the motion passed unanimously.

Dr. Rhodes returned to the meeting.

BOARD REPORTS

1. Financial reports and eMars were presented for January and February 2018.
2. Mr. Hadley informed the Board of the ASHP Summer Meeting, June 2-6, 2018. Mr. Hadley requested to seek PPC approval for attendance of the Executive Director and one Board member. Mr. Hadley informed the Board of the NABP District III Meeting, August 12-14, 2018.

Mr. Hadley requested to seek PPC approval for attendance of the Executive Director and any Board member wishing to attend. Mr. Hadley informed the Board of the MALTA-GON meeting, October 11-14, 2018. Mr. Hadley requested to seek PPC approval for attendance of any board inspectors wishing to attend. Mr. Forgy moved to accept these recommendations. Mr. Poole seconded, and the motion passed unanimously.

CURRENT/PENDING CASES Mr. Cohron recused himself from the meeting. Mr. Poole moved to accept Case Review Committee's recommendations for Case number 17-0417:

Case 17-0417 Revisit. Pharmacist allegedly engaged in the following unprofessional or unethical conduct: accessing confidential patient information outside the context of a pharmacist-patient relationship and the provision of pharmacy care and divulging patient information or the nature of professional services rendered to unauthorized persons without the patient's express consent. Alleged Violations of Law: KRS 315.121 (2)(i) and KRS 315.121 (2)(b), (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, 30 day suspension or EBAS Exam [successfully passed all sections].**

Dr. Rhodes seconded, and the motion passed unanimously. Mr. Cohron returned to the meeting. Mr. Poole moved to accept Case Review Committee's recommendations for:

Case 16-0390 Revisit. Pharmacist has a mental or physical incapacity that prevents licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public and engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering drugs for which a prescription drug order is required, without having first received a prescription drug order for phentermine 37.5mg, fluoxetine 20mg, and silver sulfadiazine 1% cream. Alleged Violations of Law: KRS 315.121(1)(b) 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 one year suspension.**

Case 17-0075 Revisit. Pharmacist allegedly violated his Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if he was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0076 Revisit. Pharmacist allegedly violated her Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0077 Revisit. Pharmacist allegedly violated her Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0078 Revisit. Pharmacist allegedly violated his Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0079 Revisit. Pharmacist allegedly violated his Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0080 Revisit. Pharmacist allegedly violated her Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0081 Revisit. Registered intern allegedly violated her Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0082 Revisit. Registered intern allegedly violated his Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0083 Revisit. Registered intern allegedly violated his Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0084 Revisit. Registered intern allegedly violated his Monitoring Agreement with the Kentucky Pharmacist Recovery Network (KYPRN) by not calling each day to ascertain if she was chosen for a drug screen. Alleged Violation of Law: 201 KAR 2:250 Section 3(2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0519 A Revisit. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacy permit holder allegedly dispensed eight more tablets of hydrocodone than what was prescribed. Pharmacy permit holder allegedly failed to provide adequate security and control of pharmacy. Pharmacy permit holder allegedly allowed employees within pharmacy when a pharmacist was not present. Alleged Violations of Law: KRS 315.121(1)(a) and 201 KAR 2:100(1). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-00519 B Revisit. Pharmacist-in-charge allegedly failed to provide adequate security and control of pharmacy. Pharmacist-in-charge allegedly allowed employees within pharmacy when a pharmacist was not present. Alleged Violations of Law: 201 KAR 2:100 (1) and 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 17-0525 A. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by releasing confidential patient information to unauthorized persons and failing to maintain accurate records of daily prescription data within a computerized recordkeeping system. Alleged Violations of Law: KRS 315.121 (1)(a) and 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 17-0525 B. Pharmacist-in-charge allegedly failed to provide adequate pharmacy services, failed to ensure the accuracy of each prescription refill entry into a computerized recordkeeping system, and released confidential patient information to unauthorized persons. Alleged Violations of Law: 201 KAR 2:205 Section 2 (3)(b); 201 KAR 2:170 Section 1 (2); KRS 315.121 (2)(b), (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 17-0536 A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Pharmacy permit holder allegedly dispensed over-the-counter acetaminophen in place of hydrocodone/apap and oxycodone/apap. Alleged Violation of Law: KRS 217.065 (1). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0536 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacist allegedly dispensed over-the-counter acetaminophen in place of hydrocodone/apap and oxycodone/apap. Alleged Violation of Law: KRS 315.121 (2)(d). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 17-0536 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacist allegedly dispensed over-the-counter acetaminophen in place of hydrocodone/apap and oxycodone/apap. Alleged Violation of Law: KRS 315.121 (2)(d). **CRC**

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

Case 17-0542 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 250 schedule II amphetamine products over an audit period of four months due to employee pilferage. Permit holder allegedly failed to maintain a complete record of controlled substances received, disposed of, and dispensed. Alleged violation of law: 201 KAR 2:100 Section 1, KRS 315.121 (1)(h) and KRS 218A.200(3) and (4). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$5000 administrative fine, approved corrective action plan [involving PIC] to prevent future occurrences, meeting with all parties prior to signed Agreed Order.**

Case 17-0542 B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 250 schedule II amphetamine products over an audit period of four months due to employee pilferage. Alleged violation of law: 201 KAR 2:205 Section 2(3)(b). **CRC**

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

Case 17-0542 C. 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 17-0543 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 148 alprazolam tablets in a six-month audit period with the loss concentrated over two months due to employee pilferage. Alleged violations of law: 201 KAR 2:100 Section 1, KRS 315.121(1)(h) and KRS 218A.200(6). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1000 administrative fine.**

Case 17-0543 B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 148 alprazolam tablets in a six-month audit period with the loss concentrated over two months due to employee pilferage. Alleged violation of law: 201 KAR 2:205 Section 2(3)(b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0543 C. 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 17-0545 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 52 Butalbital/Acetaminophen/Caffeine capsules over a period of 4 Months from July 14, 2017 to November 7, 2017 due to employee pilferage. Alleged Violation of Law: 201 KAR 2:100 Section 1. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0545 B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 52 Butalbital/Acetaminophen/Caffeine capsules over a period of 4 Months from July 14, 2017 to November 7, 2017 due to employee pilferage. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3) (b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0545 C. 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 17-0547 Pharmacist allegedly engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required without having first received a prescription drug order for the drug. Alleged 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 \$500 administrative fine, one year suspension.**

Case 17-0551 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of the following controlled substances over the course of approximately 3 months: 49 buprenorphine-naloxone 8-2mg tablets; 402 alprazolam 0.5mg tablets; 64 hydrocodone-apap 7.5-325mg tablets. Alleged Violation of Law: 201 KAR 2:100 Section 1. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1000 administrative fine.**

Case 17-0551 B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of the following controlled substances over the course of approximately 3 months: 49 buprenorphine-naloxone 8-2mg tablets; 402 alprazolam 0.5mg tablets; 64 hydrocodone-apap 7.5-325mg tablets. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3)(b).

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

Case 17-0551 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 17-0554 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs and failed to maintain accurate records of daily prescription data within a computerized recordkeeping system. Pharmacy records indicate that patient picked up two prescriptions but patient allegedly received only one prescription. Alleged Violations of Law: 201 KAR 2:100 Section 1 and 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 17-0554 B. Pharmacist allegedly failed to provide adequate supervision of pharmacy employees to maintain security and control of drugs and failed to ensure the accuracy of each prescription refill entry into a computerized recordkeeping system. Pharmacy records indicate that patient picked up two prescriptions but patient allegedly received only one prescription. Alleged Violations of Law: 201 KAR 2:045 Section 3 and 201 KAR 2:170 Section 1 (2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0556 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. A patient alleged patient information was divulged or revealed to an unauthorized person(s) when pharmacy personnel stated the name of the medication she was attempting to fill loud enough for other customers to hear. 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 17-0556 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to unauthorized persons. A patient alleged patient information was divulged or revealed to an unauthorized person(s) when pharmacy personnel stated the name of the medication she was attempting to fill loud enough for other customers to hear. 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 17-0556 C. Pharmacy technician allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to unauthorized persons. A patient alleged patient information was divulged or revealed to an unauthorized person(s) when he stated the name of the medication she was attempting to fill loud enough for other customers to hear. Alleged Violation of Law: KRS 315.121(2)(b). **CRC Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.**

Case: 17-0561 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing a medication to a patient without performing a proper prospective drug utilization review. 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: 17-0561 B. Pharmacist allegedly engaged in unprofessional or unethical conduct 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 harm. Pharmacist allegedly failed to perform a proper prospective drug use review prior to dispensing a prescription. Alleged Violations of Law: KRS 315.121 (2)(d) and 201 KAR 2:210 Section 4(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 4 hours of continuing education on medication errors and their prevention, additional 2 hours of continuing education on anti-coagulants.**

Case 17-0562 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs and failed to maintain accurate records of daily prescription data within a computerized recordkeeping system. Pharmacy records indicate that two prescriptions were delivered to a patient but patient allegedly received only one prescription. Alleged Violations of Law: 201 KAR 2:100 Section 1 and 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 17-0562 B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs and failed to ensure the accuracy of each prescription refill entry into a computerized recordkeeping system. Pharmacy records indicate that two prescriptions were delivered to a patient but patient allegedly received only one prescription. Alleged Violations of Law: 201 KAR 2:205 Section 2 (3)(b) and 201 KAR 2:170 Section 1 (2). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 17-0562 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. Pharmacy records indicate that technician delivered two prescriptions to a patient but patient allegedly received only one prescription. 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 17-0565 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by selling a prescription labeled with two different patients' information. 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 17-0565 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information. Patient was dispensed a prescription labeled with both the patient's label and another patient's label. Alleged violation of law: KRS 315.121 (2)(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 medication errors and their prevention.**

Case 17-0569 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 600 Buprenorphine tablets over a period of 10 Months from February 20, 2017 to December 15, 2017 due to employee pilferage. Alleged Violation of Law: 201 KAR 2:100 Section 1. **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1000 administrative fine, approved corrective action plan for order process monitoring to prevent future occurrences.**

Case 17-0569 B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 600 Buprenorphine tablets over a period of 10 Months from February 20, 2017 to December 15, 2017 due to employee pilferage. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3) (b). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on diversion detection.**

Case 17-0569 C. 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 18-0004 A. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by dispensing an emergency refill for a controlled substance and allowing confidential patient information and the nature of professional services rendered to be 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 18-0004 B. Pharmacist-in-charge allegedly engaged in unethical or unprofessional conduct by dispensing an emergency refill for a controlled substance and failing to provide adequate supervision of a pharmacy employee. A pharmacy technician allegedly provided patient education related to prescription medication therapy. Alleged Violations of Law: 201 KAR 2:175 Section 1 (1); KRS 315.121 (2)(d), (f); 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 18-0004 C. Pharmacist allegedly engaged in unethical or unprofessional conduct by failing to provide adequate supervision of a pharmacy employee. A pharmacy technician allegedly revealed confidential patient information and the nature of professional services rendered to unauthorized persons in the pharmacy waiting area. 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 18-0004 D. Pharmacy technician allegedly engaged in unethical or unprofessional conduct by revealing confidential patient information and the nature of professional services rendered to unauthorized persons in the pharmacy waiting area. Alleged Violations of Law: KRS 315.121 (2)(b), (d). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0005 A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. Patient was dispensed a vitamin D prescription containing one amlodipine 5mg tablet. 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 18-0005 B. 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 dispensed a vitamin D prescription containing one amlodipine 5 mg tablet. 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 18-0006 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by refusing to sell the requested amount of an over-the-counter product, even though allowed by law. Pharmacy permit holder allegedly refused to sell customer two boxes of an over-the-counter product containing pseudoephedrine although the amount was still under the legal limit. Alleged Violation of Law: KRS 315.121 (1)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0006 B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by refusing to sell the requested amount of an over-the-counter product, even though allowed by law.

Pharmacist-in-charge allegedly refused to sell customer two boxes of an over-the-counter product containing pseudoephedrine although the amount was still under the legal limit. 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 18-0009 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. A patient was mailed another patient's medication. 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: KRS 315.121 (1)(a) and 201 KAR 2:210 Section 1 (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 \$2000 administrative fine, approved corrective action plan for DUR and recordkeeping to prevent future occurrences.**

Case 18-0009 B. Pharmacist in charge allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. A patient was mailed another patient's medication. Pharmacist allegedly failed to perform a proper prospective drug use review prior to dispensing a prescription. Alleged violation of law: KRS 315.121 (2)(b) and 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 \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention or DUR.**

Case 18-0009 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by allowing confidential patient information to be released. A patient was mailed another patient's medication. Pharmacist allegedly failed to perform a proper prospective drug use review prior to dispensing a prescription. Alleged violation of law: KRS 315.121 (2)(b) and 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 \$1000 administrative fine, additional 6 hours of continuing education on medication errors and their prevention or DUR.**

Case 18-0011 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by engaging in or aiding and abetting an individual to assist in the practice of pharmacy without a license. 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 18-0011 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in or aiding or abetting an individual to assist in the practice of pharmacy without a license and for divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent or without order or direction of a court. Alleged

violation of law: KRS 315.121 (1)(g) and (2)(b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0011 C. Registered pharmacy technician allegedly engaged in assisting in the practice of pharmacy without a current pharmacy technician registration. Alleged violation of law: KRS 315.138. **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 18-0012 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to maintain sanitary conditions for the storage and dispensing of drugs. 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 18-0012 B. Pharmacist allegedly engaged in unprofessional or unethical conduct 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, with or without established proof of actual injury. 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 \$250 administrative fine.**

Case 18-0014. Pharmacist allegedly engaged in unprofessional or unethical conduct by referring to himself as a legal drug dealer on Instagram. 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 18-0016 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense a patient's 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 18-0016 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 and making false, misleading, or deceptive statements concerning the practice of pharmacy. Alleged violation of law: KRS 315.121 (2)(a) and (j). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0017 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 4630 hydrocodone/APAP and 339 diazepam tablets due to employee pilferage. Permit holder allegedly failed to maintain a complete record of controlled substances received, disposed of, and dispensed. Alleged violation 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. Standard terms and \$5000 administrative fine, approved corrective action plan for floater key log and recordkeeping to prevent future occurrences.

Case 18-0017 B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 4630 hydrocodone/APAP and 339 diazepam tablets due to employee pilferage. Alleged violation of law: 201 KAR 2:205. Section 2 (3) (b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0017 C. 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 18-0018 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0018 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 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 18-0019 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0019 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 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 18-0020 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0020 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 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 18-0021 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0021 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 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 18-0022 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0022 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 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 18-0023 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0023 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 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 18-0024 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0024 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 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 18-0025 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0025 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 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 18-0026 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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 18-0026 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 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 18-0027 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing invalid prescriptions of schedule two controlled substances prescribed by a nurse practitioner. Alleged Violation of Law: KRS 315.121 (1)(a). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0027 B. Pharmacist in charge engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121(2)(j). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$5000 administrative fine, additional 6 hours of continuing education [3 hours on pharmacy law, 3 hours on opioid abuse].**

Case 18-0027 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 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 \$8500 administrative fine, additional 6 hours of continuing education [3 hours on pharmacy law, 3 hours on opioid abuse].**

Case 18-0027 D. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121(2)(j). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education [3 hours on pharmacy law, 3 hours on opioid abuse].**

Case 18-0028 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing invalid prescriptions of schedule two controlled substances prescribed by a nurse practitioner. Alleged Violation of Law: KRS 315.121 (1)(a). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0028 B. Pharmacist in charge engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violation of Law: KRS 315.121(2)(j). **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$9500 administrative fine, additional 6 hours of continuing education [3 hours on pharmacy law, 3 hours on opioid abuse].**

Case 18-0028 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 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, additional 6 hours of continuing education [3 hours on pharmacy law, 3 hours on opioid abuse].**

Case 18-0029 A. Pharmacy permit holder allegedly engage in unprofessional or unethical conduct by employing a pharmacist who divulged or revealed patient information to unauthorized person. 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 18-0029 B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information. Alleged Violation of Law: KRS 315.121 (2) (b). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0031 A. Pharmacy permit holder allegedly failed to store medication under proper temperatures. Medication requiring refrigeration was kept at room temperature prior to dispensing. Alleged violation of law: 201 KAR 2:180 Section 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, approved corrective action plan for storage and labeling of refrigerated meds to prevent future occurrences.**

Case 18-0031 B. Pharmacist in charge 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 failing to store a filled prescription under refrigeration. 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 18-0031 C. 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 failing to store a filled prescription under refrigeration. 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 18-0032 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by refusing to fill a prescription until a certain date, resulting in the patient running out of medication. Pharmacy permit holder allegedly refused to fill a patient's prescription for gabapentin until a certain date, resulting in the patient being out of medication for two days. 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 18-0032 B. Pharmacist allegedly engaged in unprofessional or unethical conduct with or without established proof of actual injury by refusing to fill a prescription until a certain date, resulting in the patient running out of medication. Pharmacist allegedly refused to fill a patient's prescription for gabapentin until a certain date, resulting in the patient being out of medication for two days. 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 18-0038 A. Pharmacy permit holder allegedly sold a misbranded drug due to a medication error. The prescriber wrote a prescription for amoxicillin 400 mg/5ml take 10 ml two times a day. The prescription bottle directions read for amoxicillin 400 mg/5ml take 40 ml two times a day. 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 18-0038 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 prescriber wrote a prescription for amoxicillin 400 mg/5ml suspension take 10 ml two times a day. The prescription bottle directions read for amoxicillin 400 mg/5ml suspension take 40 ml two times a day. 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 18-0039 A. Pharmacy permit holder allegedly engaged in unprofessional conduct by failing to dispense the full quantity of medication prescribed to a patient. Alleged Violation of Law: KRS 315.121 (1)(a). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0039 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 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 18-0040. Pharmacist was allegedly convicted of a violation of pharmacy or drug laws, rules, or administrative regulations of another state due to medication errors and failure to perform prospective drug utilization reviews. Alleged Violations of Law: KRS 315.121(1)(c)3 and (2)(d) and 201 KAR 2:210 Section 4. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0047. Pharmacist allegedly engaged in unprofessional or unethical conduct by ingesting a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug due to impairment and allegedly failed to notify the Kentucky Board of Pharmacy within 30 days of disciplinary action by another Board of Pharmacy. Alleged Violations of Law: KRS 315.121(2)(f) and (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 one year suspension, must be reinstated in Ohio prior to petitioning for reinstatement.**

Mr. Cohron seconded, and the motion passed unanimously.

FINAL ORDER Mr. Poole moved to accept the Hearing Officer's Recommended Order, and issue the Final Order for Cases 17-0339C, 17-0395 and 17-0480B as presented. Mr. Cohron seconded, and the motion passed unanimously.

PHARMACY TECHNICIAN SUMMARY Mr. Poole moved to grant the application with no further action. Dr. Rhodes seconded, and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP/PHARMACY TECHNICIANS

Hayley Jaeger, Pharmacist Intern Application Mr. Poole moved to grant the application with no further action. Mr. Cohron seconded, and the motion passed unanimously.

Benjamin Black, Pharmacist Intern Application Mr. Poole moved to grant the application with no further action. Mr. Cohron seconded, and the motion passed unanimously.

Jacqueline Baginski, Pharmacist Intern Application Mr. Forgy moved to grant the application pending a low risk dependency report assessment. Mr. Poole seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATION

Mr. Poole recused himself from the meeting.

Ron Poole – Dual PIC Waiver Dr. Rhodes moved to grant this waiver. Mr. Cohron seconded, and the motion passed unanimously.

Mr. Poole returned to the meeting.

James Harmon – CE Deferral Request Dr. Rhodes moved to grant this request. Mr. Cohron seconded, and the motion passed unanimously.

Matthew Gauck, Village Pharmacy – Offsite Storage Request Mr. Poole moved to grant this request. Dr. Rhodes seconded, and the motion passed unanimously.

Sarah Jones – CE Deferral Request Dr. Rhodes moved to grant this request with a deadline of April 30th to complete CE requirements for 2017. Mr. Forgy seconded, and the motion passed unanimously.

LEGISLATION/REGULATION

Mr. Hadley provided an update on proposed legislation: HB 246, SB 6, HB337, HB 465, HB 509, HB 231 and HB 166.

Mr. Cohron recused himself from the meeting.

CONTINUING EDUCATION Mr. Poole moved to approve programs 18-08 and 18-09. Mr. Forgy seconded, and the motion passed unanimously.

Mr. Cohron returned to the meeting.

Mr. Poole moved to approve programs 18-04, 18-05, 18-06, 18-07, 18-10, 18-11, 18-12, 18-13 and 18-14. Mr. Cohron seconded, and the motion passed unanimously. Mr. Poole moved to table 18-01 until the May meeting. Mr. Cohron seconded, and the motion passed unanimously.

OLD BUSINESS Mr. Poole informed the Board that Hazardous Drug Task Force Committee had met February 12, 2018. The following dates and topics were approved:

March 12, 2018	Sections 1,2,3,4,8 and 9 of <USP> 800
April 9, 2018	Manufactured Products
May 14, 2018	To be determined at the March meeting
June 11, 2018	To be determined at the April meeting

At the March 12, 2018 meeting Sections 2, 3, 4, 8 and 9 were reviewed. Language from the Texas Hazardous Drug Task Force recommendations were adopted for Section 2. Section 1 will be added to the April 9, 2018 meeting. The topic for the May 14, 2018 meeting will be Section 5. Ms. Busroe stated that the language recommended by the Texas Hazardous Drug Task Force was not adopted by the Texas Board of Pharmacy.

TRAVEL HEALTH THERAPIES PROTOCOL Dr. Rhodes moved to approve this protocol. Mr. Poole seconded, and the motion passed unanimously.

TUBERCULIN SKIN TESTING ONE-STEP PROTOCOL Mr. Poole moved to approve this protocol with the following changes: remove first bullet point on page 1 and

NEW BUSINESS

RELEASE STATEMENT ON OPIOID CRISIS IN THE COMMONWEALTH The statement currently implies that the Board accepts responsibility for the opioid crisis. Ms. Lalonde suggested that the statement should be reframed for the Board to accept responsibility to assist in seeking solutions to the opioid crisis. After discussion, Mr. Forgy moved to have Dr. Hanna work with KPHA on the wording of this statement. Dr. Rhodes seconded, and the motion passed unanimously.

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

Dr. Hanna recessed the meeting for a 15 minute break at 11:04 a.m. Dr. Hanna reconvened the meeting at 11:26 a.m.

JENNIFER TUCKER – Agreed Order Revision Ms. Tucker did not appear. Mr. Cohron moved to deny this revision and the agreed order restrictions will stand as is. Mr. Poole seconded, and the motion passed unanimously.

CONTINUING EDUCATION Mr. Poole moved to approve program 18-01 for 8.5 hours. Mr. Cohron seconded, and the motion passed unanimously.

WORK SESSION

201 KAR 2:074 Pharmacy Services in Hospitals Dr. Rhodes suggested adding ‘compassionate use drugs’ to item (3) on page 2. After discussion, it was determined that this classification falls under current wording. Ms. Busroe stated that there is no definition for a satellite pharmacy. After discussion, it was decided to table the definition for a satellite pharmacy until a later date. Updated draft with proposed changes is attached.

201 KAR 2:370 Pharmacy Services in Long-Term Care Facility (LTCF) Expressed concerns are no definition for Automated Pharmacy System, no definition for Emergency Drug Kit, no requirement for a monthly check by a pharmacist. Updated draft with proposed changes in attached.

Dr. Hanna recessed the meeting for lunch break at 1:01 p.m. Dr. Hanna reconvened the meeting at 1:57 p.m.

After much discussion, Mr. Cohron moved to direct Dr. Hanna to form a task force committee composed of at least one Board member, one Board inspector, one representative from DEPP and a representative from interested parties. The proposed meeting dates are March 21, 2018, April 11, 2018 and April 25, 2018. Dr. Rhodes seconded, and the motion passed unanimously.

ADJOURNMENT On motion by Mr. Poole, seconded by Mr. Cohron and passed unanimously, President Hanna adjourned the meeting at 3:58 p.m. The next regularly scheduled meeting begins at 9:00 a.m. on May 16, 2018 at the Board Office in Frankfort, Kentucky.

Larry A. Hadley
Executive Director