

KENTUCKY BOARD OF PHARMACY

Special Called Meeting

Kentucky Board of Pharmacy

125 Holmes Street, Ste. 300

Frankfort KY 40601

November 8, 2018 9:00 AM

Agenda

- I. CALL TO ORDER

- II. 201 KAR 2:370

- III. 201 KAR 2:074

- IV. General Counsel Discussion

- V. ADJOURNMENT

MINUTES

KENTUCKY BOARD OF PHARMACY Board Meeting

125 Holmes Street
Frankfort KY 40601

November 8, 2018

CALL TO ORDER A special called meeting was held at the Kentucky Board of Pharmacy in Frankfort, Kentucky. President Hanna called the meeting to order on November 8, 2018 at 9:08 a.m.

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

Staff: Larry Hadley, Executive Director; Cheryl Lalonde, General Counsel; Katie Busroe, Pharmacy Inspections and Investigations Coordinator and Darla Sayre, Executive Staff Advisor. Court Reporter Terri Pelosi recorded the meeting.

Guests: Mark Glasper, KPhA; Scott Dilley, PharMerica; Scott Anderson, PharMerica; Deanne Timmering, PharMerica; John Long, CVS Health; Jenna Parrett, Baptist Louisville; Jeff Akers, ARH; Allison Ellis, University of Kentucky College of Pharmacy student; Stephen Lariviere, PharMerica and Lindsay Villalobos, KSHP.

201 KAR 2:370 Representatives from the Board met with CHFS OIG yesterday, November 7th. The meeting was attended by President Hanna, Mr. Hadley, Ms. Busroe, Joe Mashni, Darren Parks, John Long, Stephanie Hold, Stephanie Brammer-Barnes, Jill Lee, Sandra Houchen and Steve Davis. Mr. Hadley presented a letter of agreement from Steve Davis, Inspector General confirming that they plan to amend their regulations to allow personal care homes to have pharmacy stock. This agreement will necessitate an amendment to include personal care homes in the proposed regulation.

President Hanna informed the Board that comments from Ascribe have been withdrawn.

John Long, CVS Health presented their comments to the Board:

1. Request to add personal care homes to Section 1. Item (e).
2. Request to eliminate quantity limits of controlled drugs in Section 2 Item 5 a and b, Item 6 and 6 (c).
3. Request to change prescription to medical in Section 2 Item 5 g and h.
4. Request to eliminate quantity limits of drug stock in Section 2 Item 6 a and b.
5. Include a licensed nurse to replenish drug stock in an ADS under the designation of the pharmacist in charge.

After much discussion, the Board proposed the following responses to the comments:

1. Amend the following: Section 1. (e) A personal care home (PCH) with personnel licensed to lawfully administer medications.
2. The Board feels that the limitations in the proposed regulation are typical of the industry and the waiver process allows for flexibility based on evidence of use. Wording will remain as is.
3. The Board feels that this issue was discussed within committee. Wording will remain as is.
4. The Board feels that the limitations in the proposed regulation are typical of the industry and the waiver process allows for flexibility based on evidence of use. Wording will remain as is.
5. The Board has no authority to discipline nurses if diversion is discovered. Wording will remain as is.

President Hanna presented comments received from Joe Mashni:

1. Request the addition of registered pharmacy technician under the immediate supervision of a pharmacist on site to replenish the intravenous fluids in Section 2 Item 6(3) and (4).
2. Add limitations in pharmacy drug stock in personal care homes.

After much discussion, the Board proposed the following responses:

1. The Board feels that this issue was discussed within committee. Wording will remain as is.
2. The Board feels that the limitations in the proposed regulation are typical of the industry and the waiver process allows for flexibility based on evidence of use. Wording will remain as is.

President Hanna presented a concern that was discussed at the OIG meeting on November 7th regarding individual doses with multi-use dosage packaging. After much discussion, the Board proposed to amend Section 1 to include; (6) "Individual Dose" means the smallest unit that is commercially available.

On motion by Mr. Poole, seconded by Dr. Cohron and passed unanimously, the proposed amendments and responses were approved. The Board directed Ms. Lalonde to draft a statement of consideration (Amended After Comments) consistent with Board discussion.

201 KAR 2:074 President Hanna tabled this discussion until the next Board meeting.

There was a short break and the meeting reconvened at 10:50 a.m.

GENERAL COUNSEL DISCUSSION Mr. Poole moved to enter closed session pursuant to KRS 61:810 (1)(f) to discuss employment of an employee. Mr. Forgy seconded, and the motion passed unanimously.

Mr. Poole moved to end the closed session. Dr. Cohron seconded, and the motion passed unanimously.

Mr. Poole moved to proceed with the hiring process for General Counsel and to direct Mr. Hadley to obtain interim attorney coverage until the position is filled. Dr. Martin seconded, and the motion passed unanimously.

ADJOURNMENT On motion by Mr. Poole, seconded by Mr. Forgy and passed unanimously, President Hanna adjourned the meeting at 11:38 a.m. The next regularly scheduled meeting begins at 9:00 a.m. on December 12, 2018 at the Board Office in Frankfort, Kentucky.

Larry A. Hadley

Executive Director