

KENTUCKY BOARD OF PHARMACY
University of Kentucky College of Pharmacy
789 South Limestone
Lexington KY 40506

September 12, 2018
9:00 AM

Agenda

- I. CALL TO ORDER**

- II. MINUTES**
 - A. *July 18, 2018
 - B. *August 9, 2018
 - C. *August 13, 2018 Hazardous Drug Compounding Task Force

- III. INTERAGENCY**

- IV. BOARD REPORTS**
 - A. Executive Director
 - 1. *eMars – July 2018 and August 2018
 - 2. Tabled Items:
 - a. Takeshi 'Bob' Koyagi
 - b. Tristan Carnes
 - c. Grace Health Clinic Epinephrine Auto-Injector Dispensing Protocol

- V. CURRENT/PENDING CASES**
 - A. *Case Update and Fines Report
 - B. * Final Order
 - 1. 18-0011C

- VI. CORRESPONDENCE/COMMUNICATION**
 - A. *Onco 360 – Compounding Equipment Waiver Request
 - B. *Heart of America Non-Resident Pharmacy Application
 - C. University of Kentucky Healthcare – USP <797> Request
 - D. *Edward Lucey – Pharmacy Technician Registration Application
 - E. *Methodist Hospital Union Co. Pharmacy – Dual PIC Request
 - F. *Reconsideration of Agreed Order 18-0201 – Sara Goldstein
 - G. *Cheryl Mann – Equipment Waiver Request

- VII. LEGISLATION/REGULATION**
 - A. 201 KAR 2:370
 - B. *Regulation Committee Recommendations

VIII. CONTINUING EDUCATION

- A. *CE Programs – 18-33 through 18-39

IX. OLD BUSINESS

- A. Update on Advisory Council
- B. Update on Hazardous Drug Compounding Task Force
- C. Protocol Questions – Trish Freeman

X. NEW BUSINESS

- A. *Self Care Conditions Protocol: Diabetes Testing Supplies Revision – Trish Freeman
- B. *Acute Influenza Infection: Chemoprophylaxis Protocol – Trish Freeman
- C. *Protocol for Pharmacist Dispensing of Allergic Rhinitis Therapies – Trish Freeman

XI. FYI

- A. Expungement
 - 1. 13-0132
 - 2. 13-0069
 - 3. 14-0277
 - 4. 14-0012
 - 5. 14-0128
 - 6. 14-0275
 - 7. 15-0008

XII. QUESTIONS FROM THE STUDENTS

*Information enclosed with this agenda.

MINUTES

KENTUCKY BOARD OF PHARMACY Board Meeting

125 Holmes Street
Frankfort KY 40601

September 12, 2018

CALL TO ORDER A regularly scheduled meeting was held at the University Of Kentucky College Of Pharmacy in Lexington, Kentucky. President Hanna called the meeting to order on September 12, 2018 at 9:14 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; 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; Christina Hatfield, Baptist Health; Brian Fingerson, PRN Committee; Chris Killmeier, Walgreens; Mark Glasper, KPhA; Chris Palutis, KPhA; Lindsay Villalobos, KSHP; Lorri Walmsley, Walgreens; Daniel Malcom, Sullivan College of Pharmacy; Angela Brunemann, St. Elizabeth Healthcare; Adam Parrish, Walmart; Leslie Hurst, Walgreens; Shannon Stiglitz; Emma Hatfield and students from the University of Kentucky College of Pharmacy.

MINUTES On motion by Mr. Poole, seconded by Dr. Cohron and passed unanimously, the minutes of the July 18, 2018 Board Meeting were approved with one correction.

On motion by Mr. Forgy, seconded by Mr. Poole and passed unanimously, the minutes of the August 9, 2018 Board Meeting were approved.

On motion by Dr. Cohron, seconded by Dr. Rhodes and passed unanimously, the minutes of the August 13, 2018 Hazardous Drug Compounding Task Force were approved.

INTERAGENCY

Mark Glasper, KPhA KPhA provided an update on the Drug Awareness Grant. A committee is being established to plan an Opioid Summit in the spring of 2019. Mr. Hadley and Dr. Rhodes volunteered to be on this committee.

Lindsay Villalobos, KSHP Ms. Villalobos informed the Board of the upcoming Fall Meeting to be held in Louisville on September 20-21, 2018.

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

Case 17-0445 A Revisit. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 53,154 dosage units over a period of 323 days due to employee pilferage. Alleged Violation 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 17-0445 B Revisit. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss 53, 154 dosage units over a period of 323 days. Alleged Violation of Law: KRS 315.121 (2) (f) **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

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 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 \$500 administrative fine, include language about policy enforcement-nationwide issues.**

Case 17-0475 B Revisit. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 548 dosage units of controlled substances. 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 17-0495 A Revisit. Pharmacy permit holder allegedly sold adulterated medications; compounded preparations containing expired ingredients were dispensed. Permit holder allegedly failed to maintain an accurate computerized recordkeeping system. The system does not have an identifying designation of the dispensing pharmacist. Pharmacy permit holder allegedly failed to report all dispensed Schedule II, III, IV or V controlled substances to the Kentucky All-Schedule Prescription Electronic Reporting System [KASPER]. Alleged Violations of Law: KRS 315.121 [1][h], KRS 217.055 [1][a], 201 KAR K:170 Section 1[1][h], and 902 KAR 55:110 Section 2 [1] **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice if written assurance by respondent is received regarding no future plans of opening or applying for a pharmacy license.**

Case 17-0529 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 17-0529 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 17-0539 A. Wholesale distributor permit holder allegedly engaged in unprofessional or unethical conduct regarding the source of distributed drugs. Permit holder allegedly failed to provide an accurate and precise record of all goods shipped or received. Permit holder allegedly failed to employ adequate personnel with the education and experience necessary to safely and lawfully engage in the wholesale distribution of prescription drugs. Permit holder allegedly failed to provide adequate storage conditions. Permit holder allegedly failed to be properly licensed as a Wholesale of Controlled Substances by the Cabinet of Health and Family Services. Alleged Violations of Law: KRS 315.121 [1][a] and [h], KRS 315. 402 [2], 201 KAR 2:105 Section 2 [4][a] and [c], Section 5 [2][d], and 902 KAR 55:010 Section 2 **Combine with 17-0539B. 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 \$150,000 administrative fine, inspections conducted by two inspectors twice a year [\$1000 maximum allowed to be invoiced], 5 year probation, VAWD required for both states and a corrective action plan addressing issues to accurately reflect transaction business.**

Case 17-0539 B. Non-resident wholesale distributor permit holder allegedly engaged in unprofessional or unethical conduct regarding the source of distributed drugs. Permit holder allegedly failed to provide accurate and precise records of all goods shipped or received. Alleged Violations of Law: KRS 315.121 (1)(a); KRS 315.402 (2); and 201 KAR 2:105 Section 2 (4)(c). **Combined with 17-0539A. See above.**

Case 17-0555 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 412 oxycodone/acetaminophen tablets. 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 17-0555 B. Pharmacist-in-charge allegedly failed to provide adequate security and control of drugs. The pharmacy reported a loss of 412 oxycodone/acetaminophen 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 17-0555 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)

Revisit 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 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.**

Revisit Case 18-0118 B. Pharmacist-in-charge 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 3/6/18. 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

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

Case 18-0146 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by dispensing invalid prescription refill of schedule two controlled substance 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 18-0146 B. Pharmacist in charge allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgement in determining whether a prescription refill order is lawful. Alleged Violation of Law: KRS 315.121 (d)(j). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0146 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgement in determining whether a prescription refill order is lawful. Alleged Violation of Law: KRS 315.121 (d)(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 B Revisit. Pharmacy Technician allegedly worked in a pharmacy without having a valid pharmacy technician registration. Alleged Violation of Law: KRS 315.135 [1] **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0297 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to transfer prescription information to a different pharmacy for the purpose of refill dispensing. 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 18-0297 B. Pharmacist allegedly engaged in unethical or unprofessional conduct by failing to ensure the accuracy of original prescription information entered into a computerized recordkeeping system and failing to transfer prescription information to a different pharmacy for the purpose of refill dispensing. Alleged Violations of Law: 201 KAR 2:170 Section 1 (2); KRS 315.121 (1)(h) and (2)(g). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0299 A. 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 18-0299 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 18-0301 A Revisit. 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. Pharmacy permit holder allegedly failed to maintain an accurate record of the patient's refusal of the pharmacist's offer to counsel. Alleged Violations of Law: 201 KAR 2:210 Section 1 [d][3] and Section 5 [1] **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0302 A. Permit holder allegedly misbranded drugs by failing to package medication in accordance with United States Pharmacopeia requirements. Medications requiring light-resistant containers were packaged in clear blister packs. Alleged violations of law: KRS 217.065(7) 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 \$20,000 administrative fine, semi-annual inspections for drug storage and packaging, one year probation and a corrective action plan.

Case 18-0302 B. Pharmacist in charge allegedly engaged in unprofessional or unethical conduct by misbranding packaged medication. Pharmacist in charge allegedly failed to provide for adequate storage of drugs. Alleged violations of law: KRS 315.121 (1)(a) and 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 pharmacy law and 6 hours of continuing education on quality assurance.**

Case 18-0304 A. Pharmacist allegedly is unable to engage in the practice of pharmacy with reasonable skill, competency and safety to the public due to impairment. Alleged Violation of Law: A.KRS 315.121 (1) (b) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and one year suspension with one year of continued sobriety.**

Case 18-0304 B. Pharmacy permit holders and pharmacists knowing or having reason to know that a pharmacist is incapable of engaging or assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board. Alleged Violation of Law: KRS 315.121. (1) (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 \$5000 administrative fine.**

Case 18-0304 C. Pharmacy permit holders and pharmacists knowing or having reason to know that a pharmacist is incapable of engaging or assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board. Alleged Violation of Law: KRS 315.121. (1) (d) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0304 D. Pharmacy permit holders and pharmacists knowing or having reason to know that a pharmacist is incapable of engaging or assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board. Alleged Violation of Law: KRS 315.121. (1) (d) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0304 E. Pharmacy permit holders and pharmacists knowing or having reason to know that a pharmacist is incapable of engaging or assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board. Alleged Violation of Law: KRS 315.121. (1) (d) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0304 F. Pharmacy permit holders and pharmacists knowing or having reason to know that a pharmacist is incapable of engaging or assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board. Alleged Violation of Law: KRS 315.121. (1) (d) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0307 Pharmacist allegedly has a mental or physical incapacity that prevents the licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public. 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 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 six month suspension with continued sobriety.**

Case 18-0308 A. Pharmacy permit holder allegedly sold a misbranded prescription drug. Patient allegedly received 28 hydrocodone/APAP 5/325 tablets instead of the labeled 30 tablets. 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 18-0308 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 allegedly received 28 hydrocodone/APAP 5/325 tablets instead of the labeled 30 tablets. 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 18-0315 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 18-0315 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by failing to dispense a legitimate prescription and for failing to return a hard copy

prescription to a patient. Pharmacist allegedly divulged or revealed to unauthorized persons patient information without the patient's express consent. Alleged Violations of Law: KRS 315.121 (1)(a), (2)(b) and (j) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0316 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by selling a controlled substance prescription that had been cancelled by the prescriber. 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 18-0316 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by 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 and for allegedly failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Alleged Violations of Law: KRS 315.121 (1)(a), (2)(b) and (j) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0317 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to dispense the full quantity of a medication to a patient. 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 18-0317 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.***

Case 18-0320 A. Permit holder allegedly failed to renew permit by June 30th and remained open to the public. Alleged Violation of Law: (A) KRS 315.035 (4) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0320 B. The pharmacist-in-charge failed to provide an application for renewal of that permit that allegedly continued to operate after failing to renew permit by 6/30/18. Alleged Violations of Law: 201 KAR 2:205 Section 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 18-0321 A. Medical gas facility failed to renew permit by 6/30/18 and allegedly continued to operate without a valid permit. Alleged Violations of Law: KRS 315.035 (4); 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.**

Case 18-0321 B. Licensee served as pharmacist-in-charge of medical gas facility that allegedly continued to operate after failing to renew permit by 6/30/18. Alleged Violations of Law: 201 KAR 2:205 Section 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 18-0322 A. Medical gas facility failed to renew permit by 6/30/18 and allegedly continued to operate without a valid permit. Alleged Violations of Law: KRS 315.035 (4); 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.**

Case 18-0322 B. Licensee served as pharmacist-in-charge of medical gas facility that allegedly continued to operate after failing to renew permit by 6/30/18. Alleged Violations of Law: 201 KAR 2:205 Section 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 18-0323 A. Permit holder allegedly failed to renew permit by June 30, 2018 and remained open to the public. Permit holder did not renew Med Gas Permit until July 2, 2018. Alleged Violation of Law: (A) KRS 315.035 (4) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0323 B. Pharmacist in Charge allegedly failed to submit permit renewal by June 30, 2018. Permit holder did not renew Med Gas Permit until July 2, 2018. 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 18-0324 A. Permit holder allegedly failed to renew permit by June 30, 2018 and remained open to the public. Permit holder did not renew Med Gas Permit until July 2, 2018. Alleged Violation of Law: (A) KRS 315.035 (4) **CRC Recommendation: There is sufficient evidence of a**

violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.

Case 18-0324 B. Pharmacist in Charge allegedly failed to submit permit renewal by June 30, 2018. Permit holder did not renew Med Gas Permit until July 2, 2018. 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 18-0325 A. Permit holder allegedly failed to renew permit by June 30, 2018 and remained open to the public. Permit holder did not renew Med Gas Permit until July 2, 2018. Alleged Violation of Law: (A) KRS 315.035 (4) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0325 B. Pharmacist in Charge allegedly failed to submit permit renewal by June 30, 2018. Permit holder did not renew Med Gas Permit until July 2, 2018. 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 18-0326 A. Special pharmacy permit holder allegedly failed to renew permit by June 30, 2018 and remained open to the public. Alleged Violation of Law: (A) KRS 315.035 (4) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0326 B. Pharmacist-in-charge of special pharmacy permit allegedly failed to renew permit by June 30, 2018 and it remained open to the public. Alleged Violations of Law: 201 KAR 2:205 Section 1 and KRS 315.121 (1)(h) **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0327 A. Permit holder allegedly failed to renew permit by June 30, 2018 and remained open to the public. Permit holder did not renew Med Gas Permit until July 2, 2018. Alleged Violation of Law: (A) KRS 315.035 (4) **CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine.**

Case 18-0327 B. Pharmacist in Charge allegedly failed to submit permit renewal by June 30, 2018. Permit holder did not renew Med Gas Permit until July 2, 2018. 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 18-0328 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 18-0328 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. Pharmacist dispensed medication without a valid prescription. 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 on pharmacy law.**

Case 18-0332 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 18-0332 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 18-0336 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 18-0336 B. Pharmacist in Charge allegedly engaged in unprofessional or unethical conduct by dispensing the wrong medication to a patient. Pharmacist allegedly dispensed Clonazepam 2 mg instead of Clonidine 0.2 mg. 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 18-0337. A. Technician allegedly engaged in unprofessional or unethical conduct by using a schedule one controlled substance. Technician allegedly violated patient confidentiality. Alleged Violations of Law: A. KRS 315.121 (1) (a) and 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 18-0338. Pharmacist allegedly failed to supply proof of 15 hours of continuing education between January 1 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 10.5 hours of continuing education.

Case 18-0339 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 5 Gabapentin capsules 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 18-0339 B. Pharmacist in charge allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of 5 Gabapentin capsules 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 18-0339 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 status of 'Do Not Renew'**

Case 18-0342A. Pharmacy permit holder allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations 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 18-0342B. Pharmacist-in-charge allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations of Law: 201 KAR 2:205, Section 2(2)(e).

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

Case 18-0343A. Pharmacy permit holder allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations 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 18-0343B. Pharmacist-in-charge allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations of Law: 201 KAR 2:205, Section 2(2)(e). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0344A. Pharmacy permit holder allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations 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 18-0344B. Pharmacist-in-charge allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations of Law: 201 KAR 2:205, Section 2(2)(e). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0345A. Pharmacy permit holder allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations 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 18-0345B. Pharmacist-in-charge allegedly failed to notify the Kentucky Board of Pharmacy 15 days prior to a permanent closure. Alleged Violations of Law: 201 KAR 2:205, Section 2(2)(e). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0346. Out of state outsourcing facility was issued an FDA Form 483 at the conclusion of an inspection of the facility. Alleged Violations of Law: KRS 315.342(14) and KRS 315.121(1)(c). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0347. Out of state outsourcing facility was issued an FDA Form 483 at the conclusion of an inspection of the facility. Facility voluntarily ceased sterile compounding. Alleged Violations of Law: KRS 315.342(14) and KRS 315.121(1)(c). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0348. Out of state outsourcing facility was issued an FDA Form 483 at the conclusion of an inspection of the facility. Alleged Violations of Law: KRS 315.342(14) and KRS 315.121(1)(c). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0349. Out of state outsourcing facility was issued an FDA Form 483 at the conclusion of an inspection of the facility. Alleged Violations of Law: KRS 315.342(14) and KRS 315.121(1)(c). **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0350 A. Out of state pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to maintain appropriate temperature of a shipped medication. 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 18-0350 B. Pharmacist-in-charge engaged in unprofessional or unethical conduct by failing to maintain appropriate temperature of a shipped medication. Alleged Violations of Law: KRS 315.121(1)(a) and 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 18-0353 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 18-0353 B. 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 18-0354. Pharmacist has been indicted by a Grand Jury in the United States District Court for the Eastern District of Kentucky for allegedly conspiring with others to knowingly and intentionally dispense and distribute, outside the scope of professional practice and not for a legitimate medical purpose, oxycodone in violation of 21 U.S.C. 841(a)(1), all in violation of 21 U.S.C. 846. Alleged Violation of Law: KRS 315.121(1)(c). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0357. Licensee allegedly provided false information on application for registration as a pharmacy technician. Alleged Violation of Law: KRS 315.121 (1)(e). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0358. Out of state pharmacy allegedly shipped prescription medications into Kentucky without a Kentucky pharmacy permit. Alleged Violation of Law: KRS 315.0351(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 \$1100 administrative fine and application for non-resident pharmacy permit. If they do not wish to obtain the permit, written agreement must be received stating that they will not ship to Kentucky in the future.**

Case 18-0361 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by failing to comply with applicable requirements for compounding sterile preparations and failing to maintain complete and accurate records of drugs compounded by the pharmacy. Alleged Violations of Law: 201 KAR 2:076 Section 2 (2); KRS 217.055; KRS 217.065; 201 KAR 2:170; KRS 315.121 (1)(h). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0361 B. Pharmacist-in-charge allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by failing to comply with applicable requirements to ensure quality of sterile preparations compounded by the pharmacy. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:076 Section 2 (2); 201 KAR 2:076 Section 3 (2); KRS 315.121 (1)(h). **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0361 C. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by failing to comply with applicable requirements for compounding sterile preparations. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:076 Section 2 (2); KRS 315.121 (1)(h). **CRC**

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

Case 18-0362. Wholesale distributor employs a material handler that had two felony convictions: aggravated assault and manufacturing and distribution of controlled substances. Alleged Violation of Law: 201 KAR 2:105 Section 3(1)(a)2. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0363. Wholesale distributor employs a material handler that had two felony convictions: aggravated assault and manufacturing and distribution of controlled substances. Alleged Violation of Law: 201 KAR 2:105 Section 3(1)(a)2. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0364. Out of state wholesale distributor had its DEA Registration temporarily suspended. Alleged Violations of Law: KRS 315.121(1)(c)2 and 201 KAR 2:105 Section 3(1)(a)1. **CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.**

Case 18-0365. Out of state pharmacy permit received a Letter of Admonition from the Drug Enforcement Administration. Alleged Violation of Law: KRS 315.121(1)(c)2. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0366 A. Out of state pharmacy permit holder was disciplined by another state Board of Pharmacy. Alleged Violations of Law: KRS 315.121(1)(c)2. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0366 B. Pharmacist was disciplined by another state Board of Pharmacy. Alleged Violations of Law: KRS 315.121(1)(c)2. **CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.**

Case 18-0367. Out of state pharmacy permit was disciplined by another state Board of Pharmacy. Alleged Violation of Law: KRS 315.121(1)(c)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 \$5000 administrative fine, submit next inspection report, one year probation [may terminate early after written documentation that each person has been advised of recall and the inspection report has been submitted], notify all 27 individuals of recall.**

Dr. Cohron seconded, and the motion passed unanimously.

Mr. Poole recused himself.

Dr. Cohron moved to accept the Case Review Committee's recommendation for:

Case 18-0255 A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Pharmacy permit holder allegedly dispensed oxycodone IR 15mg instead of the prescribed oxycodone ER 15mg. In correcting the prescription, the directions and quantity dispensed were incorrect. In correcting the prescription, the partial dispensing recordkeeping was inadequate. Pharmacy allegedly failed to keep adequate computer records. Returned medication was allegedly placed back in stock to redispense. Alleged Violations of Law: KRS 217.065 (1), 902 MR 55:095 Section 4 (4), 201 KAR 2:190, and 201 KAR 2: 170

Case 18-0255 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 oxycodone IR 15mg instead of the prescribed oxycodone ER 15mg. 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 delaying appropriate treatment. Pharmacist allegedly did not dispense the corrected oxycodone prescription until more than seven hours had passed since the medication error was discovered. Pharmacist allegedly contacted the prescriber's office to have the prescription changed from oxycodone ER to oxycodone IR, which had already been dispensed, after learning from the patient that the oxycodone IR made him too drowsy and did not control his pain. In correcting the prescription, the directions and quantity dispensed were incorrect. Returned medication was allegedly placed back in stock to redispense. Alleged Violations of Law: KRS 315.121 (1)(a)(h), 201 KAR 2:170 (1)(g), and 201 KAR 2:190

Dr. Martin seconded, and the motion passed unanimously.

Mr. Poole returned to the meeting.

CORRESPONDENCE/COMMUNICATION

Dr. Martin recused and left the meeting.

UNIVERSITY OF KENTUCKY HEALTHCARE – USP <797> REQUEST Dr. Clayton Johnston provided additional information regarding their request tabled at the last meeting. Dr. Cohron moved to approve this request. Dr. Rhodes seconded, and the motion passed unanimously.

Dr. Martin returned to the meeting.

ONCO 360 – COMPOUNDING EQUIPMENT WAIVER REQUEST Mr. Hadley provided additional information regarding this request tabled at the last meeting. Dr. Martin moved to approve this request. Dr. Rhodes seconded, and the motion passed unanimously.

HEART OF AMERICA NON-RESIDENT PHARMACY APPLICATION Mr. Hadley provided additional information regarding this application tabled at the last meeting. Mr. Poole moved to deny this application. Dr. Rhodes seconded, and the motion passed unanimously.

EDWARD LUCEY – PHARMACY TECHNICIAN REGISTRATION Ms. Lalonde informed the Board of a request for renewal of a technician registration in ‘Do Not Renew’ status. Mr. Lucey was under a KYPRN agreement but allowed that to lapse due to moving out of state. Ms. Lalonde stated that the circumstances initiating the KYPRN agreement do not require one today. She recommended renewal of his technician registration with no restrictions. Dr. Cohron moved to accept the renewal application with no restrictions. Dr. Martin seconded, and the motion passed with one nay vote from Dr. Rhodes.

METHODIST HOSPITAL UNION CO. PHARMACY – DUAL PIC REQUEST Mr. Hadley informed the Board that Rhonda Hamilton, Pharmacy and Investigation Inspector had no issues with this request. Mr. Poole moved to approve this request. Dr. Cohron seconded, and the motion passed unanimously.

RECONSIDERATION OF AGREED ORDER 18-0201 – SARA GOLDSTEIN Mr. Hadley informed the Board that this request was due to health issues of the respondent, her son and her father. Ms. Lalonde cited 201 KAR 2:015, Section 5(2) that allows the Board to defer the continuing education requirements for pharmacists. Dr. Martin moved to grant this deferment. Dr. Cohron seconded, and the motion passed with one nay vote from Mr. Poole.

CHERYL MANN – EQUIPMENT WAIVER REQUEST Mr. Hadley informed the Board that Ms. Harding, Pharmacy and Investigation Inspector had no issues with this request. Dr. Martin moved to deny this request. Mr. Poole seconded, and the motion passed unanimously.

FINAL ORDER Dr. Martin moved to accept the Hearing Officer’s Recommended Order, and issue the Final Order for Case 18-0011C as presented. Mr. Poole seconded, and the motion passed unanimously.

LEGISLATION/REGULATION Ms. Lalonde informed the Board that a Public Hearing on 201 KAR 2:370 is scheduled for September 26, 2018. If no requests to attend a public hearing are received, the hearing will be canceled.

Ms. Lalonde informed the Board of the recommendations of the Regulation Committee. She asked the Board to allow the committee to proceed with more detailed changes and leeway to expand its recommendations based on the findings of the committee. Mr. Poole moved to approve this directive. Dr. Cohron seconded, and the motion passed unanimously.

CONTINUING EDUCATION Dr. Rhodes moved to approve program 18-33. Dr. Cohron seconded, and the motion passed unanimously.

Dr. Rhodes moved to table programs 18-34, 18-35, 18-36 and 18-37 until the next meeting requesting Mr. Hadley to contact the provider for a sign in sheet of the meeting. Mr. Poole seconded, and the motion passed unanimously. Ms. Busroe informed the Board that these requests were group requests from the Owensboro Hospital and historically had been approved.

Dr. Rhodes moved to approve programs 18-38 and 18-39 with a correction of the CEUs. Dr. Martin seconded, and the motion passed unanimously.

NEW BUSINESS

PROTOCOLS – TRISH FREEMAN

SELF CARE CONDITIONS PROTOCOL: DIABETES TESTING SUPPLIES REVISION Dr. Martin moved to approve the revision of this protocol adding alcohol swabs. Mr. Poole seconded, and the motion passed unanimously.

ACUTE INFLUENZA INFECTION: CHEMOPROPHYLAXIS PROTOCOL Mr. Poole moved to approve this protocol with the additional wording of 'following exposure' on page 2. Dr. Martin seconded and the motion passed unanimously.

PROTOCOL FOR PHARMACIST DISPENSING OF ALLERGIC RHINITIS THERAPIES Dr. Martin moved to approve this protocol. Mr. Poole seconded, and the motion passed unanimously.

OLD BUSINESS

PROTOCOL QUESTIONS – TRISH FREEMAN Dr. Freeman informed the Board that questions concerning approved protocols have been raised. She requested the Board confirm that pharmacists may use education and training received in their PharmD curriculum to satisfy the ACPE-accredited education and training requirement in 201 KAR 2:380. Mr. Poole moved to accept a Board policy concerning education for protocols as stated:

Much like the certification program associated with our Pharmacist Immunization statute, ACPE Accredited Colleges of Pharmacy may satisfy the educational requirements of their students for specific KYBOP approved protocols. Designated certificates will be issued to students upon completion of each protocol's educational requirements. Upon licensure, a certificate will serve as proof of obtaining the education required for specific KYBOP approved protocols.

Dr. Martin seconded, and the motion passed unanimously.

***Dr. Freeman requested the Board to confirm that it is permissible for a prescriber and pharmacist to redact medications from those listed on the approved template and utilize the limited protocol without resubmitting the redacted protocol to the Board for additional approval. Mr. Poole moved to accept a Board policy concerning protocols as stated:**

Although the KBOP approves protocols that are written comprehensively for content and aim, it is not necessary to have a protocol brought back before the Board for additional approval if the prescriber or pharmacist agree to narrow the scope of the protocol. The only time a Board approved protocol should be presented to the board for reconsideration is if the protocol expands the scope or adds new information not covered in the original protocol.

Dr. Martin seconded, and the motion passed unanimously.

UPDATE ON ADVISORY COUNCIL Chris Killmeier, Chair advised the Board that the committee continues to work on telepharmacy and has begun to look at the issue of allowed NAPLEX attempts.

UPDATE ON HAZARDOUS DRUG COMPOUNDING TASK FORCE President Hanna recommended tabling this until the next meeting due to the absence of Chair Matt Martin. Mr. Poole moved to accept this recommendation. Dr. Cohron seconded, and the motion passed unanimously.

President Hanna called for a break at 10:17 a.m. President called the meeting back to order at 10:40 a.m.

President Hanna opened the floor for questions from the students.

JESS OGBURN Ms. Ogburn requested guidance on submission of preceptor affidavits. Ms. Sayre stated that the Board will credit hours obtained 10 days prior to receipt of the affidavit. Hours earned prior to that date will not be credited.

BRITTANY TYLER Ms. Tyler questioned the previously approved Board policy regarding protocol education. Is the policy in effect from this date forward or will it apply to those who have already completed the education? Ms. Lalonde stated that the policy would extend to those individuals that have already completed the education.

MALLORY ROTH Ms. Roth questioned the voting procedure of the Board. Ms. Lalonde stated that the majority of the Board rules with any nay voted recorded in the Minutes. In the event of a tie, the Board President would cast the deciding vote.

President Hanna thanked the students for their attendance and excused them from the remainder of the meeting.

***Board policy was revised at the October 17, 2018 meeting.**

BOARD REPORTS Mr. Hadley presented the eMars reports for July 2018 and August 2018 to the Board.

Mr. Hadley informed the Board of the following tabled items from the last meeting:

TAKESHI 'BOB' KOYAGI This request has been resolved prior to the Board meeting.

TRISTAN CARNES This request has been withdrawn. The position was filled with a non-pharmacist. Dr. Hanna advised the Board that this issue will need to be addressed in the future; pharmacist practicing outside of a pharmacy. She instructed the inspectors to draft documentation on the inquiries they have received.

GRACE HEALTH CLINIC EPINEPHRINE AUTO-INJECTOR DISPENSING PROTOCOL This protocol has been withdrawn.

Mr. Hadley informed the Board that he will be attending the Executive Director Meeting of the NABP on October 2-3, 2018. There is no cost to the Board.

Mr. Hadley requested approval of a 5% ACE Award for Ms. Lalonde and an additional \$10,000 salary increase annually. Dr. Cohron moved to approve this request. Mr. Forgy seconded, and the motion passed unanimously.

Mr. Poole requested to revisit the CE programs 18-34, 18-35, 18-36 and 18-37 in light of Ms. Busroe's comments. Dr. Rhodes moved to approve these programs. Mr. Poole seconded, and the motion passed unanimously.

Mr. Poole advised the Board that the issue of medical marijuana legislation needs to be addressed and requests that Mr. Hadley attend meetings held on this subject. Mr. Hadley informed the Board that Louisiana is addressing this issue. Louisiana is implementing standalone medical marijuana pharmacies. Tennessee is looking at similar laws. Ms. Stiglitz advised that a hearing will be held on Friday, September 14th for opponents of the proposed legislation.

ADJOURNMENT On motion by Mr. Poole, seconded by Dr. Cohron and passed unanimously, President Hanna adjourned the meeting at 11:33 p.m. The next regularly scheduled meeting begins at 9:00 a.m. on October 17, 2018 at the Board Office in Frankfort, Kentucky.

Larry A. Hadley
Executive Director