

KENTUCKY BOARD OF PHARMACY
125 Holmes Street
Frankfort, KY
February 5, 2020, 9:00 AM
Special Called Board Meeting
Agenda

I. CALL TO ORDER

II. MINUTES

- A. *December 11, 2019

III. APPEARANCES

- A. *Samantha Sullivan – Pharmacy Technician reinstatement
- B. *Karlle Douglas – Reinstatement
- C. *Owensboro Health Muhlenberg – 201 KAR 2:370 Section 2 (5)(c) Waiver

IV. INTERAGENCY

V. BOARD REPORTS

- A. Executive Director
 - 1. *eMars – December 2019
 - 2. RX Drug Abuse & Heroin Summit – Rhonda Hamilton and John Romines
- B. Board Counsel
 - 1. *201 KAR 2:050
 - 2. *NABP Amicus Brief

V. CASES

- A. *Fines Report
- B. *Final Orders

VI. PENDING APPLICATIONS

- A. *Pharmacy Technician Summary

VII. CORRESPONDENCE

- A. *Steve Cumming, Dual PIC Request
- B. *C & C Pharmacy, P07918, Off-site Storage Request

VIII. LEGISLATION/REGULATION

- A. *2020 Regular Session
 - 1. *Senate Bill 23
 - 2. *House Bill 249
- B. *201 KAR 2:225

IX. CONTINUING EDUCATION

A. *CE Programs – 19-59, 20-01 through 20-02

X. OLD BUSINESS

XI. NEW BUSINESS

A. CLOSED SESSION

1. *Executive Director Evaluation
2. Board Personnel
3. Settlement Conferences

XII. WORK SESSION

A. Board Member Orientation

1. *NABP Board Member Manual Chapter 2
2. *Board President Responsibilities and Duties
3. *Board Etiquette
4. *Antitrust Board Presentation
5. Board Effect demonstration

B. *Inspection/Investigation Process

*Information included in Board Packet

MINUTES

KENTUCKY BOARD OF PHARMACY

held at

125 Holmes Street
Frankfort KY 40601

BOARD MEETING

February 5, 2020

CALL TO ORDER A special called meeting was held at the Kentucky Board of Pharmacy, Frankfort, Kentucky. President Poole called the meeting to order on February 5, 2020 at 9:00 a.m.

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

Staff: Larry Hadley, Executive Director; Anthony Gray, General Counsel; John Romines, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector, Amanda Harding, Pharmacy and Drug Inspector; Katie Busroe, Pharmacy Inspections and Investigations Supervisor and Darla Sayre, Executive Staff Advisor. Court Reporter Terri Pelosi recorded the meeting.

Guests: Chris Killmeier, Walgreens; Mark Glasper, KPhA; Cathy Hanna, APSC; Brian Fingerson, KYPRN Committee; Carolyn Basford, KMESA; Mike Downing, RSVP; Emily Caporal, KYPRN; Representative Melinda Gibbons Prunty; Kathleen Myer; Laura Stiles; Matthew Oakley; Lauren Adams; Alan Webb; Jordan Propst; Will Sharp, student; Brenda Shafer, Quarles & Brady; Brad Pfister, McKesson; Paula York, KY OIG; Josh Elder, KSHP; Samantha Sullivan and Lavanya Peter, Park Duvalle.

MINUTES On motion by Craig Martin, seconded by Peter Cohron and passed unanimously, the minutes of the December 11, 2019 Board Meeting were approved.

APPEARANCES

Owensboro Health Muhlenberg, 201 KAR 2:370 Section 2(5)(c) Waiver – Laura Stiles, Matthew Oakley and Kathleen Myer from the Owensboro Health Muhlenberg Community Hospital appeared before the Board for a waiver for the use and number of medications/quantities stocked in an Automated Dispensing System in their long term care unit which is located on two floors of the hospital. Craig Martin moved to approve this waiver. This waiver will remain in effect unless the location or practice of the LTC changes. Peter Cohron seconded, and the motion passed unanimously. Representative Prunty requested the Board consider an amendment to the regulation exempting LTC facilities attached to an acute care hospital.

Samantha Sullivan – Ms. Sullivan appeared before the Board requesting reinstatement of her pharmacy technician registration. Her registration was revoked December 3, 2019 by Final Order. Case number 18-0037 resulted in an Agreed Order. There was no response from Ms. Sullivan within the time frame allowed. Ms. Sullivan provided an overview of her circumstances.

Craig Martin moved to approve the reinstatement. Peter Cohron seconded, and the motion passed unanimously.

Karlie Douglas - Karlie Douglas was sworn in by the court reporter, Terri Pelosi. Karlie Douglas appeared before the Board to request reinstatement of her Kentucky pharmacist license. Karlie Douglas gave a brief overview of the events leading to the surrender of her license. Karlie Douglas surrendered her Kentucky pharmacist license on June 29, 2018. Karlie Douglas signed a monitoring contract with KYPRN. She signed an Agreed Order of Surrender with the Kentucky Board of Pharmacy stipulating no less than six months of continuous sobriety and scrupulous compliance with the directives of the KYPRN Monitoring Agreement on June 15, 2018. Her sobriety date is June 7, 2018. Brian Fingerson, chairman of the Kentucky Pharmacy Recovery Network, informed the Board that the committee voted 10-0 in favor of reinstatement.

John Fuller moved to reinstate Karlie Douglas's pharmacist's license with stipulations as follows: five years of probation [beginning from date of the President's signature on the Agreed Order of Reinstatement]; work location cannot dispense controlled substances; 12 monthly AA/NA meetings; inspections; maximum work hours with no overtime; copy of Agreed Order to all employers and pharmacists-in-charge; KYPRN; signed release of medical records; monthly report of AA/NA meetings; observed urine, other body fluid, or hair samples for drug/alcohol screens; prohibited from accepting position as pharmacist-in-charge, power of attorney, or preceptor; attendance within 1 year of entry of her Agreed Order at Utah School or CAPTASA; monthly written self-performance evaluations. The specifics of her agreement will be detailed for Karlie Douglas later by Mr. Fingerson. Karlie Douglas stated she understood that any violation of the Agreed Order of Reinstatement shall cause her to automatically lose her license to practice pharmacy for not less than five years and one day and shall require her to petition the Board for reinstatement only after she has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination. Karlie Douglas shall not seek to amend or modify her Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. President Poole cautioned Karlie Douglas that the Board requires strict compliance with all stipulations. Jill Rhodes seconded, and the motion passed unanimously.

201 KAR 2:225 – Representatives from KMESA, Carolyn Basford and Mike Downing appeared before the Board for further explanation on amending 201 KAR 2:225 to include sterile water and sterile saline. Craig Martin reported questions and concerns from the Regulation Committee. The committee questioned the use of these products and how this fits within the medical gas language. Ms. Basford advised these products would be used for inhalation and irrigation purposes. The use of these products would best fall under the jurisdiction of the Board of Durable Medical Equipment. The Board directed Anthony Gray to work with the Board of Durable Medical Equipment to amend their regulations for this practice.

INTERAGENCY

Mark Glasper, KPhA – Mark Glasper informed the Board that plans are underway for the 2020 Opioid Summit to be held September 12, 2020 at the University of Kentucky College of Pharmacy.

Josh Elder, KSHP – Josh Elder informed the Board that the Spring meeting would be held on March 20, 2020 providing 6 hours of continuing education. A call for speakers has been sent. He also reported that due to the recent New York Times article a committee will be established to address these issues. These issues effect not only the wellbeing of pharmacists but also the safety of consumers.

BOARD REPORTS Anthony Gray presented the NABP Amicus Brief. Jill Rhodes stated that without additional information regarding this lawsuit she could not make a decision. President Poole requested a copy of the complete lawsuit for future review. Craig Martin moved to not participate. Jody Forgy seconded, and the motion passed unanimously.

Anthony Gray presented the Board with a proposed amendment to 201 KAR 2:050, Licenses and permits; fees. Mr. Gray requested an increase of \$25 on new applications, renewal application and delinquent fees for pharmacies, wholesale distributors and manufacturers. Kentucky has the fourth lowest application fees in the United States. These fees have not been raised for over twenty years. Mr. Hadley stated that Board revenue is consistent but expenditures have increased over the years. Most recently the increased cost of retirement contributions. Craig Martin moved to approve this amendment. Peter Cohron seconded, and the motion passed with Jill Rhodes opposing.

Larry Hadley introduced William Sharp, UKCOP student, on rotation at the Board, recognized Ron Poole as the new President and thanked Craig Martin for his service to the Board last year as President. Larry Hadley presented the eMars report for December 2019 to the Board.

Mr. Hadley reported that the Advisory Council was within one meeting of providing a recommendation to the Board on telepharmacy. The Regulation Committee has completed its task of reviewing the list of regulations to sunset. LRC has provided another list of those regulations due to sunset this year. Mr. Hadley requested the Board consider to have the Regulation Committee a standing committee to consider new legislation and changes.

FINAL ORDERS

Jill Rhodes moved to approve the final orders as presented. Craig Martin seconded, and the motion passed unanimously.

PENDING APPLICATIONS

Craig Martin moved to deny the first application presented. John Fuller seconded, and the motion passed unanimously.

Craig Martin moved to approve the second application presented. Peter Cohron seconded, and the motion passed with John Fuller and Jill Rhodes opposing.

CORRESPONDENCE

Steve Cumming, Dual PIC Request – Jill Rhodes recused herself and left the room. Peter Cohron moved to approve this request. Craig Martin seconded, and the motion passed unanimously. Ms. Rhodes returned to the meeting.

C & C Pharmacy, Offsite Storage Request – Peter Cohron moved to approve this request. Craig Martin seconded, and the motion passed unanimously.

LEGISLATION/REGULATION

2020 Regular Session – Larry Hadley reported to the Board that there were several bills introduced that may involve or affect the practice of pharmacy. He requested the Board provide an opinion on these bills. House Bill 136, Medical Marijuana – Mr. Hadley contacted the sponsor for this bill offering the Board’s assistance. Craig Martin stated that he could not support the bill if pharmacists and pharmacy is not included. Senate Bill 23, Insulin Assistance – Craig Martin addressed concerns with this bill. The Board has no method to assess the needs of individuals and the problem of payment remains an issue. Peter Cohron stated that he could not support this bill as proposed.

CONTINUING EDUCATION

Craig Martin moved to approve 19-59, 20-01 and 20-02. Peter Cohron seconded, and the motion passed unanimously.

NEW BUSINESS

Larry Hadley presented an overview of the history of Case Review Committee. A mock case review will be the topic of the work session following the March 25th Board meeting.

Peter Cohron moved to go into closed session pursuant to KRS 61.810(1)(c)(f) to discuss proposed or pending litigation and to hold a discussion which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret. Jody Forgy seconded, and the motion passed unanimously. President Poole informed the audience that a lunch break would be taken during the closed session.

Peter Cohron moved to come out of closed session. Craig Martin seconded, and the motion passed unanimously.

Craig Martin moved to accept the recommendations for cases 18-0386 and 19-0087. Peter Cohron seconded, and the motion passed unanimously.

Peter Cohron moved to approve the salary increase for Board staff. Craig Martin seconded, and the motion passed unanimously.

Larry Hadley reported on the progress of the Repository regulation. He is working with Iowa with the possibility of partnering with their ongoing program.

WORK SESSION

Board Member Orientation – Anthony Gray presented a video on licensing Boards and their duties and functions. He suggested Board members read Chapter 2 of the NABP Board Member Manual. This chapter provides valuable information for Board members during their term.

President Poole requested the status of Kentucky using PMP Interconnect with NABP. Paula York, OIG stated that the KASPER program does connect with PMP Interconnect. All bordering states [excluding Missouri who does not have a reporting program] are connected with PMP Interconnect. While making your KASPER request, there is an option to select multiple states to include on your report.

Anthony Gray gave an overview of the duties and responsibilities of the Board President:

- Preside over Kentucky Board of Pharmacy Board meetings
- Preside over Case Review Committee meetings
- Voting member of KY PRN Committee
- NABP Delegate
- Representative of the Kentucky Board of Pharmacy when attending pharmacy functions.

Anthony Gray gave an overview of the Case Review Committee stating that this regulation is one included in the sunset regulations. This may be an opportunity to revise and amend the regulation and process. He requested that Board members review all cases included in the Board meeting packet submitting any cases that require additional review to the Executive Director prior to the meeting. These cases will be moved to the end of the meeting for a closed session to allow for further discussion.

Anthony Gray reviewed Board etiquette and Parliamentary procedures to the Board. For best meeting practices, it is best to remain on topic and request recognition from the President prior to speaking. A complete transcript of the Board meeting will be an official record of the meeting. Board meetings are a public forum and any comments from the Board or Board members may be used in legal arguments. A presentation of the history and outcome of the FTC's action against the North Carolina State Board of Dental Examiners was viewed. Darla Sayre gave a demonstration of BoardEffect, the program used to distribute meeting materials

prior to Board meetings. Katie Busroe gave an overview of the inspection and investigation process.

ADJOURNMENT On motion by Craig Martin, seconded by Peter Cohron and passed unanimously, President Poole adjourned the meeting at 2:04 p.m. The next regularly scheduled meeting begins at 9:00 am on March 25, 2020 at the Kentucky Board of Pharmacy in Frankfort, KY.

Larry A. Hadley
Executive Director