

**KENTUCKY BOARD OF PHARMACY
via Zoom**

<https://us02web.zoom.us/j/88407876980?pwd=Yk4vSmdwNHdOVUhQNWRGUHh0SE85UT09>

Meeting ID: 884 0787 6980

Passcode: u4s3P1

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 884 0787 6980

Passcode: 424393

February 23, 2022

9:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. MINUTES**
 - A. January 26, 2022
- III. APPEARANCES**
 - A. Maureen Garrity, NABP
 - B. Candice Campbell, Alternative Distribution Models in Specialty Pharmacy: White, Brown & Clear Bagging
- IV. INTERAGENCY**
- V. BOARD REPORTS**
 - A. Executive Director
 - 1. eMars, January
 - 2. Hybrid meeting discussion
 - B. General Counsel
 - 1. Expungement Requests
 - a) 17-0023
- VI. COMMITTEE REPORTS**
 - A. Kentucky Professional Recovery Committee, Brian Fingerson
 - B. Advisory Council, Anthony Tagavi
 - 1. Council recommends requiring one hour of continuing education specific to opioid use disorder. [deferred from January]
 - 2. Council recommends that visual product inspection of a prescription cannot be performed prior to final product verification unless approved by the Kentucky Board of Pharmacy. [deferred from January]
 - C. Regulation Committee, Ralph Bouvette
 - D. Pharmacy Technician Committee, David Figg

- E. Diversity and Inclusion Task Force, Shannon Borden and Crystal Isaacs
- F. Case Review Panel, Peter Cohron

VII. LEGISLATION/REGULATION

- A. 201 KAR 2:020, Examination.
- B. 201 KAR 2050, Licenses and Permits; fees.
- C. Sterile Water Draft
- D. 201 KAR 2:225, Special Limited Pharmacy Permit Medical Gas
- E. Legislative Update
- F. SJR 150

VIII. CORRESPONDENCE

- A. David Kragel, P08176 and TBD – Dual PIC Request

IX. OLD BUSINESS

- A. Work from home, Declaratory Opinion
- B. Workflow issue/staffing shortages for pharmacists

X. NEW BUSINESS

- A. Advisory Council Appointment [one vacancy]

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| 1. Alan Webb | 7. Jordan Phelps | 13. Natasha Thompson |
| 2. David Bennington | 8. Joseph Vennari | 14. Nathaniel Cordeiro |
| 3. Heyden Pehl | 9. Julie Anderson | 15. Reyna Vangilder |
| 4. J. Todd Carter | 10. Kerri Johnson | 16. Ross Goetz |
| 5. James Thomas Jr | 11. Kristina Karrick | 17. Ryan Naseman |
| 6. Jillianne Harrelson-Hiller | 12. Mark Taylor | 18. Stephen Creasy |

- B. Protocols

- 1. Alcohol Use Disorder Protocol utilizing Naltrexone-based Therapy

XII. CLOSED SESSION

- A. Final Orders
- B. RS – Request termination of KYPRN Agreement

ATTENTION: A portion of the meeting may be held in closed/executive session for the purpose of (1) deliberating as a judicial or quasi-judicial body regarding the final adjudication of the Board's pending cases; (2) discussing and deliberating upon open investigations, which are preliminary matters that may result in litigation being filed on behalf of the Board and include the review of information required to be conducted in privacy according to federal and state law; and (3) Discussions or hearings 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. The specific statutory sections providing exemptions are: KRS 61.810(1)(c) KRS 61.878(1)(a) KRS 61.810(1)(j) KRS 61.878(1)(h) KRS 61.810(1)(f)KRS 61.810(1)(k). Following discussion and deliberation, any and all action will be taken in open/public session.

MINUTES

KENTUCKY BOARD OF PHARMACY

held at

125 Holmes Street
Frankfort KY 40601
via teleconference

BOARD MEETING

February 23, 2022

CALL TO ORDER A regularly scheduled meeting was held via teleconference from the Kentucky Board of Pharmacy, Frankfort, Kentucky. President Cohron called the meeting to order 9:00 a.m.

Members present: Peter Cohron, John Fuller, Jonathan Van Lahr, Meredith Figg, Jason Belcher and Anthony Tagavi.

Staff: Christopher Harlow Executive Director; Eden Davis, General Counsel; Paul Daniels, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; Amanda Harding, Pharmacy and Drug Inspector; Katie Busroe, Pharmacy Inspections and Investigations Supervisor and Darla Sayre, Executive Staff Advisor.

Guests: Samantha Brodsky and Keith Poynter.

MINUTES Meredith Figg moved to accept the minutes from the January 26, 2022 meeting. Jonathan Van Lahr seconded, and the motion passed unanimously.

APPEARANCE

Maureen Garrity, NABP Maureen Garrity appeared before the Board to provide information on the examination process for the NAPLEX and the MPJE. After discussion, the Board advised they still had concerns regarding the pass/fail notification of the MPJE without a test score.

Candice Campbell, University of Kentucky College of Pharmacy Candice Campbell presented information on Alternative Distribution Models in Specialty Pharmacy: White, Brown & Clear Bagging. Prior to the presentation, Executive Director Christopher Harlow advised this presentation is an introduction to discussions for upcoming meetings. All pharmacy practice methods utilized today are not defined in Kentucky law.

INTERAGENCY

Ben Mudd, KPhA Ben Mudd advised they were accepting nominations for Board member vacancy effective 1/1/2023, the KPhA annual awards and positions on the Board of Directors. Nominations are due by February 28, 2022. A grant was obtained for pharmacy technician training. Currently all fifty spots have been filled. These pharmacy technicians will receive immunization training.

The KPhA Annual Meeting will be held at the Campbell House in Lexington, KY on June 2-5, 2022.

BOARD REPORTS – EXECUTIVE DIRECTOR

eMars Christopher Harlow presented the January financial report to the Board.

Board Meetings Christopher Harlow requested the Board's opinion on moving to in-person meetings. He stated the meetings can be held in-person, but a virtual option must be available. Building restrictions currently in place for state office buildings include masking and social distancing. Due to social distancing the capacity limit for the Boardroom will be reduced. Guests would have to reserve a spot to attend in-person.

Peter Cohron suggested the Board resume in-person meetings with the March 30, 2022 meeting. In-person meetings will begin at 10:00 a.m. EST.

Board Retreat Christopher Harlow inquired if the Board was in favor of resuming Board Retreats. Retreats were held annually with the last retreat held November 4-5, 2016. Due to a lack of interest and attendance the retreats were replaced with afternoon work sessions. Dr. Harlow advised that there were several topics that could be included for a retreat.

Action: Peter Cohron requested information be presented at the March meeting on possible retreat locations for July 26-27, 2022.

BOARD REPORTS – GENERAL COUNSEL

Expungement Requests Eden Davis presented Case 17-0023 for expungement.

Action: John Fuller moved to approve the expungement of Case 17-0023. Anthony Tagavi seconded, and the motion passed unanimously.

COMMITTEE REPORTS

Kentucky Professional Recovery Network Brian Fingerson informed the Board that there are currently 23 known individuals being monitored and 4 unknown individuals. A meeting is scheduled for March 16, 2022 via teleconference with two anniversary appearances and one possible reinstatement request.

Advisory Council Anthony Tagavi presented to the Board two recommendations from the Advisory Council. Regarding the charge of the Opioid Use Disorder, the council recommends requiring one hour of continuing education specific to opioid use disorder. Eden Davis advised this requirement would be a regulatory change.

Action: After much discussion and revised motions, John Fuller moved to approve the annual requirement of one hour of continuing education specific to opioid use disorder obtained by any means [live, virtual, etc.] effective January 1, 2023 through 2025. Jonathon Van Lahr seconded, and the motion passed with Anthony Tagavi abstaining.

Regarding visual product inspection, the council recommends that visual product inspection of a prescription cannot be performed prior to final product verification unless approved by the Kentucky Board of Pharmacy. Christopher Harlow requested the Board defer this recommendation until the Board Retreat. Remote work practice and final product verification are both topics for discussion at a retreat.

Action: Jonathan Van Lahr moved to defer this recommendation to the Board Retreat. John Fuller seconded, and the motion passed with Anthony Tagavi abstaining.

Regulation Committee No information to report.

Pharmacy Technician Committee David Figg provided a report in his absence advising that the committee continues to work on enhanced pharmacy technician duties regarding training and what other states are utilizing. Sullivan University College of Pharmacy has agreed to partner with the committee to establish this training.

Diversity and Inclusion Task Force No information to report.

LEGISLATION/REGULATION

201 KAR 2:020, Examination Peter Cohron and Anthony Tagavi both recused from this discussion due to their role in prepping applicants for examination. Eden Davis presented a revised draft of the regulation after comments received from the Inspection staff.

Action: Jonathan Van Lahr moved to amend the 'Initial Application for Pharmacist Licensure' with the addition of 'or other state licensing agency' to questions 12 and 13. John Fuller seconded, and the motion passed unanimously with Anthony Tagavi abstaining. John Fuller moved to approve the draft of 201 KAR 2:020 as presented. Meredith Figg seconded, and the motion passed unanimously with Anthony Tagavi abstaining.

201 KAR 2:050, Licenses and Permits: fees Christopher Harlow presented a draft of the regulation with a correction for the licensing fee for initial pharmacist licensure.

Action: Anthony Tagavi moved to approve the draft of 201 KAR 2:050 as presented. Jonathan Van Lahr seconded, and the motion passed unanimously.

Sterile Water Regulation Christopher Harlow presented a draft of an initial regulation regarding sterile water with comments from the Board of Durable Medical Equipment. Dr. Harlow suggested sending this draft to the Regulation Committee for their review.

Action: Jonathan Van Lahr moved to send the regulation draft to the Regulation Committee for their review and recommendations. Meredith Figg seconded, and the motion passed unanimously.

Legislative Update Christopher Harlow provided an update from the current legislative session listing all proposed legislation that has potential to impact pharmacy practice.

SJR 150 Christopher Harlow advised the Board of Senate Joint Resolution 150 which will terminate the declaration of emergency regarding the SARS-COV-2 virus and declaring an emergency. Upon the expiration of the state of emergency, the enforcement discretion waivers provided by the Board would terminate as well. Katie Busroe reported the waivers are not being utilized other than the ones concerning long term care.

Action: Jonathan Van Lahr moved to allow the enforcement discretion waivers provided by the Board to remain in effect as least 30 days after the expiration of the state of emergency. Anthony Tagavi seconded, and the motion passed unanimously.

CORRESPONDENCE

Actions:

David Kragel, P08176 and P08226, Dual PIC Request John Fuller moved to approve this request with a deadline of May 31, 2022. Jonathan Van Lahr seconded, and the motion passed unanimously.

OLD BUSINESS

Opinion and Declaratory Ruling: Remote Verbal Order Receipt Procedure Eden Davis presented the draft as requested at the January meeting.

Action: Anthony Tagavi moved to approve this draft as amended. Jonathan Van Lahr seconded, and the motion passed unanimously.

Workflow issues/staffing shortages Christopher Harlow advised that the survey requested at the January meeting is being developed. Dr. Harlow submitted several questions used by other states in similar surveys.

Action: The Board requested Dr. Harlow to continue development of the survey with the inclusion of anonymity and voluntary demographic information. Dr. Harlow may distribute the survey after an individual review by the Board members.

NEW BUSINESS

Advisory Council Appointment [one vacancy] The Board received 18 applications for this vacancy. President Cohron requested members submit their vote for the appointment by using the Chat feature in Zoom. Votes received: Mark Taylor – 3, J. Todd Carter – 2 and Ryan Naseman – 1.

Actions: John Fuller moved to appoint Mark Taylor to serve on the Advisory Council replacing Anthony Tagavi. This term will end December 31, 2023. Jonathan Van Lahr seconded, and the motion passed unanimously.

CLOSED SESSION Peter Cohron moved to go into closed session to include Christopher Harlow, Eden Davis and Darla Sayre for the purpose of reviewing, discussing and deliberating upon open investigations [termination of KYPRN agreement] all of which are matters that may result in litigation being filed on behalf of the Board and/or require the review of information deemed confidential in accordance with state and federal law. The deliberations require the panel members to review and discuss information compiled in the course of the Board's work to detect and investigate statutory and regulatory violations (the premature release of which may harm the Board's ability to carry out its administrative adjudication or prospective law enforcement functions, if an investigation remains open and final action is not taken in this meeting) and to determine whether to initiate litigation on behalf of the Board against individual licensees, permit holders or registrants. The statutory sections providing authorizing executive session are KRS 61.810(c)(j) and (k) and KRS 61.878(1)(a) and (1)(h). John Fuller seconded, and the motion passed unanimously. Peter Cohron moved to come out of closed session after a discussion of a termination of KYPRN agreement. Jonathan Van Lahr seconded, and the motion passed unanimously.

Action: Peter Cohron moved to take no action on this item if informed that the KYPRN agreement has been terminated. Jonathan Van Lahr seconded, and the motion passed unanimously.

Alcohol Use Disorder Protocol utilizing Naltrexone-based Therapy John Fuller moved to approve this protocol. Jonathan Van Lahr seconded, and the motion passed unanimously.

ADJOURNMENT Jonathan Van Lahr moved to adjourn. John Fuller seconded, and the motion passed unanimously. President Cohron adjourned the meeting at 1:13 p.m.