

KENTUCKY BOARD OF PHARMACY
Transportation Cabinet Auditorium
200 Mero Street
Frankfort, KY 40601
and via Zoom teleconference
Join Zoom Meeting (maximum 100 participants)

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January 25, 2023

10:00 a.m.

Board Meeting Agenda

- I. CALL TO ORDER
- II. MINUTES
 - a. November 30, 2022
 - b. January 4, 2023
- III. APPEARANCES
 - a. Abbas Malik, Reinstatement Request
 - b. Walgreens, Central Fill
- IV. INTERAGENCY/PROFESSIONAL ASSOCIATIONS
- V. BOARD REPORTS
 - A. Executive Director
 - a. eMars
 - b. Executive Director travel request
 - c. Travel for board members
 - d. Potential retreat at Sullivan University
 - e. Legislative Update
 - f. Policy on Non-Resident Pharmacy without PIC
 - g. Staff Update
 - B. General Counsel
 - a. Ethics and Conflict of Interest Rules for Board Members
 - b. General Counsel travel request

- c. Expungement Request: 06-0003B
- C. Deputy Executive Director/Inspection Staff
 - a. USP 795/797 Update Presentation

VI. COMMITTEE REPORTS

- A. Kentucky Professional Recovery Committee, Brian Fingerson
- B. Diversity and Inclusion Task Force, Shannon Borden

VII. REGULATIONS

- a. 201 KAR 2:413E Expiration and Consideration of Replacement Regulation
- b. Regulation Status Update

VIII. APPLICATIONS

- a. Pharmacy Technicians
 - i. CM1763

IX. CORRESPONDENCE

- a. Dual PIC request – Aaron McIntosh
- b. Dual PIC request – Jason Collins
- c. Dual PIC request – Coty Conley
- d. Dual PIC request – Daniel Biliter
- e. Dual PIC request – Richard Slone
- f. Dual PIC request – Kimberly Moore
- g. Off-site storage request – Berry Pharmacist Group
- h. Off-site storage request – Genoa
- i. Off-site storage request – Jordan Drug
- j. Sink request – Baptist Health
- k. CE extension request – Courtney Bruens

X. OLD BUSINESS

- a. 201 KAR 2:380 Board Authorized Protocol- survey results
- b. District 3 Well-being index

XI. NEW BUSINESS

- a. Advisory Council Applications (3 vacancies)
 - i. Aaron Gilbert
 - ii. Amanda Ward
 - iii. Anthony Cwalina
 - iv. Barton Brettnacher
 - v. Ben Mudd
 - vi. Candice Campbell
 - vii. Chris Clifton
 - viii. David Santrock Jr.
 - ix. Ellyn Schill

- x. Gary Davis
- xi. Gretchen Durbin
- xii. Julie Anderson
- xiii. Jullianne Harrelson-Hiller
- xiv. Kristin Burge
- xv. Rebekah Wahking
- xvi. Ricky Vogel
- xvii. Robert Lewis
- xviii. Ross Goetz
- xix. Sumanta Paul
- xx. Taylor Williams
- xxi. Tim Freda
- xxii. Yahya M. Ahmed

XII. CLOSED SESSION

- a. Proposed or Pending Litigation

MINUTES

KENTUCKY BOARD OF PHARMACY

held at
200 Mero Street
Frankfort KY 40601
and via Zoom

BOARD MEETING

January 25, 2023

10:00 a.m.

CALL TO ORDER A regularly scheduled hybrid meeting was held at the Kentucky Transportation Building Auditorium, 200 Mero Street, Frankfort, Kentucky. President John Fuller called the meeting to order at 10:00 a.m.

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

*Note: Jason Belcher left the meeting at approximately 2:00 p.m.

Staff present: Christopher Harlow, Executive Director; Eden Davis, General Counsel; Juliana Swiney, Deputy Executive Director; Amanda Harding, Pharmacy and Drug Inspector; Paul Daniels, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Nikki Holiday, Executive Assistant.

SWEARING IN OF VICE PRESIDENT: President John Fuller swore in Jonathan Van Lahr as Vice President of the Kentucky Board of Pharmacy. Mr. Van Lahr repeated the oath after President Fuller and was successfully sworn in as Vice President.

MINUTES: John Fuller had two corrections to the minutes. On page 7 Meredith Figg's last name was typed incorrectly. The mistake was caught and fixed prior to the meeting. Jonathan Van Lahr moved to approve the minutes as modified from the November 30, 2022, meeting. Pete Cohron seconded, and the motion passed unanimously.

MINUTES: Pete Cohron motioned to approve the minutes from the January 4, 2023, meeting. Meredith Figg seconded, and the motion passed unanimously.

APPEARANCES

Abbas Malik appeared to request reinstatement of his pharmacy technician registration. Dr. Malik is now a licensed optometrist in Oklahoma. The 2015 revocation of his pharmacy technician registration and Board order is prohibiting him from being able to accept insurance for his optometry business. He has no plans to utilize his pharmacy technician registration and intends to let the registration laps after reinstatement.

Action: Jonathan Van Lahr motioned to reinstate Dr. Malik's pharmacy technician registration. Anthony Tagavi seconded, and the motion passed unanimously.

Walgreens appeared before the Board to provide follow-up information on their central fill facility in Tennessee. They provided information about product verification and audits. The Board asked questions about the percentage of errors found and Walgreens responded that information is privileged and would not be released to the Board or the public.

Action: Jonathan Van Lahr made a motion for no less than 5% audit until the implementation of the QR code verification and first fill verification, and that the results would be provided quarterly to the Board. Motion died due to no second.

Action: Anthony Tagavi motioned to not allow the operation and deny the request for a non-resident pharmacy permit. Pete Cohron seconded, Jonathan Van Lahr abstained, and the motion passed.

INTERAGENCY/PROFESSIONAL ASSOCIATIONS

Ben Mudd with KPhA welcomed the students from Sullivan University who were attending the meeting virtually. He also announced Pharmacy Day at the Capitol on February 21, 2022, during the legislative session and invited everyone to attend.

BOARD REPORTS

Executive Director: Dr. Harlow gave a report on eMars. He does not expect there to be any allocation of additional dollars this Session.

Dr. Harlow requested approval for Board President John Fuller and himself to attend APhA and NABP meetings as well as his travel for the entire 2023 year.

Action: Pete Cohron motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed unanimously.

Sullivan University has offered to host the Board's annual retreat on July 26 and 27, 2023.

Action: Anthony Tagavi motioned to hold the Board Retreat at Sullivan University, July 26 and 27, 2023.

Jonathan Van Lahr seconded, and the motion passed unanimously.

Legislative Update on bills that have been introduced in the first week of the session. Dr. Harlow will provide updates when the Legislature reconvenes in February.

Dr. Harlow requested guidance from the Board on non-resident pharmacies with no KY licensed PIC. General Counsel has recommended that if a non-resident facility loses or does not have a KY licensed PIC, they should cease shipping into Kentucky until one is appointed.

Action: Pete Cohron motioned to approve the recommended action provided by the General Counsel. Jonathan Van Lahr seconded, and the motion passed unanimously.

General Counsel: Eden Davis gave her annual review of Ethics and Conflict of Interest Rules for Board Members.

Ms. Davis submitted travel requests to the Board to travel to various events/conferences throughout the year.

Action: Jonathan Van Lahr motioned to approve the General Counsel's travel request as she deems necessary.

Anthony Tagavi seconded, and the motion passed unanimously.

Expungements: Ms. Davis presented an expungement request that did not qualify for staff review. Case #06-0003 which involves a data entry error.

Action: Jonathan Van Lahr motioned for expungement. Meredith Figg seconded, and the motion passed unanimously.

Deputy Executive Director: Juliana Swiney gave a presentation on USP 795 and 797 updates.

COMMITTEE REPORTS

All committee meetings except for the Pharmacist Recovery Network Committee have been paused until the end of the legislative session.

Pharmacist Recovery Network Committee, Brian Fingerson: The committee met on January 10, 2023. However, there were not enough members present to have a quorum, so no business was conducted.

LEGISLATION/REGULATIONS

Action: Jonathan Van Lahr motioned to withdraw 201 KAR 2:413 and simultaneously file 201 KAR 2:414 prior to the expiration of 201 KAR 2:413. Peter Cohron seconded, and the motion passed unanimously.

APPLICATIONS

Pharmacy Technician application CM1763.

Action: Jonathan Van Lahr motioned to approve the application. Pete Cohron seconded, and the motion passed unanimously.

CORRESPONDENCE

Dual PIC Requests Actions:

- Aaron McIntosh – Anthony Tagavi motioned to approve for 3 months. Meredith Figg seconded, and the motion passed unanimously.
- Jason Collins – Pete Cohron motioned to approve up to 6 months. Meredith Figg seconded, and the motion passed unanimously.
- Coty Conley – Jonathan Van Lahr motioned to approve for no more than 6 months. Pete Cohron seconded, and the motion passed unanimously.
- Richard Slone – Pete Cohron motioned to approve for 3 months. Jonathan Van Lahr seconded, and the motion passed unanimously.
- Kimberly Moore – Anthony Tagavi motioned to approve for 3 months. Meredith Figg seconded, and the motion passed unanimously.

Off-Site Storage Requests Actions:

- P07435 Berry Pharmacist Group – Pete Cohron motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed unanimously.
- P07831 Genoa – Jonathan Van Lahr motioned to approve the request. Meredith Figg seconded, and the motion passed unanimously.
- Jordan Drug (P01464, P01327, P01910, P06458, P06509, P06638) – Anthony Tagavi motioned to approve the request. Pete Cohron seconded, and the motion passed unanimously.

Sink Waiver Request:

- P08262 Baptist Health Blankenbaker FSED– Anthony Tagavi motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed unanimously.

CE Extension Request:

- Courtney Bruens – Anthony Tagavi motioned to approve the request requiring Ms. Bruens to complete 30 hours of CE from January 1, 2022 – December 31, 2023. Jonathan Van Lahr seconded, Pete Cohron recused himself, and the motion passed unanimously.

OLD BUSINESS

201 KAR 2:380 Board Authorized Protocol / Protocol Survey Results – Dr. Harlow reviewed the results of the protocol survey that was sent to all Kentucky resident permitted pharmacies and Kentucky resident PICs.

District 3 Well-Being Index – Dr. Harlow reviewed the results of the most recent NABP District 3 Well-Being Index.

NEW BUSINESS

Advisory Council Applications (3 vacancies)

The Board members (except for Jason Belcher who left the meeting prior to this agenda item) voted by secret ballot from the list of 22 pharmacists who submitted their applications for three (3) vacancies on the Advisory Council. The applicants were: Aaron Gilbert, Amanda Ward, Anthony Cwalina, Barton Brettnacher, Ben Mudd, Candice Campbell, Chris Clifton, David Santrock Jr., Ellyn Schill, Gary Davis, Tim Freda, Gretchen Durbin, Julie Anderson, Jullianne Harrelson-Hiller, Kristin Burge, Rebekah Wahking, Ricky Vogel, Robert Lewis, Ross Goetz, Sumanta Paul, Taylor Williams, Yahya M. Ahmed. There were three (3) rounds of voting.

First round voting: Only those receiving votes are listed with the number of votes received in parenthesis. The results were as follows Aaron Gilbert (2), Anthony Cwalina (1), Ben Mudd (2), David Santrock Jr. (1), Tim Freda (1), Julie Anderson (3), Jullianne Harrelson-Hiller (1), Taylor Williams (1), and Yahya M. Ahmed (3).

Second round voting: A second round of voting by secret ballot was conducted between the four who received the most votes. Aaron Gilbert and Ben Mudd tied with two (2) votes each, and Julie Anderson and Yahya M. Ahmed tied with three (3) votes each. The Board members then voted between these four candidates to fill the three vacancies. The results were as follows: Aaron Gilbert (3), Ben Mudd (4), Julie Anderson (3), and Yahya M. Ahmed (5). Ben Mudd and Yahya M. Ahmed received the most votes with Aaron Gilbert and Julie Anderson tying for the third vacancy.

Third round voting: The Board members then voted by secret ballot for a third time between Aaron Gilbert and Julie Anderson. The results were as follows: Aaron Gilbert (2) and Julie Anderson (3).

Final Action: The Board voted three (3) individuals onto the Advisory Council out of 22 applicants. The three (3) new members of the Advisory Council are:

- Ben Mudd
- Julie Anderson
- Yahya Ahmed

CLOSED SESSION

Action: The Board entered closed session at 2:28 p.m. and returned from closed session at approximately 2:45 p.m.

Action: Pete Cohron motioned for an emergency suspension of Joseph Huff as being a danger to health, warfare, and safety to the general public. Jonathan Van Lahr seconded, and the motion passed unanimously.

Case 22-0002A and B – John Fuller and Meredith Figg, both recused themselves from discussion of this case.

Action: Jonathan Van Lahr motioned to issue a letter of reprimand for both A and B in lieu of the former decision to issue Agreed Orders. Anthony Tagavi seconded, John Fuller and Meredith Figg abstained, and the motion passed.

Case 22-0115C – John Fuller and Meredith Figg, both recused themselves from discussion of this case.

Action: Pete Cohron motioned to nullify the interim order of suspension and issue and Agreed Order with the following terms: Lifetime observation under KYPRN, inspection quarterly for 2 years and then semi-annual for 3 years. Five years on probation and during probation there is a prohibition from working in a pharmacy that dispenses controlled substances. Jonathan Van Lahr seconded, John Fuller and Meredith Figg abstained, and the motion passed.

ADJOURNMENT

Action: Anthony Tagavi motioned to adjourn. Pete Cohron seconded, and the motion passed unanimously. Meeting adjourned at 2:57 p.m.