

KENTUCKY BOARD OF PHARMACY

Kentucky Department of Transportation Auditorium

200 Mero Street, Frankfort KY

November 30, 2022

9:00 a.m.

AGENDA

Join Zoom Meeting (maximum 100 participants)

<https://us02web.zoom.us/j/88342946289?pwd=WFJEZHVxQWVbGhQSzJLOFRpZ1dsQT09>

Meeting ID: 883 4294 6289

Passcode: ruf6jW

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 883 4294 6289

Passcode: 432860

- I. CALL TO ORDER**
- II. MINUTES**
 - a. October 26, 2022
- III. Public Hearing**
 - a. 201 KAR 2:030
 - b. 201 KAR 2:360
 - c. 201 KAR 2:460
- IV. APPEARANCES**
- V. INTERAGENCY**
- VI. BOARD REPORTS**
 - a. Executive Director
 - i. Proposed Actions by the Executive Director
 - ii. Proposed Board Meeting Dates and Times
 - b. General Counsel
 - i. ASPL Conference Attendance Update
 - ii. Expungement Requests
 - 1. 01-0134B
 - 2. 14-0323

3. 16-0324
4. 18-0234
5. 19-0255

VII. COMMITTEE REPORTS

- a. Advisory Council, Mark Taylor
- b. Pharmacist Recovery Network Committee, Emily Caporal
- c. Regulation Committee, Mike Burlison
 - i. Policy Question Regarding Proposed Central Fill/Telework Regulations- KRS 315.020(5) interpretation and enforcement
- d. Pharmacy Technician Committee, David Figg

VIII. LEGISLATION/REGULATION

- a. Executive Order 2022-798 – Executive Action Relating to Medical Cannabis
- b. Consideration of Comments
 - i. 201 KAR 2:380
 - ii. 201 KAR 2:450
- c. Written Comments Received for 201 KAR 2:030, 201 KAR 2:360 and 201 KAR 2:460

IX. CORRESPONDENCE

- a. Dual PIC Request for Kindred Hospital Louisville (P06368) and Kindred Hospital (P06923)- Rachel Connors (017947)
- b. Dual PIC Request for Owensboro Health – The Springs (P08253) and Owensboro Health Henderson Healthplex Pharmacy – Billy-Clyde Childress (014573)

X. OLD BUSINESS

- a. APhA Well-being Index for NABP District 3 October 2022

XI. New Business

- a. Nominations – Kentucky Board of Licensed Diabetes Educators
 - i. Abigail Krabacher
 - ii. Benjamin Gatlin
 - iii. Blair Lykins
 - iv. Brandon Hale
 - v. Cynthia Elliott
 - vi. Kelsie Ledford
- b. Pharmacist Applications
 - i. AD4479 – Initial Pharmacist Licensure

- ii. HM4006 – MPJE Request
- c. Pharmacy Technician Applications
 - i. TF7318
 - ii. JH9731
 - iii. EJ7183
 - iv. KL2361
- d. Election of Officers (Terms to Begin January 1, 2023)
 - i. Board President and Vice President
 - ii. Case Review Panel

XII. Closed Session

- a. Litigation updates

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

200 Mero Street
Frankfort KY 40601

BOARD MEETING

November 30, 2022

CALL TO ORDER A regularly scheduled hybrid meeting was held at the Kentucky Transportation Building, Frankfort, Kentucky. President Cohron called the meeting to order 9:00 a.m.

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

Staff: 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; Nikki Holiday Executive Assistant.

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

PUBLIC HEARINGS

201 KAR 2:030 and 201 KAR 2:460

Rich Palombo, Express Scripts/Accredo; Scott Clark, Centerwell Pharmacy; Julie Anderson, McKesson offered comments on the draft regulations.

201 KAR 2:360

No comments were made on this draft regulation.

BOARD REPORTS

Executive Director: Dr. Harlow requested that the Board cancel the December 7, 2022, special called meeting and reschedule it to January 4, 2023, at 9:00 a.m. viz zoom.

Action: Pete Cohron motioned to reschedule the meeting. John Fuller seconded, and the motion passed unanimously.

Dr. Harlow requested that he, as Executive Director, along with General Council, be able to approve pharmacy technician, intern, and pharmacist applications that have been convicted of misdemeanor or lessor offenses and approve expungements for CE violations. If at any time Dr. Harlow feels he needs to bring a request before the Board, he may do so. All felony convictions will be required to appear before the Board.

Action: Jonathan Van Lahr motioned for the Executive Director to be able to approve these applications. John Fuller seconded, and the motion passed unanimously.

Dr. Harlow presented the Board with six (6) potential meeting dates for 2023. The dates are as follows: January 25, March 22, May 24, July 26, September 20, and November 29. He proposed all meetings begin at 10:00 a.m.

Action: Pete Cohron motioned to approve the meeting dates and time. John Fuller seconded, and the motion passed unanimously.

General Counsel: Eden Davis gave the board a brief report about her trip to the ASPL conference in Naples, Florida, and thanked them for approving her to go.

Expungements: Ms. Davis presented the expungement requests received by the Board. Four requests were CE violations, one was a medication error, and one was diversion which cannot be expunged.

Action: Anthony Tagavi motioned to expunge case 01-0134B. Jonathan Van Lahr seconded, Peter Cohron recused, and the motion passed.

Action: Jonathan Van Lahr motioned to expunge cases 14-0323, 16-0324, 18-0234, and 19-0255. John Fuller seconded, and the motion passed unanimously.

Action: John Fuller motioned to expunge 19-0007B, medication error. Jonathan Van Lahr seconded, and the motion passed unanimously.

COMMITTEE REPORTS

Advisory Council, Mark Taylor: Executive Director Harlow spoke on behalf of the committee. They continue to work on white, brown, and clear bagging. At their November meeting, Jim Mussler with the Kentucky Hospital Association spoke about their opinion of these practices.

Pharmacist Recovery Network Committee, Brian Fingerson: The committee met on November 16, 2022. There were 3 anniversary appearances. There are currently 27 people in the program, 22 of them are known to the Board. Five are self-reports.

Regulation Committee, Mike Burluson: The Regulation Committee requests interpretation for the Board on KRS 315.020(5), sub sections B and D. The committee's next meeting is January 13, 2023.

Action: John Fuller motioned that the Board's opinion is that sub section B supersedes sub section D in KRS 315.020(5). Jonathan Van Lahr seconded, and the motion passed unanimously.

Pharmacy Technician Committee, David Figg: Executive Director Harlow spoke on behalf of the committee. They are still working through language drafted post-retreat regarding registered advanced pharmacy technician roles/responsibilities.

LEGISLATION/REGULATIONS

Executive Order 2022-798 – Executive Director Harlow informed the Board that PPC has reached out to the Board of Pharmacy to assist in researching and obtaining reciprocal agreements with surrounding states who permit medical marijuana. These agreements will be necessary for residents of Kentucky to go to a surrounding state and purchase medical marijuana.

Consideration of Comments for 201 KAR 2:380 and 201 KAR 2:450: All comments were discussed and addressed.

Action: John Fuller motioned to approve the final version of 201 KAR 2:380. Meredith Figg seconded, and the motion passed unanimously.

Action: Anthony Tagavi motioned to approve the final draft of 201 KAR 2:450 with amendments. Jonathan Van Lahr seconded, and the motion passed unanimously.

Written Comments Received for 201 KAR 2:030, 2:360, and 2:460 Written comments on 201 KAR 2:030, 2:360, and 2:460 have been received by the Board office.

CORRESPONDENCE

Dual PIC Request for Kindred Hospital Louisville (P06368) and Kindred Hospital (P06923) Rachel Connors (017947)

Action: John Fuller motioned to approve the dual PIC request for 6 months. At that time if an extension is needed, they are to update the Board on the progress of hiring and request and extension. Meredith Figg seconded, and the motion passed unanimously.

Dual PIC request for Owensboro Health-The Springs (P08253) and Owensboro Health Henderson Healthplex Pharmacy (not yet open) Billy-Clyde Childress (014573)

Action: John Fuller motioned to grant the dual PIC request through April 1, 2023. Jonathan Van Lahr seconded, and the motion passed unanimously.

OLD BUSINESS

APhA Well-being index: There will be an updated version available in January 2023.

NEW BUSINESS

Nominations for the Kentucky Board of Licensed Diabetes Educators

Action: The Board voted for 3 people out of the 6 applicants to be sent to the Governor's Office. The nominees are: Abigail Krabacher, Benjamin Gatlin and Blair Lykins.

Pharmacist Applications: The actions taken on each applicant are below.

Actions:

- AD4479 – Request for initial licensure. John Fuller motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed unanimously.
- HM4006 – MJPE request. John Fuller motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed unanimously.
 - John Fuller motioned to also require quarterly reports/updates from the applicant through October 2023. Meredith Figg seconded, and the motion passed unanimously.

Pharmacy Technician Applications: The actions taken on each applicant are below.

Actions:

- TF7318 – Jonathan Van Lahr motioned to require the applicant to appear at the next Board meeting. Meredith Figg seconded, and the motion passed unanimously.
- JH9731 – John Fuller motioned to approve the applicant. Anthony Tagavi seconded, and the motion passed unanimously.
- EJ7183 – Anthony Tagavi motioned to approve this applicant with the conditions set forth in an Agreed Order. Jonathan Van Lahr seconded, and the motion passed unanimously.
- KL2361 – John Fuller motioned to approve this applicant. Meredith Figg seconded, and the motion passed unanimously.

Election of Officers (Terms to begin January 1, 2023)

Action: Pete Cohron motioned to make John Fuller President of the Board for 2023. Jonathan Van Lahr seconded, and the motion passed unanimously.

Action: Meredith Figg motioned to make Jonathan Van Lahr Vice President of the Board for 2023. Peter Cohron seconded, and the motion passed unanimously.

Case Review Panel Members (Terms to begin January 1, 2023)

Action: Anthony Tagavi agreed to stay on the panel and appoint John Fuller and Meredith Figg to replace Peter Cohron and Jonathan Van Lahr on the panel for 2023. Jonathan Van Lahr seconded, and the motion passed unanimously.

CLOSED SESSION

Action: The Board entered closed session at 1:23 p.m. and returned from closed session at approximately 1:45 p.m.

Action: Anthony Tagavi motioned to request Walgreens and their counsel to appear at the January meeting to answer questions about their auto-adjudication system. Jonathan Van Lahr seconded, and the motion passed unanimously.

ADJOURNMENT

Action: John Fuller motioned to adjourn the meeting. The meeting adjourned at 1:55 p.m.