

KENTUCKY BOARD OF PHARMACY

via Zoom

<https://us02web.zoom.us/j/86279024959?pwd=US9hb3ZjVDNBQVFuMndaL3d2aGdxZz09>

Meeting ID: 862 7902 4959 Passcode: wjsHx0

Dial by your location

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Meeting ID: 862 7902 4959 Passcode: 201923

October 26, 2021

9:00 a.m.

AGENDA

I. CALL TO ORDER

II. MINUTES

- A. September 28, 2021
- B. October 6, 2021

III. APPEARANCES

- A. Neil Medical Group, Krista Kemp – Smart Pass

IV. INTERAGENCY

V. BOARD REPORTS

- A. Executive Director
- C. General Counsel

VI. COMMITTEE REPORTS

- A. Kentucky Professional Recovery Committee, Brian Fingerson
- B. Advisory Council, Matt Martin
- C. Regulation Committee, Ralph Bouvette
 - 1. Repository Regulation
- D. Pharmacy Technician Committee, David Figg
- E. Diversity and Inclusion Task Force, Shannon Borden and Crystal Isaacs
- F. Medication Safety Committee, Elizabeth Hess
- G. Case Review Panel, Jill Rhodes

VII. CORRESPONDENCE

- A. Kroger Health Connect, OH1765 – Clarification on the impact of HB 219 pertaining to remote work
- B. Muhlenberg County Pharmacy, P08028 – Off-site Storage Request

VIII. OLD BUSINESS

- A. Semi-annual Review of RxCrossroads alternative PV2 process
- B. Department of Insurance Grievances
- C. Continuous Professional Development Committee Appointments
 - 1. Submitted applicants:
 - Board member – Chris Harlow
 - Board staff – Katie Busroe
 - KPhA – Ben Mudd
 - Sullivan University College of Pharmacy – Julie Harting
 - University of Kentucky College of Pharmacy – Adrienne Matson
 - KSHP – none submitted

IX. NEW BUSINESS

XII. CLOSED SESSION

- A. 20-0079C
- B. 21-0139C

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

October 26, 2021

CALL TO ORDER A regularly scheduled meeting was held via teleconference from the Kentucky Board of Pharmacy, Frankfort, Kentucky. President Rhodes called the meeting to order on October 26, 2021 at 9:05 a.m.

Members: Jill Rhodes; Peter Cohron; Jonathan Van Lahr; John Fuller and Chris Harlow. Absent: Jody Forgy.

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

Guest: Nichole Cover and Gideon Workman, University of Kentucky College of Pharmacy.

MINUTES Jonathan Van Lahr moved to accept the minutes from the September 28, 2021 meeting with one revision; the addition of a request to CVS to provide medication safety data from their pilot program. John Fuller seconded, and the motion passed unanimously.

Peter Cohron moved to accept the minutes from the October 6, 2021 special called meeting. Chris Harlow seconded, and the motion passed unanimously.

APPEARANCE - Neil Medical Group – SMART PASS Ross Brickley and Krista Kemp provided information on their SMART PASS Multi-dose Medication Pouches.

Action: Peter Cohron moved to table this item until the November meeting. The Board requested Amanda Harding to observe this process and report her findings at the November meeting emphasizing the final verification and bagging of the prescription. Jonathan Van Lahr seconded, and the motion passed unanimously.

Semi-annual Review of RxCrossroads alternative PV2 Process – Amanda Harding provided a report of the inspection performed by herself and Paul Daniels on October 14, 2021. Chris Harlow and Jonathan Van Lahr both expressed concerns over the final product verification performed electronically rather than by a licensed pharmacist.

Action: This discussion was tabled until the November meeting to allow for the further review and study by the members.

INTERAGENCY

Kentucky Pharmacist Association Ben Mudd informed the Board that two events were recently held. The Keeneland networking event and the KPhA Fall Conference. The association continues to work on pharmacist work environment issues and potential safety issues due to lack of staffing.

COMMITTEE REPORTS

Kentucky Professional Recovery Network Emily Corporal stated that there is no new information to report since the last meeting.

Advisory Council No information to report.

Regulation Committee Ralph Bouvette presented to the Board a draft of the Repository regulation. The Board directed the Regulation Committee to meet addressing the following concerns and present the revised draft at the November meeting:

- Patient or caregiver donations if in tamper-resistant packaging;
- Add underinsured to the list of eligible patients;
- Identify donors [not all donors may have a Kentucky license or permit number];
- How does one become an authorized recipient [possible for to be utilized];
- How are recipients identified by the Board and/or public;
- Reference KRS 315.458 with regards to maximum handling fee in regulation; and
- Perform a regulation and statute check for issues.

Pharmacy Technician Committee No information to report.

Diversity and Inclusion Task Force No information to report.

Medication Safety Committee No information to report.

Case Review Panel President Rhodes provided a review of the approved actions from the September 29, 2021 Case Review Panel.

CORRESPONDENCE

Actions:

John Fuller recused himself and was placed in the waiting room.

Kroger Health Connect, OH1765 – Clarification on the impact of HB 219 pertaining to remote work The Board stated that pharmacists may continue to work remotely after the state of emergency if meeting the criteria of KRS 315.020 that incorporated HB 219.

John Fuller returned to the meeting.

Muhlenberg County Pharmacy – Off-site Storage Request Chris Harlow moved to deny this request. Jonathan Van Lahr seconded, and the motion passed unanimously with Peter Cohron abstaining. The Board will notify the permit holder to keep the pharmacy permit active until the records are transferred to another pharmacy.

OLD BUSINESS

Continuous Professional Development Committee Appointments Applicants nominated:

- Board member - Chris Harlow
- Board staff – Katie Busroe
- KPhA – Ben Mudd
- Sullivan University College of Pharmacy – Julie Harting
- University of Kentucky College of Pharmacy – Adrienne Matson

Action: Jonathan Van Lahr moved to approve the appointment of these applicants. Peter Cohron seconded, and the motion passed unanimously. KSHP will submit their applicant at the November meeting.

NEW BUSINESS

Temporary Pharmacy Closures Jonathan Van Lahr expressed concerns over numerous temporary closures due to staffing issues. This creates a safety concern when patients are unable to receive their medications or transfer their prescriptions to another pharmacy. Peter Cohron, Chris Harlow and Jonathan Van Lahr will provide an emergency regulation draft addressing the means for patients to access their medications in a timely fashion or the ability to transfer their medications during pharmacy closures. Eden Davis requests the inspectors provide information on recent temporary pharmacy closures due to staffing issues in their regions.

CLOSED SESSION Peter Cohron moved to go into closed session to include investigating inspector, Larry Hadley, Eden Davis, inspection staff and Darla Sayre for the purpose of reviewing, discussing and deliberating upon open investigations [20-0079C and 21-0139C] 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). Chris Harlow seconded, and the motion passed unanimously. Jonathan Van Lahr moved to come out of closed session after a discussion of 20-0079C and 21-0139C. Peter Cohron seconded, and the motion passed unanimously.

Action: Peter Cohron moved to accept the Hearing Officer's recommendation for Cases 20-0079C and 21-0139C. Jonathan Van Lahr seconded, and the motion passed unanimously.

ADJOURNMENT Jonathan Van Lahr moved to adjourn. Peter Cohron seconded, and the motion passed unanimously. President Rhodes adjourned the meeting at 12:12 p.m.