

KENTUCKY BOARD OF PHARMACY

via Zoom

<https://us02web.zoom.us/j/87325836582?pwd=UytEdzMxdVpyRHICMnpEazhkbVRWdz09>

Meeting ID: 873 2583 6582 Passcode: AztVz2

Dial by your location

+1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York)

Meeting ID: 873 2583 6582 Passcode: 280844

August 31, 2021

9:00 a.m.

AGENDA

- I. CALL TO ORDER**
- II. MINUTES**
 - A. July 27, 2021
- III. APPEARANCES**
 - A. Kentucky Central Fill Modernization – Pilot Program Proposal
 - B. Robert Cruse – Petition for Reinstatement
- IV. INTERAGENCY**
- V. BOARD REPORTS**
 - A. Executive Director
 - 1. eMars – July 2021
 - 2. MPJE and NAPLEX Fee Increase
 - B. General Counsel
 - 1. Declaratory Opinion on LTC Management upon Discharge
 - 2. Impact of recent Kentucky Supreme Court decision on the Board of Pharmacy
- VI. COMMITTEE REPORTS**
 - A. Kentucky Professional Recovery Committee, Brian Fingerson
 - 1. Proposed outline for student participation
 - B. Advisory Council, Matt Martin
 - C. Regulation Committee, Ralph Bouvette
 - 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
 - 1. Makeup of Case Review Panel

VII. CASES

A. Fine Report

B. Case Review Panel Recommendations:

- | | |
|--|------------------------------------|
| 1. 20-0025 A thru S | 21. 21-0126 A and B |
| 2. 20-0122 A, B, C, D and E | 22. 21-0131 A, B, C and D |
| 3. 20-0231 A, B, C, D, E, F and
G Revisit | 23. 21-0134 |
| 4. 21-0004 A and B | 24. 21-0135 A, B and C |
| 5. 21-0009 A and B | 25. 21-0137 A and B |
| 6. 21-0048 A and B | 26. 21-0138 A and B |
| 7. 21-0056 A, B and C | 27. 21-0141 A and B |
| 8. 21-0071 A, B and C | 28. 21-0147 A, B and C |
| 9. 21-0075 A and B | 29. 21-0149 A, B and C |
| 10. 21-0080 | 30. 21-0152 A, B and C |
| 11. 21-0084 A, B, C and D | 31. 21-0153 A and B |
| 12. 21-0089 A, B, C, D, E, F and G | 32. 21-0154 A, B and C |
| 13. 21-0091 A, B and C | 33. 21-0155 A, B, C and D |
| 14. 21-0109 A, B, C, D, E and F | 34. 21-0157 A and B |
| 15. 21-0110 A, B and C | 35. 21-0158 A and B |
| 16. 21-0112 A, B and C Revisit | 36. 21-0160 A, B and C |
| 17. 21-0120 A, B and C | 37. 21-0161 A, B, C, D, E, F and G |
| 18. 21-0122 A, B, C and D | 38. 21-0162 A and B |
| 19. 21-0124 A and B | 39. 21-0167 |
| 20. 21-0125 A, B and C | 40. 21-0179 |

VIII. LEGISLATION/REGULATION

- A. 201 KAR 2:074, Pharmacy services in hospitals or other health care facilities
- B. 201 KAR 2:030, License Transfer

IX. CORRESPONDENCE

- A. Uptown Pharmacy, MI2790 and New Permit – Dual PIC Request
- B. St. Elizabeth Healthcare – USP 800 Waiver Request [HD segregated compounding area]
- C. St. Elizabeth Healthcare - Compounding Waiver Request [medium risk prep[s] in non-HD SCA]
- D. P07195, UK Healthcare Good Samaritan - Compounding Waiver Request
- E. P07640, UK Hospital Pharmacy - Compounding Waiver Request

X. OLD BUSINESS

- A. Policy and Procedures Review
- B. Continuing Education to Professional Development

XI. NEW BUSINESS

- A. Department of Insurance Grievances
- B. Vaccine Questions

XII. CLOSED SESSION

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

August 31, 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 August 31, 2021 at 9:01 a.m.

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

Staff: Larry Hadley, Executive Director; Eden Davis, General Counsel; John Romines, Pharmacy and Drug Inspector; Amanda Harding, Pharmacy and Drug Inspector, Paul Daniels, Pharmacy and Drug Inspector; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Darla Sayre, Executive Staff Advisor and Kaci Christopher, Law Intern.

MINUTES Jonathan Van Lahr moved to accept the minutes from the July 27, 2021. Peter Cohron seconded, and the motion passed unanimously.

APPEARANCES

Pilot Program Proposal, Kentucky Central Fill Modernization – MiniMed, Medvantx, ProHealth Pharmacy Solutions and Ephraim McDowell Health Nick Mezza presented a pilot program developed to explore modernization of 201 KAR 2:230, Central Fill. The program would test back-end direct to patient dispensing. They suggest the program will demonstrate to the Board the efficacy of this model prior to amending the regulation. The Board has previously denied individual waiver requests allowing for this practice. At the May 25, 2021 meeting, the Board directed the Regulation Committee to consider amending 201 KAR 2:230 for a broader scope of practice allowing for modern business models. The Board took no action but will await a report from the Regulation Committee after they have reviewed the issue.

Robert Cruse, Petition for Reinstatement – Robert Cruse was unavailable to appear before the Board. After discussion, this item was tabled until the September meeting.

BOARD REPORTS – EXECUTIVE DIRECTOR Larry Hadley provided the May 2021 and June 2021 eMars reports for Board review. Mr. Hadley informed the Board of notice received from NABP. Effective March 1, 2022, the total examination fee for the NAPLEX will increase from \$575 to \$620, and the total examination fee for the MPJE will increase from \$250 to \$270. The last NAPLEX and MPJE examination fee increase occurred in 2016.

BOARD REPORTS – GENERAL COUNSEL

Declaratory Opinion on LTC Management upon Discharge Ms. Davis provided the declaratory opinion on LTC Management upon Discharge requested at the July meeting.

Action: Chris Harlow moved to modify the language to include a pharmacist be included in reconciling the medication administration record and physician orders from the physician in charge of their care at the facility to ensure only active medications are sent with the patient. Peter Cohron seconded, and the motion passed unanimously.

Peter Cohron moved to approve the declaratory opinion on LTC Management upon Discharge as amended. Jonathan Van Lahr seconded, and the motion passed unanimously.

Impact of recent Kentucky Supreme Court decision on the Board of Pharmacy Ms. Davis stated that there would be no impact until the court rules on this matter. If the state of emergency ends, all enforcement discretions based on the state of emergency will cease. The Board may have to meet to modify these discretions outside of the state of emergency.

COMMITTEE REPORTS

Kentucky Professional Recovery Network Brian Fingerson reported to the Board that there are currently 27 participants being monitored. Of which the breakdown is: 24 Board ordered and 3 self-referred [unknown to the Board]. He provided the recommended proposal for student participation in KYPRN as requested by the Board. Jill Rhodes requested that this procedure be documented in the Policy and Procedures Manual once it is finalized.

Action: Jonathan Van Lahr moved to direct Brian Fingerson to obtain input from the Colleges of Pharmacy. John Fuller seconded, and the motion passed unanimously. John Fuller moved for Brian Fingerson to report to the Board at the September meeting on the information obtained from the Colleges of Pharmacy.

Advisory Council Matt Martin reported that the Advisory Council will next meet on September 15, 2021 to continue their review of the opioid epidemic.

Regulation Committee Ralph Bouvette reported to the Board that 201 KAR 2:074 and 201 KAR 2:030 were on today's Agenda with proposed amendments. The committee continues to work on development of a non-resident pharmacy regulation, repository regulation and the review of 201 KAR 2:230.

Pharmacy Technician Committee David Figg reported that the committee is still developing a more detailed pilot program for enhanced pharmacy technician duties.

Diversity and Inclusion Task Force No information to report.

Medication Safety Committee No information to report.

Case Review Panel Jill Rhodes advised that with the recent amendments to 201 KAR 2:061 the makeup of the Case Review Panel has changed. The panel will now consist of three Board members. Dr. Rhodes stated she could continue in her capacity on the panel and requested volunteers for the remaining vacancies. Jonathan Van Lahr suggested members serve one-year terms on a rotating basis with at least one member having served the previous year.

Action: John Fuller moved to appoint Jill Rhodes, Chris Harlow and Peter Cohron to serve the remainder of 2021. Jonathan Van Lahr seconded, and the motion passed unanimously. Chris Harlow moved for this process to be updated in the Policy and Procedures Manual. Peter Cohron seconded, and the motion passed unanimously.

CASE REVIEW RECOMMENDATIONS

Action: John Fuller moved to accept the recommendations from the Case Review Panel, August 2021.

Case 20-0025 A. Non-permitted facility allegedly:

- Operated a pharmacy without having first obtained a permit.

Alleged Violation of Law:

- KRS 315.035 (1) – permit required to operate a pharmacy.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction.

Case 20-0025 B. Pharmacy permit holder allegedly:

- Failed to provide proper oversight of pharmacy activities. Permit holder could not identify pharmacists assigned to cover clinic services.

Alleged Violation of Law:

- 201 KAR 2:074 Section 2 – hospital pharmacy administration responsibilities.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice.

Case 20-0025 C. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Accepted a prescription drug for reuse;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;

- Engaged in unprofessional or unethical conduct by engaging in conduct, which may harm the public without or without established proof of actual injury. Expiring investigational drug was dispensed for use after expiration;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number;
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide; and
- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Pharmacist issued prescriptions via a collaborative care agreement (CCA) that was not authorized in the CCA.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- 201 KAR 2:190 Section 1 – Return of prescription drugs prohibited. No pharmacist shall accept for reuse or resale a prescription drug.
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number;
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed; and
- KRS 315.121 (2)(j) – unprofessional or unethical conduct for failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician's authority pursuant to KRS 315.040.

Case 20-0025 D. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of her profession;
- Accepted a prescription drug for reuse;
- Dispensed an adulterated drug – expired drug dispensed;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – labeling did not include an accurate statement of quantity;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- 201 KAR 2:190 Section 1 – Return of prescription drugs prohibited. No pharmacist shall accept for reuse or resale a prescription drug.

- KRS 217.055 (1)(a) – drug deemed adulterated if it consists in whole or part of any decomposes substance;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (2)(b) – drug deemed misbranded unless its label contains an accurate statement of quantity;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 E. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of

pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;

- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 F. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;

- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 G. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 H. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board; and
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury.

Alleged Violations of Law:

- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board; and
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of

pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician's authority pursuant to KRS 315.040.

Case 20-0025 I. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading; and
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular; and
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician's authority pursuant to KRS 315.040.

Case 20-0025 J. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of her profession;
- Dispensed an adulterated drug – expired drug dispensed;
- Dispensed misbranded drugs – labeling was false or misleading; and
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (1)(a) – drug deemed adulterated if it consists in whole or part of any decomposes substance;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and

- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 K. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his profession;
- Dispensed misbranded drugs – labeling was false or misleading; and
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular; and
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 L. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician's authority pursuant to KRS 315.040.

Case 20-0025 M. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading; and
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular; and
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician's authority pursuant to KRS 315.040.

Case 20-0025 N. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and

- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 O. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;
- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;

- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 P. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed legend drugs not obtained through an authorized distribution channel and not in the regular course of his or her profession;
- Dispensed adulterated drugs – drugs with labeling requiring dispensing in original container were dispensed in prescription vials;
- Dispensed misbranded drugs – labeling was false or misleading;
- Dispensed misbranded drugs – prescription legend drugs not labeled with a serial number; and
- Failed to provide medication guides when dispensing a drug requiring the provision of a medication guide.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.182 (4) – possession or control of legend drugs obtained via sale or distribution by a duly licensed manufacturer, distributor, wholesaler, or pharmacy shall be lawful if it occurred in the regular course of occupation or profession of the possessor;
- KRS 217.182 (6) – no person shall dispense, prescribe, distribute or administer any legend drug except when obtained via appropriate distribution channels and as authorized by professional practice;

- KRS 217.055 (4)(a) – drug deemed adulterated if it is mixed or packed therewith so as to reduce its quality or strength;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular;
- KRS 217.065 (11)(b) – drug deemed misbranded if its label, as originally packed, directs it be sold only on a prescription and the dispensing label does not bear a serial number; and
- 21 CFR 208.24 (e) – dispenser of a prescription drug product for which a Medication Guide is required shall provide a Medication Guide directly to the patient to whom the drug product is dispensed.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 Q. Pharmacist allegedly:

- Knew or had reason to know that a pharmacist had engaged in or aided and abetted the unlawful distribution of legend medications and failed to report any relevant information to the board;
- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- Dispensed misbranded drugs – labeling was false or misleading; and
- Dispensed misbranded drugs – labeling did not include an accurate statement of quantity.

Alleged Violations of Law:

- KRS 315.121 (1)(h) – Board may take action if found to be in violation of any provision of KRS 315, KRS 217 or their administrative regulations;
- KRS 315.121 (1)(j) – Board may take action if licensee knew or had reason to know that a pharmacist engaged in unlawful distribution of legend medications and failed to report information to the board;
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct which may harm the public or which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury;
- KRS 217.065 (1) – drug deemed misbranded if its labeling is false or misleading in any particular; and
- KRS 217.065 (2)(b) – drug deemed misbranded unless its label contains an accurate statement of quantity.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 R. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Pharmacist issued prescriptions via a collaborative care agreement (CCA) that were not authorized in the CCA.

Alleged Violation of Law:

- KRS 315.121 (2)(j) – unprofessional or unethical conduct for failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0025 S. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Pharmacist issued prescriptions via a collaborative care agreement (CCA) that were not authorized in the CCA.

Alleged Violation of Law:

- KRS 315.121 (2)(j) – unprofessional or unethical conduct for failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is dismissed without prejudice due to lack of jurisdiction. Respondent was operating under the physician’s authority pursuant to KRS 315.040.

Case 20-0231 A Revisit. Pharmacy permit holder allegedly:

- Sold a misbranded drug due to medication error;
- Sold a prescription for sulfadiazine 500mg tablets as sulfasalazine 500mg tablets; and
- Sold a prescription for leucovorin calcium 15mg tablets as leucovorin calcium 25mg tablets.
- Engaged in unprofessional and unethical conduct by failing to keep accurate records of prescriptions dispensed.

Alleged Violations of Law:

- KRS 217.065 (1)—drug misbranded if labeling is false or misleading; and
- KRS 315.121 (1)(a)—unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1,000 administrative fine, approved corrective action plan developed by permit holder and current

PIC to prevent future occurrences. Follow-up inspection within 3 months to ensure compliance with corrective action plan.

Case 20-0231 B Revisit. Pharmacist in charge allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(a) – pharmacist in charge shall be responsible for quality assurance programs for pharmacy services designed to objectively and systematically monitor care, pursue opportunities for improvement, and resolve identified problems as may exist.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 20-0231 C Revisit. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error; and
- Entered a prescription for sulfadiazine 500mg into the computer as sulfasalazine 500mg.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm public with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 20-0231 D Revisit. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error; and
- Was the pharmacist on duty when a prescription for leucovorin 15mg was changed to leucovorin 25mg.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm public with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 20-0231 E Revisit. Pharmacist allegedly:

- Did not assess the prescription order during the prospective drug use review;

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error; and
- Performed a drug utilization review (DUR) and data entry verification for a prescription for leucovorin 15mg that was entered for leucovorin 25mg.

Alleged Violations of Law:

- 201 KAR 2:210 Section 4 (1) and (2) – a prospective drug use review shall be conducted by the pharmacist, including an assessment of the prescription drug order; and
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm public with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 20-0231 F Revisit. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error; and
- Performed a product verification for a prescription for leucovorin 15mg that was entered for leucovorin 25mg.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm public with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 20-0231 G Revisit. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error; and
- Performed a product verification for a prescription for sulfadiazine 500mg that was entered for sulfasalazine 500mg.

Alleged Violation of Law:

- KRS 315.121 (2)(d)—unprofessional or unethical conduct by engaging in conduct likely to harm public with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0004 A. Pharmacy permit holder allegedly:

- Sold a misbranded drug.
- Engaged in unprofessional or unethical conduct. Patient allegedly received a weekly

medication organizer containing another patient's medications. Pharmacy failed to maintain complete and accurate records of original and refill dispensing.

Alleged Violations of Law:

- KRS 217.065 (1) – misbranding of drug; and
- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0004 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services.
- Engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a dispensing error and failing to ensure accurate recording of each fill in dispensing system. PIC allegedly verified weekly medication organizer containing the wrong patient's medications.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services; and
- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on medication errors and their prevention.

Case 21-0009 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to reverse prescription that was not picked up and failing to contact prescriber for prior authorization in a timely manner, which delayed patient's therapy and increased out-of-pocket costs.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0009 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Patient's refill was delayed because

pharmacy allegedly failed to reverse prescription that was not picked up.

- Engaged in unprofessional or unethical conduct likely to deceive, defraud, or harm the public by failing to reverse prescription that was not picked up, which delayed patient's therapy.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services; and
- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0056 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy allowed confidential patient information to be released and failed to properly identify patient.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – Unprofessional or unethical conduct; and
- 201 KAR 2:210 Section 3 – A patient record shall be held in confidence.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0056 B. Pharmacist in charge allegedly:

- Engaged in unprofessional or unethical conduct by allowing confidential patient information to be released and failed to properly identify patient.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – Engaging in conduct likely to deceive, defraud, or harm the public.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0056 C. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by releasing confidential patient information to someone not authorized to receive it.

Alleged Violations of Law:

- KRS 315.121 (2)(b) -- Divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent; and
- KRS 315.121 (2)(d) – Engaging in conduct likely to deceive, defraud, or harm the public.

Case 21-0071 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by filling fraudulent controlled substance prescriptions issued in complainant's name on 3 separate occasions.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0071 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Fraudulent prescriptions issued in complainant's name were dispensed on 3 separate occasions.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0071 C. Pharmacist allegedly:

- Failed to exercise appropriate professional judgment in determining whether a prescription drug order is lawful. Pharmacist filled fraudulent prescriptions issued in complainant's name on 3 separate occasions.

Alleged Violation of Law:

- KRS 315.121 (1)(j) - failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0075 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Patient allegedly experienced a delay in therapy due to pharmacist refusing to fill prescriptions as written by prescriber.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0075 B. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by allegedly refusing to fill prescriptions as written by prescriber and causing patient to experience a delay in therapy.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0080. Pharmacist allegedly:

- Is unable to engage in the practice of pharmacy with reasonable skill, competency and safety to the public due to impairment.

Alleged Violations of Law: Pharmacist alleged violation of law:

- KRS 315.121 (1) (b) – mental or physical incapacity preventing registrant from safely engaging in the practice of pharmacy.

CRP Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case 21-0084 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Patient allegedly received another patient’s prescription.
- Engaged in unprofessional or unethical conduct by failing to maintain confidentiality of patient information due to a dispensing error.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0084 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Patient allegedly received another patient’s prescription.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0084 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a dispensing error. Patient allegedly received another patient’s prescription.

- Engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons confidential patient information due to a dispensing error.

Alleged Violations of Law:

- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; and
- KRS 315:121 (2)(b) – divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent or without order or direction of a court.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0084 D. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons confidential patient information by releasing a prescription to the wrong patient at point-of-sale.

Alleged Violation of Law:

- KRS 315:121 (2)(b) – divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent or without order or direction of a court.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0091 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner.

Alleged Violation of Law:

- KRS 315.121(1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0091 B. Pharmacist in charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner.
- Failed in the provision of pharmacy services.

Alleged Violations of Law:

- KRS 315.121(1)(a) – unprofessional or unethical conduct; and
- 201 KAR 2:205 Section 2(3)(b) – the provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0091 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense a medication in a timely manner.

Alleged Violation of Law:

- KRS 315.121(1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0109 A. Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 1138 oxycodone/APAP tablets due to technician diversion. Technician employed between October 2020 and May 2021.
- Failed to place a pharmacist in charge (PIC) of pharmacy. Pharmacy without a PIC from 3/23/2021 until 4/11/2021 and from 5/20/2021 and 6/9/2021.
- Failed to schedule PIC to be physically present in the pharmacy for the amount of time appropriate to provide supervision and control. Temporary PIC scheduled to be present in pharmacy for a minimum of 10 hours per week.

Alleged Violations of Law:

- 201 KAR 2:100 Section 1 (1)(a) – required to provide adequate security and control of drugs;
- KRS 315.020 (1) – no owner of a pharmacy shall fail to place a pharmacist in charge of pharmacy; and
- 201 KAR 2:205 Section 2 (2)(b) – pharmacist in charge to be present in pharmacy for a minimum of ten hours per week or amount of time appropriate to provide supervision and control.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0109 B. Pharmacist in charge allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 1138 oxycodone/APAP tablets due to technician diversion. PIC prior to 12/28/2020.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for security of drugs.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0109 C. Pharmacist in charge allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 1138 oxycodone/APAP tablets due to technician diversion. PIC between 1/10/2021 and 2/12/2021.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for security of drugs.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0109 D. Pharmacist in charge allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 1138 oxycodone/APAP tablets due to technician diversion. PIC between 2/12/2021 and 3/23/2021.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for security of drugs.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0109 E. Pharmacist in charge allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 1138 oxycodone/APAP tablets due to technician diversion. PIC between 4/11/2021 and 5/17/2021.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for security of drugs.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0109 F. Registered pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug.

Alleged Violation of Law:

- KRS 315.121 (2)(g) - unprofessional or unethical conduct by selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without first receiving a prescription drug order for the drug.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation

with an emergency suspension of registration and filing of complaint with the Attorney General.

Case 21-0110 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by refusing to continue filling prescriptions for patient at the pharmacy.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0110 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0110 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to notify patient prior to filling partial quantity of controlled substance prescription and refusing to continue filling prescriptions for patient at the pharmacy.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0112 A Revisit. Non-resident pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by:
 - Intercepting and diverting prescriptions from a competitor pharmacy;
 - Publishing or circulating false, misleading, or deceptive statements concerning a competitor pharmacy by stating in an email, “We cannot guarantee the efficacy or authenticity of products purchased from a third party pharmacy;” and
 - Obtaining remuneration by fraud, misrepresentation, or deception by obtaining payment for prescriptions that were intercepted and diverted from a competitor pharmacy.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Complaint will be referred to Consumer Affairs at the Attorney General's office.

Case 21-0112 B Revisit. Pharmacist-in-charge of a non-resident pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by:
 - Intercepting and diverting prescriptions from a competitor pharmacy;
 - Publishing or circulating false, misleading, or deceptive statements concerning a competitor pharmacy by stating in an email, "We cannot guarantee the efficacy or authenticity of products purchased from a third party pharmacy;" and
 - Obtaining remuneration by fraud, misrepresentation, or deception by obtaining payment for prescriptions that were intercepted and diverted from a competitor pharmacy.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct;
- KRS 315.121 (2)(a) – publication of false, misleading, or deceptive statements concerning the practice of pharmacy;
- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public; and
- KRS 315.121 (2)(h) – obtaining any remuneration by fraud, misrepresentation, or deception.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Complaint will be referred to Consumer Affairs at the Attorney General's office.

Case 21-0112 C Revisit. Non-permitted entity allegedly:

- Engaged in the practice of pharmacy without a pharmacy permit by providing a software system that:
 - Denies previously approved prescriptions; and
 - Communicates with patients regarding which pharmacy or medication can best help the patient.

Alleged Violation of Law:

- KRS 315.0351 (1)(a) – any pharmacy located outside the Commonwealth which does business within the Commonwealth within the meaning of KRS Chapter 315, shall hold a current pharmacy permit.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Complaint will be referred to Consumer Affairs at the Attorney General's office.

Case 21-0120 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to locate electronic prescription stored in pharmacy dispensing system in timely manner and failing to fill patient's medication on fill date specified on prescription.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0120 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Pharmacy staff allegedly failed to locate electronic prescription stored in pharmacy dispensing system in timely manner.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0120 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by refusing to fill patient's medication on fill date specified on prescription.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0122 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by employing a pharmacist who refused to dispense a prescription.

Alleged Violation of Law:

- KRS 315.121 (1) (a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0122 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services.
- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.
- Engaged in unprofessional or unethical conduct by threatening a patient for filing a complaint with the Board of Pharmacy.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC requirements for the provision of pharmacy services;
- KRS 315.121 (2) (j) – failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful; and
- KRS 315.121 (1) (a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0122 C. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by employing a pharmacist who refused to dispense a prescription.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0122 D. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services.
- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.
- Engaged in unprofessional or unethical conduct by threatening a patient for filing a complaint with the Board of Pharmacy.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC requirements for the provision of pharmacy services;
- KRS 315.121 (2)(j) – failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful; and
- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0124 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy reported incorrect data to Kentucky All Schedule Prescription Electronic Reporting (KASPER) causing a delay in patient receiving medication.

Alleged Violations of Law:

- KRS 315.121 (1) (a) – Unprofessional or unethical conduct;
- KRS 315.121 (1)(h) – violation of KRS 315, KRS 218A, KRS 217 and associated regulations; and
- KRS 218A.202(5)(d)- Electronic system for monitoring control substances.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0124 B. Pharmacist in Charge allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury. Pharmacy reported incorrect data to KASPER causing a delay in patient receiving medication.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – Unprofessional or unethical conduct;
- KRS 315.121 (1) (h) - violation of KRS 315, KRS 218A, KRS 217 and associated regulations; and
- 201 KAR 2:205 Section 2(3)(e) - Making or filing of any reports required by state or federal laws and regulations.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0125 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by employing a pharmacist who refused to dispense a prescription.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0125 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC requirements for the provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0125 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

Alleged Violation of Law:

- KRS 315.121 (2)(j) – failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0126 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by discriminating against patient with a disability for not having private insurance.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0126 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services.
- Engaged in unprofessional or unethical conduct by discriminating against patient with a disability for not having private insurance.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services; and
- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0131 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by refilling patient prescriptions without the patient's approval. Pharmacy requested a refill for an ear solution that the patient did not request.
- Engaged in unprofessional or unethical conduct by selling prescriptions that did not undergo a proper prospective drug use review. Pharmacy sold a refill prescription for a non-dissolvable potassium chloride tablet when patient has requested the pharmacy only dispense a dissolvable tablet.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0131 B. Pharmacist in charge (PIC) allegedly:

- Failed in the proper provision of pharmacy services. Pharmacy sold a refill prescription for a non-dissolvable potassium chloride tablet when patient has requested the pharmacy only dispense a dissolvable tablet.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b)- PIC responsible for provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0131 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without proof of actual injury.
- Failed to perform a proper prospective drug use review.

Alleged Violations of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without proof of actual injury; and
- 201 KAR 2:210 Section 4 – requirement for prospective drug use review by a pharmacist prior to dispensing.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0131 D. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without proof of actual injury.
- Failed to perform a proper prospective drug use review.

Alleged Violations of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without proof of actual injury; and
- 201 KAR 2:210 Section 4 – requirement for prospective drug use review by a pharmacist prior to dispensing.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0134. Pharmacy technician allegedly:

- Had a mental or physical incapacity that prevented her from assisting in the practice of pharmacy with reasonable skill, competence, and safety to the public; and

- Had drugs and paraphernalia at work and tested positive for methamphetamines and marijuana.

Alleged Violation of Law:

- KRS 315.121(1)(b) – mental or physical incapacity that prevents the licensee, permit holder, or certificate holder from engaging or assisting in the practice of pharmacy or the wholesale distribution or manufacturing of drugs with reasonable skill, competence, and safety to the public.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation with an emergency suspension of registration and filing of complaint with the Attorney General.

Case 21-0135 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by allowing a received prescription to be improperly deleted from the pharmacy system.
- Engaged in unprofessional or unethical conduct by failing to have an accurate record of prescriptions dispensed to a patient.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0135 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services. A received prescription was improperly deleted from the pharmacy system.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0135 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgement in determining whether a prescription drug order is lawful.

Alleged Violation of Law:

- KRS 315.121 (2)(j) – unprofessional or unethical conduct to fail to exercise appropriate professional judgement in determining whether a prescription drug order is lawful.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0137 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense a new oxycodone prescription to patient who currently receives a monthly prescription for the medication from a different prescriber.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0137 B. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by refusing to dispense a new oxycodone prescription to patient who currently receives a monthly prescription for the medication from a different prescriber.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0138 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense patient's pain medication in a timely manner.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0138 B. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct likely to deceive or harm the public by failing to dispense patient's pain medication in a timely manner. Pharmacist failed to identify and resolve system-generated hard stop in dispensing process and prescription was delayed for several hours.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0141 A. Pharmacy permit holder allegedly:

- Sold a misbranded drug due to a medication error. Patient allegedly received 80 gabapentin 800mg tablets instead of the labeled quantity of 120 tablets.

Alleged Violation of Law:

- KRS 217.065 (1) – a drug is deemed misbranded when its labeling is false or misleading.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0141 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Patient allegedly received 80 gabapentin 800mg tablets instead of the labeled quantity of 120 tablets.
- Engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacist allegedly dispensed a prescription vial containing 80 gabapentin 800mg tablets instead of the labeled quantity of 120 tablets.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC shall be responsible for the provision of pharmacy services.
- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0147 A. Pharmacy permit holder allegedly:

- Engaged in unethical or unprofessional conduct by not dispensing the remainder of a partially filled methylphenidate LA prescription after the patient had been told she could pick up the remainder the following day.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary

action and the case is closed without prejudice.

Case 21-0147 B. Pharmacist in charge allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – pharmacist in charge is responsible for the provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0147 C. Pharmacist allegedly:

- Engaged in unethical or unprofessional conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury; and
- Refused to dispense the remainder of a partially filled methylphenidate LA prescription after the patient had been told she could pick up the remainder the following day.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0149 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to provide proper oversight and equipment for technician administration of vaccinations. Technician stuck a patient with a used syringe.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$2,500 administrative fine, approved corrective action plan developed by permit holder and current PIC [implemented within three months] to provide adequate pharmacist staffing for pharmacy technician supervision in all aspects of pharmacy workflow. Permit holder to pay for recertification of pharmacy technician [21-0149 C] on immunizations. Recertification must be completed prior to resuming administering immunizations.

Case 21-0149 B. Pharmacist in charge (PIC) allegedly:

- Failed in the proper supervision of a technician administering vaccinations. Technician stuck a patient with a used syringe.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and
- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and administrative fine of \$500, and additional hours of continuing education; 3 hours on immunizations 3 hours on OSHA.

Case 21-0149 C. Registered pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury. Technician stuck a patient with a used syringe.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to harm public with or without proof of injury.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and recertification on immunizations to be paid by the permit holder. Recertification must be completed prior to resuming administering immunizations.

Case 21-0152 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct.
- Sold a prescription that had been filled for hydrochlorothiazide instead of the prescribed hydroxyzine.

Alleged Violation of Law:

- KRS 315.121 (1)(b) – unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0152 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – the pharmacist in charge shall be responsible for provision of pharmacy services.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0152 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error; and
- Dispensed a prescription that had been filled for hydrochlorothiazide instead of the prescribed hydroxyzine.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct includes engaging in conduct likely to harm the public with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0153 A. Pharmacy permit holder allegedly:

- Sold a misbranded drug due to medication error. Patient allegedly was dispensed a prescription for topiramate immediate release when the patient should have received topiramate extended release.

Alleged Violations of Law:

- KRS 315.121 (1) (a) – Unprofessional or unethical conduct; and
- KRS 217.065 - Misbranding.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0153 B. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly was dispensed a prescription for topiramate immediate release when the patient should have received topiramate extended release.

Alleged Violation of Law:

- KRS 315.121 (2) (d) - Engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist or pharmacy intern, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0154 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by selling a prescription for a refrigerated product that was not stored appropriately.
- Engaged in unprofessional or unethical conduct by attempting to sell a prescription for generic syringes when the patient has requested brand name.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0154 B. Pharmacist in charge (PIC) allegedly:

- Failed in the proper storage of drugs and provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for storage of drugs and provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0154 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury.

Alleged Violation of Law:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct to engage in conduct likely to harm public with or without actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0155 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct.
- Sold a prescription to one patient that belonged to another patient. The patient received amphetamine salts 30mg instead of buprenorphine/naloxone 8mg/2mg.

Alleged Violation of Law:

- KRS 315.121 (1)(b) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0155 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – the pharmacist in charge shall be responsible for provision of pharmacy service.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0155 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person.
- Dispensed a prescription to one patient that belonged to another patient. The patient received amphetamine salts 30mg instead of buprenorphine/naloxone 8mg/2mg.

Alleged Violation of Law:

- KRS 315.121 (1)(b) – divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent or without order or direction of a court.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0155 D. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person.
- Dispensed a prescription to one patient that belonged to another patient. The patient received amphetamine salts 30mg instead of buprenorphine/naloxone 8mg/2mg.

Alleged Violation of Law:

- KRS 315.121 (1)(b) – divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent or without order or direction of a court.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0157 A. Non-resident pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to timely transfer a prescription resulting in patient doing without medication, clopidogrel, for 2 days.

Alleged Violation of Law:

- KRS 315.121(1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0157 B. Non-resident pharmacy pharmacist-in-charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct that substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist or pharmacy intern, with or without established proof of actual injury; and
- Failed in the provision of pharmacy services by failing to timely transfer a prescription resulting in patient doing without medication, clopidogrel, for 2 days.

Alleged Violations of Law:

- KRS 315.121(2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; and
- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for the provision of pharmacy services.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0158 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy failed to obtain medication for a patient.

Alleged Violation of Law:

- KRS 315.121 (1) (a) – Unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0158 B. Pharmacist in charge allegedly:

- Engaged in unprofessional or unethical conduct by failing to obtain medication for a patient.

Alleged Violation of Law:

- KRS 315.121(2)(d) - Engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist or pharmacy intern, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0160 A. Pharmacy permit holder allegedly:

- Engaged in unethical or unprofessional conduct; and
- Allowed a pharmacy technician to perform a COVID-19 test without proper training or credentials.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1,000 administrative fine, approved corrective action plan developed by permit holder and current PIC [implemented within three months] to provide adequate pharmacist staffing for pharmacy technician supervision in all aspects of pharmacy workflow.

Case 21-0160 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services; and
- Serves as the lab director for Clinical Laboratory Improvement Amendments (CLIA) waived tests, including COVID-19 testing, without proper training.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – pharmacist in charge is responsible for the provision of pharmacy services.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0160 C. Pharmacy technician allegedly:

- Engaged in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, with or without established proof of actual injury;
- Performed a COVID-19 test without proper training;
- Engaged in unethical or unprofessional conduct; and
- Performed a COVID-19 test under someone else's login, thus falsifying records as it appears that someone else performed the testing.

Alleged Violations of Law:

- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, with or without established proof of actual injury; and
- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0161 A, E and G. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by allowing confidential patient information to be revealed to an unauthorized person.

- Engaged in or aiding and abetting an individual to assist in the practice of pharmacy without a pharmacy technician registration.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and
- KRS 315.121 (1)(g) – aiding and abetting an individual to assist in the practice of pharmacy without a license.

Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by allowing confidential patient information to be revealed to an unauthorized person.
- Engaged in or aiding and abetting an individual to assist in the practice of pharmacy without a pharmacy technician registration.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and
- KRS 315.121 (1)(g) – aiding and abetting an individual to assist in the practice of pharmacy without a license.

Pharmacy permit holder allegedly:

- Engaged in or aiding and abetting an individual to assist in the practice of pharmacy without a pharmacy technician registration.

Alleged Violation of Law:

- KRS 315.121 (1)(g) – aiding and abetting an individual to assist in the practice of pharmacy without a license.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1,000 administrative fine, approved corrective action plan developed by permit holder and current PIC [implemented within 30 days of signed Agreed Order] to provide re-training of entire staff on HIPAA.

Case 21-0161 B. Pharmacist in charge (PIC) allegedly:

- Failed to provide proper supervision of pharmacy technicians assisting in the practice of pharmacy.

Alleged Violation of Law:

- KRS 315.020 (4)(a) – allowance for pharmacy technicians to assist in practice of pharmacy under supervision of a pharmacist.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0161 C. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by divulging or revealing to an unauthorized person patient information without the patients' express consent.

Alleged Violation of Law:

- KRS 315.121 (2)(b) – unprofessional or unethical conduct for violating confidentiality.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0161 D. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by divulging or revealing to an unauthorized person patient information and the nature of professional services rendered without the patients' express consent.
- Failed to register as a pharmacy technician while assisting in the practice of pharmacy.

Alleged Violations of Law:

- KRS 315.121 (2)(b) – unprofessional or unethical conduct for violating confidentiality; and
- KRS 315.135 (1) – a person shall not assist in the practice of pharmacy unless duly registered as a pharmacy technician.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 21-0161 F. Pharmacist in charge (PIC) allegedly:

- Failed to provide proper supervision of pharmacy technicians assisting in the practice of pharmacy.

Alleged Violation of Law:

- KRS 315.020 (4)(a) – allowance for pharmacy technicians to assist in practice of pharmacy under supervision of a pharmacist.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

Case 21-0162 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense the full quantity of medication prescribed based on drug cost and reimbursement rate.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0162 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services.
- Engaged in unprofessional or unethical conduct by refusing to dispense the full quantity of medication prescribed based on drug cost and reimbursement rate.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services; and
- KRS 315.121 (2)(d) – engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0167. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct;
- Violated KRS 218A.1404 (1) and (2), KRS 218A.1412 (1)(a), and KRS 218A.1421 (2)(a);
- Was arrested and charged with trafficking marijuana and cocaine and possession of drug paraphernalia.

Alleged Violations of Law:

- KRS 315.121 (1)(a)—unprofessional or unethical conduct, and
- KRS 315.121 (1)(h)—being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters by violating KRS 218A.1404 (1) and (2), KRS 218A.1412 (1)(a), and KRS 218A.1421 (2)(a).

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation with an emergency suspension of registration and filing of complaint with the Attorney General.

Peter Cohron seconded, and the motion passed unanimously.

Peter Cohron recused himself. He was placed in the Zoom waiting room.

Chris Harlow moved to accept the CRP recommendation for Case 20-0122.

Case 20-0122 A and D. Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs by allowing a technician to access to controlled substances and prescription files in the absence of a pharmacist;
- Failed to provide accurate records in the dispensing of controlled substances by maintaining invalid patient addresses in the pharmacy computer and submitting those records to the Cabinet of Health and Family Services Kentucky All Schedule Prescription Electronic Reporting (KASPER);

- Permitted a prescription to be dispensed for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients;
- Engaged in unethical or unprofessional conduct by permitting pharmacy staff to use an audio-video product to verify a prescription remotely;
- Failed to record data waiver numbers required on controlled substance prescription
- Engaged in unethical or unprofessional conduct by running a prescription intermediary service; and
- Engaged in unethical or unprofessional conduct by employing pharmacists that failed to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.
- Provided prescriptions for the purpose of general dispensing, administering or office use.

Alleged Violations of Law:

- 201 KAR 2:100 Section 1 (1)(b) – a pharmacy shall be closed in the absence of a pharmacist;
- 201 KAR 2:100 Section 1 (1)(a) – a pharmacy shall provide adequate security and control of its controlled substances;
- 201 KAR 2:170 Section 1 (1)(b) – all information pertinent to a prescription shall be entered into the system, including, the patient’s address;
- KRS 315.121 (1)(a) – unprofessional and unethical conduct;
- 21 CFR 1306.05(b) - a prescription for a Schedule III narcotic drug approved by FDA specifically for “detoxification treatment” or “maintenance treatment” must include the identification number issued by the Administrator under §1301.28(d) of this chapter;
- KRS 218A.200(4)- the record of all controlled substances dispensed, or otherwise shall show the name and address of the person to whom, or for whose use; and
- 902 KAR 55:060 (5) – a prescription shall not be issued by a practitioner to obtain any controlled substances for the purpose of general dispensing, administering or office use.

Pharmacist allegedly:

- Permitted a prescription to be dispensed for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients;
- Failed to immediately reduce to writing, date and sign all oral prescriptions for controlled substances; and
- Engaged in unethical or unprofessional conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

Alleged Violations of Law:

- KRS 218A.180 (3)(b) - a prescription shall not be issued for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients;
- KRS 218A.180 (6) - all oral prescriptions for controlled substances shall be immediately reduced to writing, dated, and signed by the pharmacist; and
- KRS 315.121 (2)(j) - engaged in unethical or unprofessional conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$25,000 administrative fine, approved corrective action plan developed by permit owner and current PIC to prevent future occurrences, quarterly inspections for one year consisting of an audit of a random day's scripts to be paid by permit holder not to exceed \$1,000 per inspection.

Case 20-0122 B. Pharmacist in charge (PIC) allegedly:

- Failed to provide adequate security and control of drugs by allowing a technician to access to controlled substances and prescription files in the absence of a pharmacist;
- Failed to maintain adequate records by maintaining invalid patient addresses in the pharmacy computer system;
- Failed in the provision of pharmacy services by submitting invalid patient addresses to KASPER;
- Permitted a prescription to be dispensed for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients;
- Failed to immediately reduce to writing, date and sign all oral prescriptions for controlled substances;
- Engaged in unethical or unprofessional conduct by permitting pharmacy staff to use an audio-video product to verify a prescription remotely; and
- Engaged in unethical or unprofessional conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

Alleged Violations of Law:

- 201 KAR 2:205. Section 2 (3)(b) – the pharmacist-in-charge shall be responsible for the procurement, storage, security, and disposition of drugs;
- 201 KAR 2:205 Section 2 (3)(b) – PIC requirements for the provision of pharmacy services;
- KRS 218A.180 (3)(b) - a prescription shall not be issued for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients;.
- KRS 218A.180 (6) - all oral prescriptions for controlled substances shall be immediately reduced to writing, dated, and signed by the pharmacist;
- KRS 315.121 (1)(a) – unprofessional and unethical conduct; and
- KRS 315.121 (2)(j) - engaged in unethical or unprofessional conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1,000 administrative fine, additional 6 hours of continuing education on pharmacy law.

Case 20-0122 C. Pharmacist allegedly:

- Failed to immediately reduce to writing, date and sign all oral prescriptions for controlled substances;
- Engaged in unethical or unprofessional conduct by using an audio-video product to verify a prescription remotely; and
- Engaged in unethical or unprofessional conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

Alleged Violations of Law:

- KRS 218A.180 (6) - all oral prescriptions for controlled substances shall be immediately reduced to writing, dated, and signed by the pharmacist;
- KRS 315.121 (1)(a) – unprofessional and unethical conduct; and
- KRS 315.121 (2)(j) - engaged in unethical or unprofessional conduct by failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand.

Case 20-0122 E. Pharmacy Technician allegedly:

- Engaged in unethical or unprofessional conduct by working in a pharmacy in the absence of a pharmacist.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional and unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice upon issuance of a Letter of Concern.

John Fuller seconded, and the motion passed unanimously.

Peter Cohron returned to the meeting.

201 KAR 2:074, Pharmacy services in hospitals Eden Davis presented a draft of the regulation as recommended by the Regulation Committee.

Action: Chris Harlow moved to approve the draft as written and direct Eden Davis to file with LRC. Peter Cohron seconded, and the motion passed unanimously.

201 KAR 2:030, License transfer Eden Davis presented a draft of the regulation as recommended by the Regulation Committee. Peter Cohron requested language be removed that required expunged records be reported to the Board.

Action: Chris Harlow moved to approve the draft as amended removing ‘expunged or whether you were pardoned from any such offense’ from Section 1 (14) and direct Eden Davis to file with LRC. Peter Cohron seconded, and the motion passed unanimously.

CORRESPONDENCE

Actions:

Uptown Pharmacy and TBD – Dual PIC Request John Fuller moved to deny this request. Jonathan Van Lahr seconded, and the motion passed unanimously.

St. Elizabeth Healthcare – USP 800 Waiver Request [HD segregated compounding area] and Compounding Waiver Request [medium risk prep[s] in non-HD SCA] John Fuller moved to approve this request. Jonathan Van Lahr seconded, and the motion passed unanimously.

P07195, UK Healthcare Good Samaritan - Compounding Waiver Request and P07640, UK Hospital Pharmacy - Compounding Waiver Request John Fuller moved to approve this request. Peter Cohron seconded, and the motion passed unanimously.

OLD BUSINESS

Policy and Procedures Review The Policy and Procedures Manual with requested updates from the August meeting was presented.

Action: Chris Harlow moved to table this item until the September meeting to allow additional updates to the Case Review Panel and the Investigative Process. Peter Cohron seconded, and the motion passed unanimously.

Continuing Education to Professional Development Chris Harlow presented the proposed Continuous Professional Development Committee. The charge to the committee is:

1. Evaluate the current definition and national trends for Continuous Professional Development (CPD)
2. Develop a specific strategy to incorporate CPD into CE
3. Make a recommendation to the Kentucky Board of Pharmacy (KBOP) on implementation of CPD for pharmacists and pharmacy technicians

The committee shall be 5 individuals selected from the following organizations and 1 non-voting member of the Kentucky Board of Pharmacy:

1. University of Kentucky College of Pharmacy;
2. Sullivan University College of Pharmacy and Health Sciences;
3. Kentucky Pharmacists Association;
4. Kentucky Society of Health System Pharmacists; and
5. Kentucky Board of Pharmacy Staff.

Each organization shall submit their nomination to the Board by October 19th, 2021. The Board will vote on committee makeup at the October 26th meeting. The committee shall complete specific charge #1 and submit report to the Board at the first board meeting of 2022. The report shall also consist of a timeline for specific charges #2 and #3.

Action: John Fuller moved to accept this recommendation as presented. Peter Cohron seconded, and the motion passed unanimously.

NEW BUSINESS

Department of Insurance Grievances Larry Hadley gave a review of notices received from the Department of Insurance on settlements or judgements of health care providers. KRS 304.40-310 (2) requires notification of the names of health care providers against whom a settlement is made or judgment is rendered to the appropriate licensure board or regulatory agency. Eden Davis advised that the notices received currently have more information than the law requires. Upon receipt of the notice, we are required to investigate. Larry Hadley was directed to conduct further research and report back to the Board.

Vaccine Questions Eden Davis advised that there were several questions regarding administration of vaccines under the emergency regulation. After much discussion, the Board took no action.

CLOSED SESSION John Fuller moved to go into closed session to include investigating inspectors [if available], Eden Davis, Darla Sayre and Kaci Christopher for the purpose of reviewing, discussing and deliberating upon open investigations [21-0048, 21-0089, 21-0179] 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). Jonathan Van Lahr seconded, and the motion passed unanimously. Jonathan Van Lahr moved to come out of closed session after a discussion of 21-0048, 21-0089 and 21-0179. Peter Cohron seconded, and the motion passed unanimously.

Case 21-0048 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy's opioid dispensing policy allegedly requires that pharmacist void remaining quantity and refills authorized by prescriber on CIII-CV prescriptions initially filled for a partial quantity.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$1,000 administrative fine.

Chris Harlow moved to accept the recommendation with the additional requirement of an approved corrective action plan to prevent future occurrences submitted to the inspector within 30 days from the executed Agreed Order and re-education of pharmacy personnel on

proper opioid dispensing per state and DEA requirements. Jonathan Van Lahr seconded, and the motion passed unanimously.

Case 21-0179. Pharmacy technician allegedly:

- Engaged in unprofessional or unethical conduct by failing to surrender drugs obtained at unauthorized location upon request from Board inspector; and
- Stored drugs at residence for months without being authorized to possess such drugs.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct; and
- KRS 217.182 – unauthorized possession of legend drugs.

CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and revocation. If Agreed Order is not signed within 30 days, a complaint will be filed with the Attorney General.

Chris Harlow moved to accept the recommendation with the additional language prohibiting any further ownership or involvement of a pharmacy within Kentucky and a referral notice sent to OIG/DEA on the violation. Jonathan Van Lahr seconded, and the motion passed unanimously.

Chris Harlow moved to accept the recommendations of the following:

Case 21-0048 B. Pharmacist-in-charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy's opioid dispensing policy allegedly requires that pharmacist void remaining quantity and refills authorized by prescriber on CIII-CV prescriptions initially filled for a partial quantity.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case 21-0089 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by shipping a prescription containing a short dated product. Pharmacy shipped a dispensed epinephrine auto injector on April 21, 2021 that expired on May 18, 2021.

Alleged Violation of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

Case 21-0089 B. Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Pharmacy shipped a dispensed epinephrine auto injector on April 21, 2021 that expired on May 18, 2021.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

Case 21-0089 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury. Pharmacist dispensed epinephrine auto injector on April 21, 2021 that expired on May 18, 2021.

Alleged Violation of Law:

- KRS 315.121 (2)(d) - unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

Case 21-0089 D. Non-resident pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by facilitating the dispensing a prescription containing a short dated product.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

Case 21-0089 E. Pharmacist in charge allegedly:

- Failed in the provision of pharmacy services. Pharmacy facilitated the dispensing of a prescription containing a short dated product.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for provision of pharmacy services.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

Case 21-0089 F. Pharmacist allegedly:

- Failed to perform a proper prospective drug use review. Pharmacy shipped a dispensed epinephrine auto injector on April 21, 2021 that expired on May 18, 2021.

Alleged Violation of Law:

- 201 KAR 2:210 Section 4 (3) – requirements of prospective drug use review.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

Case 21-0089 G. Non-resident pharmacy allegedly:

- Engaged in the practice of pharmacy in Kentucky without a Kentucky pharmacy permit.

Alleged Violation of Law:

- KRS 315.0351 (1)(a) – requirement to hold pharmacy permit if do business, including by phone, inside the Commonwealth.

CRP Recommendation: There is sufficient evidence developed and the executive director is directed to conduct further investigation by reaching out to 21-0089G for further information regarding activities involving Kentucky patient prescriptions.

John Fuller seconded, and the motion passed unanimously.

ADJOURNMENT Peter Cohron moved to adjourn. Jonathan Van Lahr seconded, and the motion passed unanimously. President Rhodes adjourned the meeting at 1:03 p.m.