

**KENTUCKY BOARD OF PHARMACY**

via Zoom

<https://us02web.zoom.us/j/86362939247?pwd=U0ZwUFFLd2FtaXZuaExEeWNvVlBrdz09>

**Meeting ID: 863 6293 9247 Passcode: iyH0Zs**

**Dial by your location**

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

**Meeting ID: 863 6293 9247 Passcode: 276218**

**July 27, 2021**

**9:00 a.m.**

**AGENDA**

**I. CALL TO ORDER**

**II. MINUTES**

- A. May 25, 2021

**III. APPEARANCES**

- A. KASPER Reporting and Correction, Tim Rodarmel and Cassandra Kinney
  - 1. KRS 218A.202, included for reference
  - 2. 902 KAR 55:110, included for reference
  - 3. KASPER Revision Tip
  - 4. KASPER Reporting Guide Section 4.2
- B. Paul Mahan, USP 825
- C. Cardinal Health, Jessica Adams

**IV. INTERAGENCY**

**V. BOARD REPORTS**

- A. Executive Director
  - 1. eMars – May 2021 and June 2021
  - 2. 201 KAR 2:050, Fee Amendments
- B. General Counsel
  - 1. CHFS Nurse dispensing question
  - 2. Regulation Status
  - 3. 201 KAR 2:061

**VI. COMMITTEE REPORTS**

- A. Kentucky Professional Recovery Committee, Brian Fingerson
- B. Advisory Council, Matt Martin
- C. Regulation Committee, Ralph Bouvette
- D. Pharmacy Technician Committee, Sarah Lawrence
- E. Diversity and Inclusion Task Force, Shannon Borden and Crystal Isaacs
- F. Medication Safety Committee, Elizabeth Hess

G. Case Review Panel, Jill Rhodes

**VII. CASES**

- A. Fine Report
- B. Case Review Panel Recommendations:
  - 1. 18-0364
  - 2. 19-0105 B Revisit
  - 3. 20-0075 A and B
  - 4. 20-0101 Revisit
  - 5. 20-0112 B and E Revisit
  - 6. 20-0116 A and B Revisit
  - 7. 20-0124 A, B and C
  - 8. 20-0125 A and B
  - 9. 20-0127 A and B
  - 10. 20-0207 A and B
  - 11. 20-0214 A, B and C
  - 12. 20-0218 A, B and C
  - 13. 20-0231 A, B, C, D, E, F and G
  - 14. 21-0011 A, B, C, D and E
  - 15. 21-0036 A, B and C
  - 16. 21-0050 A and B
  - 17. 21-0051 A and B
  - 18. 21-0065 A and B
  - 19. 21-0074 A, B and C
  - 20. 21-0077 A and B
  - 21. 21-0081 A, B and C
  - 22. 21-0083 A and B
  - 23. 21-0087 A and B
  - 24. 21-0108 A and B
  - 25. 21-0113 A and B
  - 26. 21-0117 A, B and C Revisit
  - 27. 21-0123 A and B
  - 28. 21-0128 A and B
  - 29. 21-0129 A and B
  - 30. 21-0130 A, B and C
  - 31. 21-0132 A, B and C
  - 32. 21-0133 A, B, C and D
  - 33. 21-0136 A and B
  - 34. 21-0139 A, B and C
  - 35. 21-0140 A, B and C
  - 36. 21-0150
  - 37. 21-0156

**VIII. LEGISLATION/REGULATION**

- A. 201 KAR 2:430, Emergency orders and hearings
- B. 201 KAR 2:074, Pharmacy services in hospitals or other health care facilities

**IX. CORRESPONDENCE**

- A. Walgreens, Nichole Cover – Phone support request
- B. Rice’s Pharmacy, P07493 – Offsite Storage Request
- C. Sav-Rite Pharmacy South, P07703 – Offsite Storage Request
- D. Owensboro Family Pharmacy, P08149 - Offsite Storage Request
- E. Kindred Hospitals Louisville - USP 797 Hazardous Drug Waiver Request
- F. Baptist Health, P05196/P08051 and New Permit – Dual PIC Request

**X. OLD BUSINESS**

- A. Policy and Procedures Review
- B. USP 795/USP 825
- C. Continuing Education to Professional Development

**XI. NEW BUSINESS**

- A. Protocols
  - 1. Travel Health Therapies Protocol revision
  - 2. Acute Influenza Infection: Chemoprophylaxis Protocol revision
  - 3. Acute Group A Streptococcal [GAS] Pharyngitis Infection Protocol for use during the COVID-19 [SARS-CoV-2] Pandemic
  - 4. Acute Influenza Infection: Antiviral Therapy Protocol for use during the COVID-19 [SARS-CoV-2] Pandemic
- B. Mask mandate per Executive Order for ‘healthcare facilities’

**XII. CLOSED SESSION**

- A. 19-0325 D
- B. 19-0330 B
- C. 19-0331 B
- D. 19-0331 C
- E. 19-0331 D
- F. 19-0333 B
- G. 20-0080

*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

July 27, 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 July 27, 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; Jessica Williams, Pharmacy and Drug Inspector, Rhonda Hamilton, 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 May 25, 2021. Peter Cohron seconded, and the motion passed unanimously.

### APPEARANCES

**KASPER Reporting and Correction, Tim Rodarmel and Cassandra Kenney – CHFS** Tim Rodarmel and Cassandra Kenney gave a presentation on KASPER reporting and correction. Chris Harlow stated that the process is complicated and needs to be streamlined for easier submission. Jill Rhodes advised that this information would be distributed to pharmacies by an email and newsletter article. Jonathan Van Lahr requested that the Kentucky Pharmacist's Association distribute this information to their members. Ben Mudd, KPhA agreed and would make that suggestion to their board.

**Paul Mahan, USP 825** Paul Mahan gave a presentation on USP 825. This chapter is intended to provide uniform minimum standards for the preparation, compounding, dispensing, and repackaging of sterile and nonsterile radiopharmaceuticals for humans and animals that occur as part of state-licensed activities (e.g., the practice of pharmacy and the practice of medicine). Eden Davis upon a query from the Board advised this is not in conflict with existing pharmacy regulations or statutes.

### **Central Fill of Prescription Products, Jessica Adams and Kendra Croker – Cardinal Health**

Jessica Adams and Kendra Croker gave a presentation on the proposed central fill by Sonex Pharmacy in Texas to fill a prescription drug order at the request of a Kentucky pharmacy. The prescription will be packaged in Med-packs allowing for greater patient safety and adherence

then shipped to the Kentucky pharmacy for dispensing. They request confirmation that this proposal complies with Kentucky Statutes and Regulations.

**Action:** Jonathan Van Lahr moved to accept this proposal. Peter Cohron seconded, and the motion passed unanimously.

**INTERAGENCY** Ben Mudd advised the Board that the annual meeting was held in June and the Fall Conference will be held October 22, 2021 in Lexington, KY. Jill Rhodes suggested that KASPER reporting and corrections be included at the fall conference. Dr. Mudd stated that the following names were submitted to the Governor's office for consideration to replace outgoing Board Members; Chris Clifton, Peter Cohron, Meredith Figg, Tony Tagavi and Mark Taylor.

**BOARD REPORTS – EXECUTIVE DIRECTOR** Larry Hadley provided the May 2021 and June 2021 eMars reports for Board review.

**201 KAR 2:050, Fee Amendments** Mr. Hadley presented a proposed amendment to 201 KAR 2:050 increasing the renewal of a pharmacist license from \$70 to \$95 and the delinquent renewal penalty for a pharmacist license from \$70 to \$95. This will result in the total cost of pharmacist renewal to be \$105 [includes the KYPRN \$10 fee]. This increase will generate approximately \$275,000 annually. Mr. Hadley requested this increase be used to fund two new positions in the Board Office; a staff attorney and an administrative assistant. Mr. Hadley and Eden Davis stated these positions are vital to ensure the complaint and case disciplinary process complies with regulatory deadlines.

**Action:** Chris Harlow moved to approve the amendments to 201 KAR 2:050 and directed Eden Davis to file with LRC. Jonathan Van Lahr seconded and the motion passed unanimously.

Jonathan Van Lahr moved to earmark the increased funds for the staff attorney, administrative assistant and resources. Peter Cohron seconded, and the motion passed unanimously.

#### **BOARD REPORTS – GENERAL COUNSEL**

**LTC Management of Meds Upon Discharge** Ms. Davis presented a request for clarification from CHFS regarding a nurse providing dispensed medications to a resident upon discharge. Does this constitute dispensing?

**Action:** Chris Harlow moved to direct Ms. Davis to draft a Declaratory Opinion with input from pharmacy associations for presentation at the September meeting. Jonathan Van Lahr seconded, and the motion passed unanimously.

**201 KAR 2:061** Eden Davis advised that 201 KAR 2:061 is slated to become effective on August 23, 2021. This will involve several changes to the Case Review Panel and complaint resolution process. Jill Rhodes suggested the Board consider the makeup of the Panel and name three Board members to the Panel at the September meeting.

## COMMITTEE REPORTS

**Kentucky Professional Recovery Network** Brian Fingerson reported to the Board that there are currently 37 participants being monitored. Of which the breakdown is: 30 Board ordered, 6 self-referred [unknown to the Board] and 1 participant with a lapsed license. He advised the next meeting will be held on August 17, 2021. At that meeting, the committee will discuss participation by students referred by the Colleges of Pharmacy and by those without a substance abuse disorder.

**Advisory Council** Matt Martin reported that the Advisory Council is continuing to work on the various charges with monthly meetings. He presented several recommendations to the Board on the implementation or expiration of numerous regulatory allowances during the state of emergency. Chris Harlow requested tabling these recommendations until the September meeting to allow for further review by the Board.

**Regulation Committee** Ralph Bouvette reported to the Board that the committee would present the proposed amendment to 201 KAR 2:074 regarding RIFD/KitCheck language at the August meeting. They continue to work on a repository regulation, non-resident pharmacy regulation and 201 KAR 2:230.

**Pharmacy Technician Committee** Larry Hadley advised the Board that Sarah Lawrence has stepped down as chair of the committee. She will remain as a member. David Figg has volunteered to serve as chair. Mr. Hadley provided a report on the progress of the committee's proposed Enhanced Pharmacy Technician Role Test Program. Chris Harlow suggested that a technician be allowed to only conduct Clia waived or Point of Care testing restricting them from interpreting the results. Multiple questions involved the training involved with the enhanced duties. Jill Rhodes requested the committee return to the Board with a detailed training program for technicians participating in the test program and an audit process to be utilized in calculating the errors.

**Diversity and Inclusion Task Force** Shannon Borden reported to the Board that the task force continues to work on their charge. Their plan is to utilize sub-committees to work on specific action items with a reporting deadline of two months. The action items include:

- Development of a diversity and inclusion presentation for pharmacy personnel;
- Request input from KPhA for suggestions for better diversity and inclusion with the pharmaceutical profession; and
- Consult with the deans of the Colleges of Pharmacy on their methods of identification of race, gender and ethnicity.

**Medication Safety Committee** Liz Hess reported to the Board that the committee has begun to meet to work on their charges. They have started their work with discussion of harm scores, event categorization, medication error reporting and 'just culture'.

## CASE REVIEW RECOMMENDATIONS

**Action:** Chris Harlow moved to accept the recommendations from the Case Review Panel, July 20, 2021.

**Case 18-0364.** Non-resident wholesale distributor:

- Entered a Settlement Agreement with the United States Government to pay \$22 million in civil penalty claims and to invest in significant upgrades to its compliance program for allegedly violating the Controlled Substances Act by failing to report more than 12,000 allegedly suspicious orders of hydrocodone and oxycodone by pharmacies from January 2014 through April 2018. This included 11 suspicious orders by three Kentucky pharmacies.

Alleged Violations of Law:

- KRS 315.121(1)(c)2 - Being convicted of, or entering an "Alford" plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of such plea of a violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government;
- 201 KAR 2:105 Section 3(1)(a) – Any convictions of the applicant under any federal, state, or local laws relating to drugs, including drug samples and controlled substances; and
- 201 KAR 2:105 Section 5(4)(a) – A wholesaler shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, distribution, and disposition of prescription drugs and drug-related devices.

**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 \$50,000 administrative fine, mandatory real-time reporting of suspicious orders or activity in Kentucky for five years. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.

### 19-105 B Revisit

VIOLATION OF LAW: 201 KAR 2:076 Section 3 (2)

**CRP Recommendation:** There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.

**Case 20-0075 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by billing unauthorized prescriptions.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.

**Case 20-0075 B.** Pharmacist-in-charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct likely to deceive, defraud, or harm the public by billing unauthorized prescriptions.

Alleged Violation of Law:

- 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 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.

**CASE 20-0101 Revisit**

VIOLATION OF LAW:

- 201 KAR 2:106 Section 2 (2)(a) – wholesale distributor licensed by the Kentucky Board of Pharmacy whose hours of operation have deviated over a period of five (5) consecutive working days from those of record at the Board of Pharmacy office shall immediately notify the board, verbally and in writing of the reason for the deviation and the anticipated period of continuance.
- 201 KAR 2:105 Section 2 (4)(a) - demonstration of acceptable operational procedures, including adequate maintenance and storage conditions to ensure proper lighting, ventilation, temperature and humidity control, sanitation, and security.
- 201 KAR 2:105 Section 5 (1)(a) - buildings shall be of suitable size, construction, and location to facilitate cleaning, maintenance, and proper operations.

**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 surrender as closed. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.



### **CASE 20-0112 B Revisit**

VIOLATION OF LAW: KRS 315.121(1)(g), 201 KAR 2:205(2)(3)(a) and 201 KAR 2:205(2)(3)(b).  
DISCIPLINE PROPOSED: \$1000 fine and 6 hours of CE on Pharmacy Law

**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 six hours of continuing education on pharmacy law and a quality assurance process regarding collaborative care agreements for incoming and outgoing employees. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

### **CASE 20-0112 E Revisit**

VIOLATION OF LAW:

- KRS 315.121 (2)(d) – unprofessional or unethical conduct to deceive the public with or without proof of actual injury;
- KRS 315.121 (2)(f) – unprofessional or unethical conduct to dispense drug for which a prescription drug order is required without having first received a prescription drug order for the drug; and
- KRS 217.065 (11)(b) – misbranded if prescription label does not bear the name of the licensed prescribing practitioner.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0116 A Revisit.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to deliver insulin to patient in a timely manner. Pharmacy staff promised delivery on a specific date on three different occasions and the insulin was not delivered on those dates.
- Engaged in unprofessional or unethical conduct by failing to have a functioning auto-refill scheduling program. Patient enrolled in auto-refill and was not contacted to schedule delivery of insulin prior to running out of the medication.
- Engaged in unprofessional or unethical conduct by not responding to patient calls in a timely manner. Consumer waited on hold for several hours prior to being able to speak with pharmacy staff.

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 \$5,000 administrative fine. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder. [combine with 20-127 A]**

**Case 20-0116 B Revisit.** Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Pharmacy staff promised delivery on a specific date on three different occasions and the insulin was not delivered on those dates.
- Failed in the provision of pharmacy services. Patient enrolled in auto-refill and was not contacted to schedule delivery of insulin prior to running out of the medication.
- Failed in the provision of pharmacy services. Consumer waited on hold for several hours prior to being able to speak with pharmacy staff.

Alleged Violations of Law:

- 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder. [combine with 20-127 B]**

**Case 20-0124 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy allegedly sold compounded medications for institutional administration and office use without receiving patient-specific prescriptions. Pharmacy allegedly dispensed compounded controlled substances pursuant to a prescription issued for a practitioner for office use.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0124 B.** Pharmacist-in-charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct by dispensing compounded medications for institutional administration and office use without receiving patient-specific prescriptions.
- Dispensed compounded controlled substances pursuant to a prescription issued for a practitioner for office use.

Alleged Violations of Law:

- KRS 315.121 (2)(f) – selling, transferring, or dispensing a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug.
- 201 KAR 2:076 Section 4 (1) – receipt of patient-specific prescription or medical order from a prescriber before dispensing any compounded preparation.
- 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.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0124 C.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by dispensing compounded medications for institutional administration and office use without receiving patient-specific prescriptions.
- Dispensed compounded controlled substances pursuant to a prescription issued for a practitioner for office use.

Alleged Violations of Law:

- KRS 315.121 (2)(f) – selling, transferring, or dispensing a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug.
- 201 KAR 2:076 Section 4 (1) – receipt of patient-specific prescription or medical order from a prescriber before dispensing any compounded preparation.
- 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.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0125 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to maintain patient confidentiality. Patient information discussed at pharmacy counter was allegedly overheard by customers in waiting area.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0125 B.** Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Confidential patient information discussed at pharmacy counter was allegedly overheard by customers in waiting area.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0127 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to timely dispense received prescriptions.
- Engaged in unprofessional or unethical conduct by not responding to patient or provider calls in a timely manner. Individuals wait on hold for hours prior to being able to speak with pharmacy staff.

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 \$5,000 administrative fine. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder. [combine with 20-116 A]**

**Case 20-0127 B.** Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Received prescriptions were not dispensed in a timely manner.
- Failed in the provision of pharmacy services. Individuals waited on hold for hours prior to being able to speak with pharmacy staff.

Alleged Violation of Law:

- 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder. [combine with 20-0116 B]**

**Case 20-0207 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy allegedly failed to transfer prescriptions to patient's preferred pharmacy, delivered prescriptions to patient's residence without patient's knowledge or consent, and solicited refill prescriptions from prescriber without patient's knowledge or consent.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0207 B.** Pharmacist-in-charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct likely to deceive, defraud, or harm the public. Pharmacist allegedly failed to transfer prescriptions to patient's preferred pharmacy, filled prescriptions for delivery to patient's residence without patient's knowledge or consent, and solicited refill prescriptions from prescriber without patient's knowledge or consent.

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 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, Policy and Procedures implemented for patient approval for home delivery. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0214 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy allegedly dispensed gabapentin to an equine patient with dosing instructions for a human patient.

Alleged Violation of Law:

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

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0214 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0214 C.** Pharmacist allegedly:

- Failed to perform an appropriate drug utilization review prior to filling gabapentin prescription for equine patient.

Alleged Violation of Law:

- 201 KAR 2:210 Section 4 – pharmacist shall conduct a drug use review and assess the patient’s drug therapy, including proper dose, prior to dispensing a prescription.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0218 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy allegedly dispensed an emergency refill for a 30-day supply of patient’s medication on four separate occasions without first attempting to obtain refill authorization from 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0218 B.** Pharmacist-in-charge (PIC) allegedly:

- Failed to contact prescriber to obtain refill authorization prior to dispensing an emergency 30-day supply of medication for patient on two separate occasions.

Alleged Violation of Law:

- 201 KAR 2:330 Section 1 – conditions whereby a prescription may be refilled pursuant to an executive order issued by the Governor as authorized by KRS 315.500 if a pharmacist is unable to readily obtain refill authorization from the prescriber

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0218 C.** Pharmacist allegedly:

- Failed to contact prescriber to obtain refill authorization prior to dispensing an emergency 30-day supply of medication for patient on two separate occasions.

Alleged Violation of Law:

- 201 KAR 2:330 Section 1 – conditions whereby a prescription may be refilled pursuant to an executive order issued by the Governor as authorized by KRS 315.500 if a pharmacist is unable to readily obtain refill authorization from the prescriber.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 A.** 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
- KRS 315.121 (1)(a)—unprofessional or unethical conduct

**CRP Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 B.** 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 developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 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
- 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 developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 D.** 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 developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 E.** 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
- 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 developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 F.** 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 developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 20-0231 G.** 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 developed and the investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0011 A.** Pharmacy permit holder allegedly:

- Sold a misbranded prescription for felbamate labeled with an incorrect manufacturer; and
- Aided and abetted an individual to engage in the practice of pharmacy without a license.

Alleged Violations of Law:

- KRS 217.065 (1)— a drug or device shall be deemed to be misbranded if its labeling is false or misleading
- KRS 315.020(1) –only pharmacists allowed to practice pharmacy, and
- KRS 315.121(1)(g) –unprofessional or unethical behavior by engaging in or aiding and abetting an individual to engage in the practice of pharmacy without a license.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0011 B.** 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 exit

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0011 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 misbranded prescription for felbamate labeled with an incorrect manufacturer.

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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0011 D.** Pharmacist allegedly:

- Did not conduct an appropriate prospective drug use review while preparing to dispense an azithromycin prescription to a patient;
- Did not conduct an appropriate prospective drug use review while preparing to dispense a felbamate prescription to a patient;
- Did not conduct an appropriate prospective drug use review while preparing to dispense a Fycompa prescription to a patient; and
- Aided and abetted an individual to engage in the practice of pharmacy without a license by allowing a technician to counsel.

Alleged Violations of Law:

- 201 KAR 2:210 Section 4—a prospective drug use review shall be conducted by a pharmacist prior to dispensing, including a review of interactions with drugs or other disease states
- KRS 315.121(1)(g) –unprofessional or unethical behavior by engaging in or aiding and abetting an individual to engage in the practice of pharmacy without a license

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0011 E.** Pharmacy technician allegedly:

- Engaged in the practice of pharmacy without a license by counseling a patient.

Alleged Violations of Law:

- KRS 315.020(3) –no person shall engage in the practice of pharmacy unless licensed to practice under the provisions of KRS Chapter 315, except as provided in subsection 4

- KRS 315.121(1)(g) –unprofessional or unethical behavior by engaging in or aiding and abetting an individual to engage in the practice of pharmacy without a license
- 201 KAR 2:210—the pharmacist shall counsel

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0036 A.** Pharmacy permit holder allegedly:

- Sold a misbranded drug due to medication error; and
- Sold a prescription for gabapentin 800mg, quantity of 120, and there were only 90 tablets in the bottle.

Alleged Violation of Law:

- KRS 217.065 (1) – a drug or device shall be deemed to be misbranded if 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0036 B.** 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 exit

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0036 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 for gabapentin 800mg, quantity of 120, and there were only 90 tablets in the bottle.

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 disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0050 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by contacting prescriber about complainant's request to have son's amphetamine-dextroamphetamine prescription filled early to accommodate complainant's 3<sup>rd</sup> shift work schedule.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0050 B.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct. Complainant requested to have son's amphetamine-dextroamphetamine prescription filled early to accommodate complainant's 3<sup>rd</sup> shift work schedule. Pharmacist refused and notified 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0051 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to dispense patient's phentermine 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0051 B.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by refusing to dispense patient's phentermine prescription based on patient-specific factors, information provided by patient, and calculated BMI.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0065 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by not refilling a patient's maintenance medications, thus delaying care.
- Refused to dispense lisinopril and metoprolol succinate to the patient when her prescriptions were out of refills, as allowed by executive order.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0065 B.** Pharmacist in charge allegedly:

- Engaged in unprofessional or unethical conduct by not refilling a patient's maintenance medications, thus delaying care.
- Refused to dispense lisinopril and metoprolol succinate to the patient when her prescriptions were out of refills, as allowed by executive order.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0074 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by automatically refilling patient prescriptions without the patient's approval.
- Engaged in unprofessional or unethical conduct by selling prescriptions that did not undergo a proper prospective drug use review.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0074 B.** Pharmacist in charge allegedly:

- Failed in the proper provision of pharmacy services. Pharmacy automatically refilling patient prescription without the patient's approval.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0074 C.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to hurt 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 disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0077 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to maintain clean and sanitary conditions in the designated pharmacy area.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – unprofessional or unethical conduct
- 201 KAR 2:180 Section 1 – the designated pharmacy area shall be maintained in a clean and sanitary condition.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0077 B.** Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services by failing to maintain clean and sanitary conditions in the designated pharmacy area.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for proper storage and disposition 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 upon issuance of a Letter of Concern. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0081 A.** Pharmacy permit holder allegedly:

- Sold a misbranded prescription. Prescription was dispensed and sold under the wrong patient name.
- Sold a misbranded prescription. A quantity of 30 ondansetron 4 mg oral disintegrating tablets (ODT) was dispensed when the prescription was written and labeled for a quantity of 15 tablets.
- Failed to place a pharmacist in charge of pharmacy from April 27, 2021 to June 9, 2021.

**Alleged Violations of Law:**

- KRS 217.065(1) – drug misbranded if labeling is false or misleading in any particular;
- KRS 217.065 (1)(b) – drug misbranded unless label contains accurate statement of quantity; and
- KRS 315.020 (1) – requirement to place a pharmacist in charge of pharmacy.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0081 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. Prescription was dispensed and sold under the wrong patient name.

**Alleged Violation 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.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0081 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. A quantity of 30 ondansetron 4 mg oral disintegrating tablets was dispensed when the prescription was written and labeled for a quantity of 15 tablets.

**Alleged Violation 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.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0083 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by refusing to sell a prescription of hydrocodone/acetaminophen to a patient.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0083 B.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by refusing to dispense a prescription of hydrocodone/acetaminophen to a patient.

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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0087 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct. Pharmacy had improperly inquire about the medical status of the patient violating their privacy rights.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0087 B.** Pharmacist in charge allegedly:

- Engaged in unprofessional or unethical conduct by 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.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**



**Case 21-0108 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by attempting to administer a vaccination prior to when due according to the manufacturer's recommendations.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0108 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; and
- Attempted to administer a vaccination prior to when due according to the manufacturer's recommendations.

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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0113 A.** Pharmacy permit holder allegedly:

- Sold a misbranded drug due to medication error. Patient allegedly was dispensed a prescription for incorrect generic drug.

Alleged Violations of Law:

- KRS 315.121(1)(a) – Unprofessional or unethical conduct
- KRS 217.895(2)(b) - Records of pharmacy
- KRS 217.065(1) - Misbranding

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0113 B.** Pharmacist in Charge (PIC) 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 incorrect generic medication.

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 or pharmacy intern, with or without established proof of actual injury

- KRS 217.895(2)(b) – Records of pharmacy
- 201 KAR 2:205 Section 2(3)(a) – responsible for quality assurance programs

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0117 A Revisit.** Pharmacy permit holder allegedly:

- Sold a misbranded drug. Patient allegedly received two different methylphenidate ER 36 mg tablets in a single prescription vial.
- Engaged in unprofessional or unethical conduct by selling a prescription in which a nonequivalent drug product was substituted for the prescribed brand name medication.

Alleged Violations of Law:

- KRS 217.065 (1) – drug misbranded if labeling false or misleading in any particular; and
- 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0117 B Revisit.** Pharmacist in charge (PIC) allegedly:

- Failed in the proper provision of pharmacy services including procurement of drugs.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for procurement 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0117 C Revisit.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public 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.
- Improperly selected a generic drug for substitution of a prescribed brand name medication. Patient was dispensed a generic drug coded as therapeutically inequivalent by the FDA.

Alleged Violations of Law:

- KRS 315.121 (2)(d) - unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public 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;

- KRS 217.822 (1) – pharmacist shall select lower-priced therapeutically equivalent drug when receiving a prescription for a brand name drug; and
- 201 KAR 2:116 Section 1 (1) – Board determines that drugs listed as therapeutically equivalent in the FDA Orange Book are interchangeable.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0123 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to deliver insulin to patient in a timely manner. Pharmacy received prescription in December 2020 and it was not dispensed until March 19, 2021.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0123 B.** Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Pharmacy received insulin prescription in December 2020 and it was not dispensed until March 19, 2021.

Alleged Violation of Law:

- 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0128 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to implement appropriate procedures to verify prescriptions for hospice patients.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0128 B.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to exercise appropriate professional judgment when determining the legitimacy of verbal prescriptions from hospice nurse.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0129 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to fill patient's tramadol 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0129 B.** Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services by refusing to fill patient's tramadol prescription.
- Engaged in unprofessional or unethical conduct likely by refusing to fill patient's tramadol prescription.

Alleged Violations of Law:

- 201 KAR 2:205 Section 2(3)(b) – PIC responsible for provision of pharmacy services
- 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0130 A.** Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 488 hydrocodone and oxycodone containing tablets from the will call area.

Alleged Violation of Law:

- 201 KAR 2:100 Section 1 – requirement to provide security and control.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0130 B.** Pharmacist in charge (PIC) allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 488 hydrocodone and oxycodone containing tablets from the will call area.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3) (b) – PIC drug security requirement.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0130 C.** 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) (f) – unprofessional or unethical conduct to sell, transfer, dispense, ingest or administer prescription drug without order.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0132 A.** Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 2 acetaminophen-codeine 300-15mg tablets and 40 phentermine 37.5mg capsule due to employee pilferage. A loss of 10 acetaminophen-codeine 300-30mg tablets was discovered after an audit of an approximately 3-month period.

Alleged Violation of Law:

- 201 KAR 2:100 Section 1 – requirement of pharmacy to provide adequate security and control of its controlled substances and prescription legend drugs.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0132 B.** Pharmacist-in-charge (PIC) allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 2 acetaminophen-codeine 300-15mg tablets and 40 phentermine 37.5mg capsule due to employee pilferage. A loss of 10 acetaminophen-codeine 300-30mg tablets was discovered after an audit of an approximately 3-month period.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2(3)(b) – Pharmacist-in-charge is responsible for the procurement, storage, security, and disposition of drugs.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0132 C.** 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 having first received a prescription drug order for the drug.

Alleged Violation of Law:

- KRS 315.121(2)(f) - selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without having first received 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0133 A.** Pharmacy permit holder allegedly:

- Sold a misbranded prescription on three separate occasions, May 2021, January 2020 and August 2019. Patient allegedly received oxycodone prescriptions labeled as containing 180 tablets with only 80 tablets in the prescription vials.

Alleged Violation of Law:

- KRS 217.065 (2)(b) – misbranding if label does not have an accurate statement of the quantity.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0133 B.** Pharmacist in charge allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive or harm the public with or without established proof of actual injury. In May 2021, patient allegedly received oxycodone prescription labeled as containing 180 tablets with only 80 tablets in the prescription vial.

Alleged Violation of Law:

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

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0133 C. Pharmacist allegedly:**

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive or harm the public with or without established proof of actual injury. In January 2020, patient allegedly received oxycodone prescription labeled as containing 180 tablets with only 80 tablets in the prescription vial.

**Alleged Violation of Law:**

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

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0133 D. Pharmacist allegedly:**

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive or harm the public with or without established proof of actual injury. In August 2019, patient allegedly received oxycodone prescription labeled as containing 180 tablets with only 80 tablets in the prescription vial.

**Alleged Violation of Law:**

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

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0136 A. Pharmacy permit holder allegedly:**

- Engaged in unprofessional or unethical conduct by not indicating prescription was partially filled for a medication synchronization program.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0136 B. Pharmacist in charge (PIC) allegedly:**

- Failed in the proper provision of pharmacy services. Patient was not informed that prescription was partially filled for a medication synchronization program.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0139 A.** Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 25 grams of tramadol powder and 34 grams of diazepam powder due to suspected employee pilferage following an audit of a 7-month period.

**Alleged Violation of Law:**

- 201 KAR 2:100 Section 1 – requirement of pharmacy to provide adequate security and control of its controlled substances and prescription legend drugs.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0139 B.** Pharmacist-in-charge (PIC) allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 25 grams of tramadol powder and 34 grams of diazepam powder due to suspected employee pilferage following an audit of a 7-month period.

**Alleged Violation of Law:**

- 201 KAR 2:205 Section 2 (3)(b) – Pharmacist-in-charge is responsible for the procurement, storage, security, and disposition of drugs.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0139 C.** 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 having first received a prescription drug order for the drug.

**Alleged Violation of Law:**

- KRS 315.121(2)(f) - selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without having first received 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0140 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional and unethical conduct by inflating the price on buprenorphine prescriptions;
- Sold a misbranded drug due to a medication error; and



- Dispensed a prescription for buprenorphine 8mg that was shorted by ten tablets.
- Engaged in unprofessional and unethical conduct by failing to have a record of the dispensing pharmacist.

Alleged Violations of Law:

- KRS 315.121 (1)(a)—unprofessional or unethical conduct
- KRS 217.065 (1)—drug misbranded if labeling is false or misleading
- KRS 218A.180 (7)—A pharmacist refilling any prescription shall record on the prescription or other equivalent record the date, the quantity, and the pharmacist's initials. The maintenance of prescription records under the federal controlled substances laws and regulations containing substantially the same information as specified in this subsection shall constitute compliance with this subsection.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0140 B.** Pharmacist in charge allegedly:

- Engaged in unprofessional and unethical conduct by inflating the price on buprenorphine prescriptions; and
- Dispensed a prescription for buprenorphine 8mg that was shorted by ten tablets.
- Engaged in unprofessional and unethical conduct by failing to have a record of the dispensing pharmacist.

Alleged Violations of Law:

- KRS 315.121 (1)(a)—unprofessional or unethical conduct
- 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
- KRS 218A.180 (7)—A pharmacist refilling any prescription shall record on the prescription or other equivalent record the date, the quantity, and the pharmacist's initials. The maintenance of prescription records under the federal controlled substances laws and regulations containing substantially the same information as specified in this subsection shall constitute compliance with this subsection.

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0140 C.** Pharmacist allegedly:

- Dispensed a prescription for buprenorphine 8mg that was shorted by ten tablets.

Alleged Violations 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0150.** Pharmacy permit holder allegedly:

- Failed to place a pharmacist in charge (PIC) of pharmacy from April 20, 2021 to June 16, 2021.
- Knowingly made or caused to be made any false statement or misrepresentation of material fact in securing renewal of a permit.

Alleged Violations of Law:

- KRS 315.020 (1) - requirement to place a pharmacist in charge of pharmacy; and
- KRS 315.121 (1)(e) – knowingly making or causing to be made any false statement or misrepresentation of material fact in securing renewal of a permit.

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0156.** Pharmacist allegedly:

- Violated her Kentucky Pharmacist Recovery Network (KYPRN) Agreement by testing positive for alcohol.

Alleged Violations of Law:

- KRS 315.010(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;
- KRS 315.010(1)(i) – Violation of any order issued by the board to comply with any applicable law or administrative regulation; and
- 201 KAR 2:250 Section 3(2) – If in the opinion of the consultant or PRNC, an impaired pharmacist or intern has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's or intern's impairment and participation in a treatment or recovery program in the consultant's possession shall be disclosed to the board. That disclosure shall constitute a complaint.

**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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

Peter Cohron seconded, and the motion passed unanimously.

**201 KAR 2:430, Emergency orders and hearings** Eden Davis presented a draft of the proposed regulations regarding emergency orders and hearings. Ms. Davis provided the Board with a possible scenario in which this would be utilized upon receipt of a complaint.

**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.

## **CORRESPONDENCE**

### **Actions:**

**Rice's Pharmacy, P07493 – Offsite Storage Request** Peter Cohron moved to approve this request for records older than two years. John Fuller seconded, and the motion passed unanimously.

**Sav-Rite Pharmacy South, P07703 – Offsite Storage Request** Peter Cohron moved to approve this request. Jonathan Van Lahr seconded, and the motion passed unanimously.

**Owensboro Family Pharmacy, P08149 – Offsite Storage Request** Peter Cohron moved to table this Agenda item at the request of Inspector Rhonda Hamilton. Jonathan Van Lahr seconded, and the motion passed unanimously.

**Kindred Hospitals Louisville – USP 797 Hazardous Drug Waiver Request** Chris Harlow moved to approve this request. Jonathan Van Lahr seconded, and the motion passed unanimously.

**Baptist Health, P05196/P08051 and TBD – Dual PIC Request** Chris Harlow moved to temporarily approve this request with an expiration of February 1, 2022. The permanent PIC must be named prior to opening of pharmacy business. Jonathan Van Lahr seconded, and the motion passed unanimously.

**Walgreens - Phone Support Proposal** Chris Harlow moved to approve this request pursuant to compliance with KRS 315.010. Peter Cohron seconded, and the motion passed unanimously with Jonathan Van Lahr abstaining. The Board requested an update in 6 months.

## **OLD BUSINESS**

**Policy and Procedures Review** The Policy and Procedures Manual updated with revised information regarding the creation of questions for the MPJE. Proposed language:

“Pursuant to the recommendations of APhA, the representatives shall consist of one Board member, one practicing pharmacist and a third member chosen from the Board, Board staff, academia, or active practice. The representatives shall serve for three years and their terms shall be staggered so that one new representative is named annually. No person who provides MPJE reviews or teaches classes in pharmacy law shall be eligible, nor shall the Board citizen-at-large member be eligible to serve. For continuity, the Executive Director and/or a pharmacist on the inspection staff will be trained and have time to assist with the outgoing MPJE representative to effectively prepare and educate the new participant on the MPJE process.”

**Action:** Chris Harlow moved to approve this revision to the Policy and Procedures Manual and instructed Larry Hadley to begin the application process for the Board member position and practicing pharmacist. To provide continuity, the remaining member will be retained from

those currently serving in that capacity. Applicants will be presented at the September meeting. Jonathan Van Lahr seconded, and the motion passed unanimously.

**USP 795/USP 825** Katie Busroe advised that nuclear pharmacies permitted by the Board are required to operate under USP 797 pursuant to 201 KAR 2:076. Upon inspection, they are marked non-compliant, but no action is taken by the Board. USP 825 allows for an altered process that USP 797 does not. Eden Davis advised that the previously approved amendment to 201 KAR 2:076 had not been filed in anticipation of additional amendments.

**Action:** Jonathan Van Lahr moved to amend 201 KAR 2:076 with the adoption of USP 825 and direct Eden Davis to file with LRC. John Fuller seconded, and the motion passed unanimously.

**Continuing Education to Professional Development** Katie Busroe presented a proposal to utilize continuous professional development in conjunction with continuing education. Peter Cohron commented that this is an important issue due to the expanding duties of pharmacists.

**Action:** This item was tabled until the September meeting. The Board directed Katie Busroe and Chris Harlow to develop details on an Ad-hoc committee to evaluate this proposal.

## **NEW BUSINESS**

**Protocols** Trish Freeman presented the following protocols to the Board with revisions.

- Acute Influenza Infection: Chemoprophylaxis Protocol revision

**Action:** Chris Harlow moved to approve this revised protocol. Jonathan Van Lahr seconded, and the motion passed unanimously.

- Acute Group A Streptococcal [GAS] Pharyngitis Infection Protocol for use during the COVID-19 [SARS-CoV-2] Pandemic

**Action:** Chris Harlow moved to approve this revised protocol. John Fuller seconded, and the motion passed unanimously.

- Acute Influenza Infection: Antiviral Therapy Protocol for use during the COVID-19 [SARS-CoV-2] Pandemic

**Action:** Chris Harlow moved to approve this revised protocol. John Fuller seconded, and the motion passed unanimously.

- Travel Health Therapies Protocol revision

**Action:** Jonathan Van Lahr moved to approve this revised protocol. Chris Harlow seconded, and the motion passed unanimously.

**Mask Mandate per Executive Order for 'healthcare facilities'** Jill Rhodes advised that the Board receives multiple questions regarding the Executive Order 2021-386 for mask wearing in a healthcare setting.

**Action:** Chris Harlow moved to direct Eden Davis draft an informational email to be sent to pharmacy personnel specifying the following:

- Recommend pharmacists and pharmacy personnel in the clinical section of the pharmacy to follow CDC mask guidelines for healthcare settings; and
- Encourage mask wearing by vaccinated pharmacists and pharmacy personnel when providing direct patient care [within six feet of patient] to include home delivery.

Peter Cohron seconded, and the motion passed unanimously.

### **CASE REVIEW RECOMMENDATIONS**

**Action:** Chris Harlow moved to accept the recommendations from the Case Review Panel, June 10, 2021.

**Case 21-0007 A Revisit.** Pharmacy permit holder allegedly:

- Aided and abetted an individual to engage in the practice of pharmacy without a license.
- Allowed pharmacy technician to change the label and contents of the prescription vial dispensed to patient without it being verified by a pharmacist.

Alleged Violations of Law:

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

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Issuance of a letter of concern. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0007 B Revisit.** Pharmacist-in-charge (PIC) allegedly:

- Aided and abetted an individual to engage in the practice of pharmacy without a license.
- Allowed pharmacy technician to change the label and contents of the prescription vial dispensed to patient without it being verified by a pharmacist.

Alleged Violations of Law:

- KRS 315.121(1)(a) – unprofessional or unethical conduct
- 201 KAR 2:205 Section 2 (3)(a) - PIC shall be responsible for quality assurance programs for pharmacy services

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0007 C Revisit.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by failing to appropriately supervise pharmacy technician.

Alleged Violation of Law:

- KRS 315.121(1)(d) – unprofessional or unethical conduct likely to deceive, defraud, or harm the public, 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, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0007 D Revisit.** Pharmacy technician allegedly:

- Engaged in the practice of pharmacy without a license.
- Changed the label and contents of the prescription vial dispensed to patient without it being verified by a pharmacist.

Alleged Violation of Law:

- KRS 315.121(1)(g) – engaging in the practice of pharmacy without a license

**CRP Recommendation: There is sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0008 A.** Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 127 Hydrocodone/APAP 10/325mg tablets, 45 Oxycodone/APAP 10/325mg mg tablets, 12 Oxycodone 5 mg tablets, and approximately 810 gabapentin for a total of approximately 994 dosage units over an audit period of 1 Month from December 6, 2020 to January 11, 2021 due to employee pilferage.

Alleged Violations of Law:

- 201 KAR 2:100 Section 1 – a pharmacy shall provide adequate security of its controlled substances and prescription legend drugs; and
- KRS 218A.200(4) – there shall be a record of all controlled substances received, sold, dispensed, administered or otherwise disposed of

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Issuance of a letter of concern and recommendation to consider more routine monitoring of controlled substances III, IV, V. Vote**

**was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0008 B.** Pharmacist in charge allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of 127 Hydrocodone/APAP 10/325mg tablets, 45 Oxycodone/APAP 10/325mg mg tablets, 12 Oxycodone 5 mg tablets, and approximately 810 gabapentin for a total of approximately 994 dosage units over an audit period of 1 Month from December 6, 2020 to January 11, 2021 due to employee pilferage.

Alleged Violation 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

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0008 C.** 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)(f) - Except as provided in KRS 315.500, selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without having first received 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 to issue a Formal Complaint and Notice of Hearing for violation of KRS 315.121(2)(f). Simultaneously file an emergency suspension of pharmacy technician registration. Simultaneously send an Agreed Order for revocation of her technician registration. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0055 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by selling a prescription to an unauthorized individual.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0055 B.** Pharmacist in charge (PIC) allegedly:

- Failed in the provision of pharmacy services by selling a prescription to an unauthorized individual.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsibility 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0079.** Pharmacist intern allegedly:

- Has a mental or physical incapacity that prevents him from assisting in the practice of pharmacy with reasonable skill, competence and safety to the public.

Alleged Violation of Law:

- KRS 315.121(1)(b) – mental or physical incapacity that prevents certificate holder from assisting in the practice of pharmacy 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 issue a Formal Complaint and Notice of Hearing. Simultaneous filing of an emergency suspension of pharmacist intern registration. Simultaneously attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested. Terms of Agreed Order include suspension of intern license until one year of documented compliance with KYPRN agreement, prohibition from registering as a pharmacy technician. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0088 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by hiring a technician that made false statements on their technician application.
- Engaged in unprofessional or unethical conducts by allowing employees to use drugs during work hours.

Alleged Violation of Law:

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

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0088 B.** Pharmacist in charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct by hiring a technician that made false statements on their technician application.



- Engaged in unprofessional or unethical conduct by allowing employees to use drugs during work hours.

Alleged Violation of Law:

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

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0088 C.** Registered Pharmacy Technician allegedly:

- Engaged in unprofessional or unethical conduct by making false statements on their technician application.

Alleged Violation of Law:

- KRS 315.121 (1)(e) – allegedly knowingly making or causing to be made any false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal of a certificate

**CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0107.** Pharmacist allegedly:

- Failed to comply with his Kentucky Pharmacist Recovery Network (KYPRN) Agreement by testing positive for unauthorized tramadol use; and
- Has a mental or physical incapacity that prevents the licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public.

Alleged Violations of Law:

- 201 KAR 2:250 Section 3(2) - If in the opinion of the consultant, an impaired pharmacist has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's impairment and participation in a treatment or recovery program in the consultant's possession shall be disclosed to the board. That disclosure shall constitute a complaint.
- KRS 315.121(1)(b) - Has a mental or physical incapacity that prevents the licensee from engaging in the practice of pharmacy 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 issue a Formal Complaint and Notice of Hearing for violation of KRS 315.121(1)(b) . Simultaneously, file an emergency suspension of pharmacist license. Simultaneously attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested. For the**

**Agreed Order, standard terms (without requiring in-patient treatment) and suspension of pharmacist license for one year with strict adherence to KYPRN agreement for that time. If pharmacist violates KYPRN agreement terms, the period of strict compliance will begin again. Completion of substance abuse evaluation at signing of Agreed Order and to follow recommendations regarding if inpatient or IOP treatment is needed. A second substance abuse evaluation to be completed by qualified healthcare provider before pharmacist seeks reinstatement of his license to ensure pharmacist is fit for practice. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0112 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 Violation of Law:

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

**CRP Recommendation: Further investigation needed. The case will be submitted to the Attorney General’s Consumer Affairs Division to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0112 B.** 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: Further investigation needed. The case will be submitted to the Attorney General’s Consumer Affairs Division to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0112 C.** 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: Further investigation needed. The case will be submitted to the Attorney General’s Consumer Affairs Division to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0115 A.** Pharmacy permit holder allegedly:

- Sold a misbranded drug by dispensing a syrup that did not match the pharmacy label description.

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 \$500 administrative fine, completion of ISMP Self-evaluation for medication errors within 6 months of signed Agreed Order and approved corrective action plan to prevent future occurrences. Inspector will review and evaluate the results from the ISMP self-evaluation and corrective action plan. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0115 B.** Pharmacist in charge (PIC) allegedly:

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

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b)- The procurement, storage, security, and disposition of drugs and 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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0115 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. Patient allegedly was dispensed a cough syrup of different color than that listed on the label.

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 sufficient evidence of a violation, however, the disposition shall be the issuance of a Letter of Reprimand. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0117 A.** Pharmacy permit holder allegedly:

- Sold a misbranded drug. Patient allegedly received two different methylphenidate ER 36 mg tablets in a single prescription vial.
- Engaged in unprofessional or unethical conduct by selling a prescription in which a nonequivalent drug product was substituted for the prescribed brand name medication.

Alleged Violations of Law:

- KRS 217.065 (1) – drug misbranded if labeling false or misleading in any particular; and
- KRS 315.121 (1)(a) – general unprofessional or unethical conduct

**CRP Recommendation: Investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0117 B.** Pharmacist in charge (PIC) allegedly:

- Failed in the proper provision of pharmacy services including procurement of drugs.

Alleged Violation of Law:

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

**CRP Recommendation: The investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0117 C.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public 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.
- Improperly selected a generic drug for substitution of a prescribed brand name medication. Patient was dispensed a generic drug coded as therapeutically inequivalent by the FDA.

Alleged Violations of Law:

- KRS 315.121 (2)(d) - unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public 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;
- KRS 217.822 (1) – pharmacist shall select lower-priced therapeutically equivalent drug when receiving a prescription for a brand name drug; and
- 201 KAR 2:116 Section 1 (1) – Board determines that drugs listed as therapeutically equivalent in the FDA Orange Book are interchangeable

**CRP Recommendation: The investigator is directed to conduct further investigation. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0118 A.** Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct for not providing a COVID-19 vaccination to a couple with Mexican passports.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**Case 21-0118 B.** Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by refusing to administer COVID-19 vaccinations to a couple with Mexican passports.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder.**

**CLOSED SESSION** Peter Cohron moved to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation on 19-0325 D, 19-0330 B, 19-0331 B, 19-0331 C, 19-0331 D, 19-0333 B and 20-0080 to include the Board, Larry Hadley, Eden Davis and Darla Sayre. Chris Harlow seconded, and the motion passed unanimously. Peter Cohron moved to come out of closed session after a discussion of 19-0325 D, 19-0330 B, 19-0331 B, 19-0331 C, 19-0331 D, 19-0333 B and 20-0080. John Fuller seconded, and the motion passed unanimously.

**Actions:**

**19-0325 D** Peter Cohron moved to issue a letter of reprimand. John Fuller seconded, and the motion passed unanimously.

**19-0330 B** John Fuller moved to dismiss this case. The case is closed without prejudice. Peter Cohron seconded, and the motion passed unanimously.

**19-0331 B** Peter Cohron moved to issue a letter of reprimand. John Fuller seconded, and the motion passed unanimously.

**19-0331 C** Peter Cohron moved to issue a letter of reprimand. John Fuller seconded, and the motion passed unanimously.

**19-0331 D** Peter Cohron moved to issue a letter of reprimand. John Fuller seconded, and the motion passed unanimously.

**19-0333 B** Peter Cohron moved to issue a letter of reprimand. John Fuller seconded, and the motion passed unanimously.

**20-0080** Chris Harlow moved to vacate the current Agreed Order and issue a letter of reprimand. John Fuller seconded, and the motion passed unanimously.

**ADJOURNMENT** Chris Harlow moved to adjourn. Peter Cohron seconded, and the motion passed unanimously. President Rhodes adjourned the meeting at 3:46 p.m.