

KENTUCKY BOARD OF PHARMACY

Kentucky Department of Transportation Auditorium

200 Mero Street, Frankfort KY

October 26, 2022

9:00 a.m.

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/87850746660?pwd=WHZ1RUJxaDJnSGo2QjVQVGp3dlVRZz09>

Meeting ID: 878 5074 6660

Passcode: 13M6c8

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 878 5074 6660

Passcode: 476881

via Zoom (maximum 100 participants)

- I. CALL TO ORDER
- II. MINUTES
 - a. August 31, 2022
- III. PUBLIC HEARING
 - a. 201 KAR 2:380
 - i. Dr. Patricia Swiney
 - ii. Jaime Terry
- IV. APPEARANCES
 - a. Cheryl Friedman, Reinstatement Request
 - b. Walgreens Central Fill #21389 (TN2863), Alternative PV2 Request
- V. INTERAGENCY
- VI. BOARD REPORTS
 - a. Executive Director
 - i. eMars Report
 - ii. Staff Update
 - iii. Pharmacy Kiosk Update
 - b. General Counsel

- i. 201 KAR 2:030, 201 KAR 2:360, and 201 KAR 2:460, Scheduling Special Called Meeting in December to Review Comments
- ii. Expungement Requests
 - 1. 19-0235
 - 2. 19-0007B
 - 3. 16-0333
 - 4. 16-0018
 - 5. 18-0231
 - 6. 19-0201

VII. COMMITTEE REPORTS

- a. Advisory Council, Mark Taylor
- b. Pharmacist Recovery Network Committee, Emily Caporal
- c. Regulation Committee, Mike Burlison
- d. Pharmacy Technician Committee, David Figg

VIII. LEGISLATION/REGULATION

- a. Regulation Status Spreadsheet

IX. CORRESPONDENCE

- a. Pharmacist Applications
 - i. Erika Cardon
 - ii. Angela Kruer
 - iii. Jared Masters
- b. Off-site Record Storage Request

X. OLD BUSINESS

- a. Centralized and Remote Processing & Telework Draft Regulations

XI. New Business

- a. Pharmacy Technician Applications
 - i. CB7063
 - ii. DC5352
 - iii. DH1688
 - iv. DW2404
 - v. MI7213
 - vi. SS9638

vii. WM7427

b. Diversity & Inclusion – Committee Appointments

XIII. Closed Session

a. Litigation Updates

ATTENTION: A portion of the meeting may be held in closed/executive session for the purpose of (1) deliberating as a judicial or quasi-judicial body regarding the final adjudication of the Board's pending cases; (2) discussing and deliberating upon open investigations, which are preliminary matters that may result in litigation being filed on behalf of the Board and include the review of information required to be conducted in privacy according to federal and state law; and (3) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. The specific statutory sections providing exemptions are: KRS 61.810(1)(c) KRS 61.878(1)(a) KRS 61.810(1)(j) KRS 61.878(1)(h) KRS 61.810(1)(f)KRS 61.810(1)(k). Following discussion and deliberation, any and all action will be taken in open/public session.

MINUTES

KENTUCKY BOARD OF PHARMACY

held at

200 Mero Street
Frankfort KY 40601

BOARD MEETING

October 26, 2022

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

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

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

MINUTES: Jonathan Van Lahr moved to accept the minutes from the August 31, 2022, meeting. John Fuller seconded, and the motion passed unanimously.

APPEARANCES

Cheryl Friedman, Reinstatement Request: Ms. Friedman explained her situation to the Board. Executive Director Harlow recommended following the lapsed renewal policy and General Counsel Davis requested that she add in 5 hours of CE that needed to be made up.

Action: John Fuller made a motion to grant Ms. Friedman reinstatement following the guidelines outlined by Executive Director Harlow. Jonathan Van Lahr seconded, and the motion passed unanimously.

Walgreens-Nicole Cover and Lorri Walmsley: Ms. Cover and Ms. Walmsley reviewed the presentation that was included in the Board packet and was also given to the Tennessee Board of Pharmacy regarding Walgreen's central fill facility located in Memphis, TN. Bobby Hoang also joined the discussion via Zoom from the Memphis facility. Walgreens is seeking approval for their alternative PV2 process at this facility which will support 15 stores in Kentucky. There will be additional facilities in Indiana and Ohio adapting this alternative PV2 process. These facilities will potentially support additional stores in Kentucky. Board members had many questions and concerns regarding this process.

Action: Jonathan Van Lahr motioned to table this decision until the November meeting to digest the information presented. Jason Belcher seconded, and the motion passed unanimously.

PUBLIC HEARING-201 KAR 2:380

Appearances: There were two appearances at the public hearing for 201 KAR 2:380. Dr. Patricia Swiney representing KAFP, and Jamie Terry representing the FBI both shared their concerns with the Board on this regulation. The Board will consider their statements.

INTERAGENCY

Ben Mudd, KPhA: Mr. Mudd shared updates from the KPhA. He spoke about the upcoming Fall Conference, confirmation from Anthem that they are accepting providers into their network, the first colorectal screening in the nation, and the KASPER webinar on November 8.

BOARD REPORTS

Executive Director: Dr. Harlow reported that he is working with the Budget Office to request an increase in allocation. Next, he updated the Board on new staff at the Board Office including, Deputy Executive Director Juliana Swiney and Administrative Assistant Lauren Halvorson. Mr. Harlow also gave an update on the kiosk request and reported that he has reached out to the DEA and OIG. He has also researched other stated and provided his findings in the Board packet. Considerations that need to be addressed were outlined including at least two other regulations that would need to be amended.

General Counsel: Eden Davis informed the Board that they need to schedule a special called meeting in December to Review the Comments on 201 KAR 2:030, 2:360, and 2:460.

Action: Peter Cohron motioned to schedule the special called meeting on December 7, 2022, at 9:00 a.m. EST. John Fuller seconded, and the motion passed unanimously.

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

Action: Jonathan Van Lahr motioned to expunge the CE violations. John Fuller seconded, and the motion passed unanimously.

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

COMMITTEE REPORTS

Advisory Council, Mark Taylor: Mr. Taylor updated the Board on the continued work the Council is doing on the topic of White, Clear, and Brown Bagging. The Council will meet on the 3rd Thursday of every month, and the next meeting is November 17, 2022.

Pharmacist Recovery Network Committee, Brian Fingerson: Mr. Fingerson reported that the Committee met on October 12, 2022, and there are currently 27 people in the program with 22 of them being known to the Board. Mr. Fingerson told the Board they committee had been working on updating the language in the contract, and the next meeting is November 16, 2022. He said it is likely to be appearances at that meeting which may result in appearances at the November 30th Board meeting.

Regulation Committee, Mike Burlison: Mr. Burlison reported there was no October meeting, but the Committee plans to meet in November.

Pharmacy Technician Committee, David Figg: Mr. Figg reiterated the 3 topics from the Board Retreat which are: 1) receive orders, 2) transfer prescriptions, and 3) CLEA wave testing. The Committee plans to meet again the week of November 14, 2022.

LEGISLATION/REGULATIONS

Regulation Status Spreadsheet: General Counsel Davis briefly went over the spreadsheet which was included in the Board packet.

CORRESPONDENCE

Pharmacist Applications: Three applicants appeared before the Board. They were Erika Cardon, Angela Kruer, and Jared Masters. They each explained their circumstances to the Board for their consideration.

Action: Jonathan Van Lahr motioned to grant Erika Cardon permission to apply for licensure in Kentucky. Meredith Figg seconded, and the motion passed unanimously.

Action: John Fuller motioned to grant Angel Kruer permission to take the MPJE for Kentucky with the condition if she becomes licensed in Kentucky, she must sign an Agreed Order that she must inform her employer(s) of her situation. Jonathan Van Lahr seconded, and the motion passed unanimously.

Action: Anthony Tagavi motioned to grant Jared Masters permission to apply for licensure in Kentucky. Jonathan Van Lahr seconded, and the motion passed unanimously.

Off-site Record Storage Request: NPS Pharmacy in Paducah submitted a request to store records off site in a secured storage facility in Nashville, TN.

Action: Anthony Tagavi motioned to grant the request. Jonathan Van Lahr seconded, and the motion passed unanimously.

OLD BUSINESS

Centralized and Remote Processing & Telework Draft Regulations: Board members discussed the draft regulations and possibly changing the title of the Centralized and Remote Processing regulation to make it clear what it pertains to.

Action: Meredith Figg motioned to not allow direct to patient shipping in the Centralized and Remote Processing regulation. Jonathan Van Lahr seconded, and the motion passed unanimously.

Action: Peter Cohron motioned to send these draft regulations to the Regulation Committee for review, and for Executive Director Harlow to provide the North Carolina regulation language to the Board and the Regulation Committee. Jonathan Van Lahr seconded, and the motion passed unanimously.

NEW BUSINESS

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

Actions:

- CB7063 – John Fuller motioned to require applicant to appear before the Board at the November 30th meeting. Jonathan Van Lahr seconded, and the motion passed unanimously.
- DC5352 – Jonathan Van Lahr motioned to approve this applicant. John Fuller seconded, and the motion passed unanimously.
- DH1688 – John Fuller motioned to approve this applicant. Anthony Tagavi seconded, and the motion passed unanimously.
- DW2404 – Anthony Tagavi motioned to require applicant to appear at the November 30th Board meeting. Meredith Fully seconded, John Fuller abstained, and the motion passed.

- MI7213 – Anthony Tagavi motioned to approve this applicant. Jonathan Van Lahr seconded, and the motion passed unanimously.
- SS9638 – Anthony Tagavi motioned to approve this applicant. Jonathan Van Lahr seconded, and the motion passed unanimously.
- WM7427 – Anthony Tagavi motioned to require applicant to appear at the November 30th Board meeting. Jonathan Van Lahr seconded, and the motion passed unanimously.

CLOSED SESSION

Action: The Board entered closed session at 12:18 p.m. Jonathan Van Lahr motioned to return to open session at 12:37 p.m. Anthony Tagavi seconded, and the motion passed unanimously.

ADJOURNMENT

Action: Jonathan Van Lahr motioned to adjourn the meeting. Anthony Tagavi seconded, and the motion passed unanimously. Meeting adjourned at 12:39 p.m.