

**KENTUCKY BOARD OF PHARMACY**

**Justice and Public Safety Building  
125 Holmes Street, 1<sup>st</sup> Floor Conference Room  
Frankfort, KY 40601**

**Join Zoom Meeting**

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**September 25, 2024**

**10:00 a.m.**

**Board Meeting Agenda**

- I. CALL TO ORDER
- II. MINUTES
- III. APPEARANCES
  - A. Reinstatement Requests
    - i. Perpich, John
    - ii. Bowles, Jeremy
  - B. Pharmacist Applicants
    - i. Conatser, Mikala (MPJE Request)
  - C. Pharmacy Technician Applicants
    - i. Barber, Branden
    - ii. Caldwell, Jalen
    - iii. Dawson, Jon
    - iv. Miles, Satira
- IV. INTERAGENCY/PROFESSIONAL ASSOCIATIONS
- V. BOARD REPORTS
  - A. Executive Director
    - a. eMARs

- b. Compounding Survey Update (Preliminary Data)
  - B. General Counsel
    - a. Expungement Request
      - i. 19-0312B
      - ii. 20-0001B
      - iii. 21-0003C
    - b. Memo on the Regulatory Use of Waivers

**VI. COMMITTEE REPORTS**

- A. KYPRN
- B. Regulation Committee
  - i. 201 KAR 2:045 Pharmacy Technician (Amendment)
- C. Diversity & Inclusion Task Force
- D. Protocol Review Committee
  - i. Self-Care Conditions Protocol: Diabetes Testing Supplies V3 (revision)
  - ii. Self-Care Conditions Protocol: Hormonal Contraception (new)
  - iii. SARS-CoV-2 Infection Protocol (new)

**VII. CORRESPONDENCE**

- A. Baptist Health Hardin Cancer Care Center (P08135), Offsite Storage Request
- B. Dual PIC Requests
  - i. Ramey, Ryan (021478); Kroger Pharmacy L-785 (P02433) & Kroger Pharmacy L-376 (P02068)
  - ii. Gandhi, Vishal (017613); Polaris Specialty Rx (CA2979) & Owl Specialty Pharmacy (pending permit)

**VIII. OLD BUSINESS**

- A. Public Comments on Proposed Regulations
  - i. Proposed Amendment 201 KAR 2:210
    - 1. CVS – Oral Comments
    - 2. Neil Medical Group – Oral and Written Comments
    - 3. Publix
    - 4. CenterWell Pharmacy
  - ii. Proposed 201 KAR 2:480
    - 1. National Association of Chain Drug Stores
    - 2. Neil Medical Group- Oral and Written Comments
    - 3. CenterWell Pharmacy
  - iii. Proposed Amendments to 201 KAR 2:370
    - 1. Agency amendment request
    - 2. CVS- Written Comments

**IX. NEW BUSINESS**

- A. Joint Statement of the Kentucky Boards of Medical Licensure, Nursing, and Pharmacy Regarding Retail IV Therapy

**X. CLOSED SESSION**

- A. 2024 CRP Modification Request 24-0060

ATTENTION: A portion of the meeting may be held in closed/executive session for the purpose of discussing and deliberating upon open investigations or the review of information required to be conducted in private according to federal and state law. The specific statutory sections authorizing closed session 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)(k). Following discussion and deliberation, any and all action will be taken in open/public session.

## MINUTES

### KENTUCKY BOARD OF PHARMACY

held at

Justice and Public Safety Cabinet

1<sup>st</sup> Floor Conference Room

125 Holmes Street

Frankfort, KY 40601

and via Zoom

### BOARD MEETING

September 25, 2024

10:00 a.m.

**Members present:** Board President Jonathan Van Lahr, Vice President Anthony Tagavi, John Fuller, Meredith Figg, Jason Belcher, and Kimberly Croley.

**Staff present:** Christopher Harlow, Executive Director; Eden Davis, General Counsel; Jessica Williams, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; Taylor Rostova, Pharmacy and Drug Inspector; Hannah Rodgers, Staff Attorney; Juliana Swiney, Deputy Executive Director; and Nikki Holiday, Executive Assistant.

**CALL TO ORDER:** President Jonathan Van Lahr called the meeting to order at 10:03 a.m.

President Jonathan Van Lahr welcomed the University of Kentucky Pharmacy students attending via Zoom.

**MINUTES:** Minutes from July 23 retreat and July 24 Board meeting.

**Action:** Kimberly Croley motioned to approve the July 23 retreat minutes. Anthony Tagavi seconded, and the motion passed unanimously.

**Action:** Anthony Tagavi motioned to approve the July 24 Board meeting minutes. Kimberly Croley seconded, and the motion passed unanimously.

### APPEARANCES

**Perpich, John; Reinstatement Request:** Mr. Perpich appeared before the Board after appearing before the September 10, 2024 meeting of the PRN Committee. The Committee recommended monitoring through August 2026, which is 5 years from his last sobriety date. Mr. Perpich will be required to submit his renewal application, renewal fee, background check, and NPDB query.

**Action:** John Fuller motioned to reinstate Mr. Perpich's pharmacist license with continued monitoring until August 21, 2026, including the terms recommended above. Kimberly Croley seconded, and the motion passed unanimously.

**Bowles, Jeremy; Reinstatement Request:** Mr. Bowles appeared before the Board for approval to take the MPJE. His license is currently in revoked status.

**Action:** Anthony Tagavi motioned to approve Mr. Bowles to take the MPJE and if he passes, he shall submit a renewal application and fee, criminal background check, and NPDB query for reinstatement. Kimberly Croley seconded, and the motion passed unanimously.

**Conatser, Mikala; MPJE Request:** Ms. Conatser has a reprimand on her Texas license.

**Action:** Anthony Tagavi motioned to approve Ms. Conatser to take the MPJE and complete the application process. Kimberly Croley seconded, and the motion passed unanimously.

**Barber, Branden; Pharmacy Technician Application:** Mr. Barber appeared before the Board for a technician registration due to a legal issue on his record. He currently works at Wedgewood Pharmacy in Georgetown. He is in shipping now but would like to move to a technician position.

**Action:** Anthony Tagavi motioned to approve Mr. Barber's application. Meredith Figg seconded, and the motion passed unanimously.

**Caldwell, Jalen; Pharmacy Technician Application:** Mr. Caldwell appeared before the Board for a technician reinstatement due to a legal issue on his record. A technician registration is required for his store management position.

**Action:** John Fuller motioned to approve the technician registration. Anthony Tagavi seconded, and the motion passed unanimously.

**Dawson, Jon; Pharmacy Technician Application:** Mr. Dawson appeared before the Board for a technician registration due to a legal issue on his record. He is currently a dietitian for Chewy. Chewy has asked him to move into the pharmacy area.

**Action:** John Fuller motioned to approve the technician registration. Jason Belcher seconded, and the motion passed unanimously.

**Miles, Satira; Pharmacy Technician Application:** Ms. Miles appeared before the Board for a technician registration due to a legal issue on her record. She currently works for Chewy and would like to move into the pharmacy area.

**Action:** Kimberly Croley motioned to approve the technician registration. Meredith Figg seconded, and the motion passed unanimously.

## **COMMITTEE REPORTS**

**KYPRN Committee:** Brian Fingerson gave the KYPRN Committee report. The Committee met on September 10, 2024. There were 2 appearances: Dr. Perpich and the other person needed some additional steps for them to be comfortable with them to be comfortable with them appearing before the Board. 22 clients are being monitored under Board order, and there are 4 that are self-reports. The next meeting is scheduled for November 12, 2024.

**Regulation Committee:** Mike Burleson gave the Regulation Committee report. The Committee met twice since the last Board meeting (July 24, 2024). He reviewed the pharmacy technician regulation that the Committee has been reviewing. There was a lot of discussion on what is considered "professional judgement," immediate and general supervision, the delegation of duties, training, transfers and new prescription orders, accountability, clarification of prescriptions, and regulatory enforcement.

**Action:** Kimberly Croley motioned to table the technician regulation until the November meeting. There was no second, and the motion was rescinded and another motion was made.

**Action:** Kimberly Croley motioned to send the technician regulation to the Advisory Council and provide them with 2 versions for review. (One with delegated tasks and one with defined tasks.) Also provide them with the 2019 technician survey and the Board's comments. Meredith Figg seconded, and the motion passed unanimously.

**Diversity & Inclusion Task Force:** The Committee is currently working on podcasts for Board approved CE.

Executive Director Harlow asked the Board to prioritize the list of things that the Advisory Council is now reviewing. They decided on the priority list below:

- 1) Pharmacy Technician regulation
- 2) Intermediary regulation
- 3) Temperature tracking/control

**Protocol Review Committee:** Juliana Swiney gave the Protocol Review Committee report, and the following actions were taken.

**Action:** Kimberly Croley motioned to let the diabetes testing supplies protocol sunset on December 31, 2025. John Fuller seconded, and the motion passed unanimously.

**Action:** Kimberly Croley motioned to approve the Self-Care Conditions Protocol - Hormonal Contraception. Jason Belcher seconded, and the motion passed unanimously.

**Action:** Kimberly Croley motioned to approve the SARS-CoV-2 Infection Protocol. Meredith Figg seconded, and the motion passed unanimously.

## **INTERAGENCY/PROFESSIONAL ASSOCIATIONS**

**KPhA:** Taylor Williams gave the KPhA update. She informed the Board and guests that the KPhA Fall Conference is coming up in Lexington.

## **BOARD REPORTS**

**Executive Director Report:** Executive Director Chris Harlow gave his report. He reviewed the eMARS financial reports which were provided to the Board in their packet. He then reviewed the preliminary raw data that has been received to date from the compounding survey. He informed the Board he would have the final data in totality at the November Board meeting. He also told the Board that the inspection staff will be hosting USP compliance update sessions via Zoom on October 25 and 29.

**General Counsel Report:** General Counsel Eden Davis gave her report which included 3 expungement requests listed below with their actions.

### **19-0312B**

**Action:** Meredith Figg motioned that this was deemed a minor offense. Kimberly Croley seconded, and the motion passed unanimously.

### **20-0001B**

**Action:** Meredith Figg motioned that this was deemed a minor offense. Kimberly Croley seconded, and the motion passed unanimously.

### **21-0003C**

**Action:** Meredith Figg motioned that this was deemed a minor offense. Kimberly Croley seconded, and the motion passed unanimously.

**Memo on the Regulatory Use of Waivers:** General Counsel Eden Davis provided a memo at the request of Vice President Tagavi regarding the regulatory use of waivers. This memo lays out parameters regarding waivers, enforcement discretion, and pilot programs.

## **CORRESPONDENCE**

**Offsite Storage Request – Baptist Health Hardin Cancer Care Center (P08135)**

**Action:** John Fuller motioned to approve the request. Kimberly Croley seconded, and the motion passed unanimously.

**Dual PIC Request:** Ramey, Ryan (021478); Kroger Pharmacy L-785 (P02433) and Kroger Pharmacy L-376 (P02068). Mr. Ramey requested 6 months. Inspector Taylor Rostova recommended approving 3 months and then come back to the Board in January if still needed.

**Action:** Kimberly Croley motioned to approve. Meredith Figg seconded, and John Fuller recused. The motion passed.

**Dual PIC Request:** Gandhi, Vishal (017613); Polaris Specialty RX (CA2979) and Owl Specialty Pharmacy (pending permit).

**Action:** Kimberly Croley motioned to approve the request until the January meeting and if still needed he may return and request an extension. Jason Belcher seconded, and the motion passed unanimously.

## **OLD BUSINESS**

### **Public Comments on Proposed Regulations**

**201 KAR 2:210:** CVS provided oral comments. Neil Medical Group provided both oral and written comments. Publix and CenterWell Pharmacy provided written comments.

**201 KAR 2:480:** National Association of Chain Drug Stores and CenterWell Pharmacy provided written comments. Neil Medical Group provided both oral and written comments.

**201 KAR 2:370 agency amendment request:** CVS provided written comments

**Action:** Anthony Tagavi motioned to adopt the agency amendment. Kimberly Croley seconded, and the motion passed unanimously.

General Counsel Eden Davis went through all the written comments and documented the Board's response to each one.

**Action:** Anthony Tagavi motioned to adopt all the responses to both oral and written comments from the Board on 201 KAR 2:210, 201 KAR 2:480, and 201 KAR 2:370. Kimberly Croley seconded, and the motion passed unanimously.

## **NEW BUSINESS**

### **Joint Statement of the Kentucky Boards of Medical Licensure, Nursing, and Pharmacy Regarding Retail IV Therapy**

**Action:** Kimberly Croley motioned to approve the joint statement. Meredith Figg seconded, and the motion passed **unanimously**.

### **CLOSED SESSION**

**Action:** Anthony Tagavi motioned to enter closed session. Kimberly Croley seconded, and the motion passed unanimously.

**Action:** Meredith Figg motioned to return to open session. Jason Belcher seconded, and the motion passed unanimously.

### **24-0060 Modification Request**

**Action:** Jason Belcher motioned to deny the modification request. Meredith Figg seconded. Kimberly Croley, Anthony Tagavi, and John Fuller recused from the discussion and abstained from the vote. Motion passed.

**NEXT MEETING:** November 20, 2024

**ADJOURNMENT – 3:19 p.m.**

**Action:** Anthony Tagavi motioned to adjourn the meeting. Meredith Figg seconded, and the motion passed unanimously.