

KENTUCKY BOARD OF PHARMACY
via teleconference

<https://us02web.zoom.us/j/85963635214?pwd=NjdjMTJ4a2pQY1dXbngrYWWhVSFlvUT09>

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+1 312 626 6799 US (Chicago)

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Case Review Panel

January 19, 2021

8:30 a.m.

Agenda

- I. Call to Order
- II. Case Review Process Overview
- III. Minutes – October 22, 2020
- IV. Review cases
- V. Adjourn

**KENTUCKY BOARD OF PHARMACY
via Zoom teleconference**

**CASE REVIEW PANEL
MINUTES**

January 19, 2021

Jill Rhodes, Vice President of the Board, called the meeting to order at 9:00 a.m. in the absence of the Board President. Present were: Jill Rhodes, Vice President of the Board; Larry Hadley, Executive Director; Eden Davis, General Counsel; Katie Busroe, Pharmacy Inspections and Investigations Supervisor; Amanda Harding, Pharmacy and Drug Inspector; Paul Daniels, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector and Darla Sayre, Executive Staff Advisor.

Amanda Harding moved to approve the communal minutes from October 22, 2020. Paul Daniels seconded, and the motion passed unanimously. Amanda Harding moved to approve the minutes concerning her cases presented at the October 22, 2020 Case Review Panel. Larry Hadley seconded, and the motion passed unanimously with Jill Rhodes abstaining. Paul Daniels moved to approve the minutes concerning his cases presented at the October 22, 2020 Case Review Panel. Larry Hadley seconded, and the motion passed unanimously with Jill Rhodes abstaining. Rhonda Hamilton moved to approve the minutes concerning her cases presented at the October 22, 2020 Case Review Panel. Larry Hadley seconded, and the motion passed unanimously with Jill Rhodes abstaining. John Romines moved to approve the minutes concerning his cases presented at the October 22, 2020 Case Review Panel. Larry Hadley seconded, and the motion passed unanimously with Jill Rhodes abstaining. Jessica Williams moved to approve the minutes concerning her cases presented at the October 22, 2020 Case Review Panel. Larry Hadley seconded, and the motion passed unanimously with Jill Rhodes abstaining. Katie Busroe moved to approve the minutes concerning her cases presented at the October 22, 2020 Case Review Panel. Larry Hadley seconded, and the motion passed unanimously with Jill Rhodes abstaining.

Amanda Harding cases – Voting members: Jill Rhodes, Larry Hadley and Amanda Harding

Amanda Harding moved for the Case Review Panel to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and individual adjudications to include Katie Busroe, Paul Daniels, Jessica Williams, Rhonda Hamilton, John Romines, Eden Davis and Darla Sayre. Jill Rhodes seconded, and the motion passed unanimously. Amanda Harding moved to come out of closed session. Jill Rhodes seconded, and the motion passed unanimously.

Case 19-0319 D Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive the public with or without established proof of actual

injury. Pharmacist allegedly was involved in the dispensing a misbranded controlled substance prescription. The prescription was labeled with the incorrect practitioner name. Alleged Violations of Law: KRS 315.121 (1)(h) and (2)(d); KRS 217.065 (11)(b); KRS 218A.180 (8). **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

19-0326 B Revisit. Pharmacist in charge allegedly failed to transmit corrected information to update the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) database after receiving a request to correct erroneous information. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive the public with or without established proof of actual injury. Pharmacist allegedly dispensed a misbranded controlled substance prescription. The prescription was labeled with the incorrect practitioner name. Alleged Violations of Law: KRS 315.121 (1)(h) and (2)(d); KRS 217.065 (11)(b); KRS 218A.180 (8). **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 additional 6 hours of continuing education on medication errors and their prevention. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0111. Pharmacist allegedly as pharmacist in charge (PIC), failed to take an accurate inventory of all controlled substances in the pharmacy's possession. Alleged Violations of Law: KRS 218A.200 (7)(a) – requirement for pharmacist to taken an inventory of all controlled substances in his possession at least every two (2) years; and 201 KAR 2:205 Section 2 (3)(e) – PIC responsibility to make or file any reports required by state or federal laws and regulations. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed with one nay vote from Amanda Harding.**

Case 20-0201 A. Pharmacy permit holder allegedly failed to provide adequate security and control of controlled substances. Pharmacy reported a loss of 673 phentermine tablets in an audit period of approximately 10 months due to employee pilferage over approximately 5 months. Alleged Violation of Law: 201 KAR 2:100 Section 1 – security and control regulation. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0201 B. Pharmacist in charge allegedly failed to provide adequate security and control of controlled substances. Pharmacy reported a loss of 673 phentermine tablets in an audit period of approximately 10 months due to employee pilferage over approximately 5 months. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3)(b) – PIC requirement to provide drug

security. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0201 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 conduct to sell or ingest a drug requiring a prescription drug order without a prescription drug 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0202 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by delaying the provision of pharmacy services. Consumer allegedly did not receive insulin when promised; and engaged in unprofessional or unethical conduct by employing a registered pharmacy technician that did not transfer a consumer phone call to a pharmacist upon request. 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 \$1,000 administrative fine, approved corrective action plan to address training issues in this area. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0202 B. Pharmacist in charge (PIC) allegedly failed in the provision of pharmacy services. Consumer's phone call was allegedly not transferred to a pharmacist when requested. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3)(b) – PIC duties and responsibilities include provision of pharmacy services. **CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and additional 6 hours of continuing education on quality assurance. Amanda Harding moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed unanimously.**

Case 20-0202 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by not speaking with a consumer when consumer requested to speak with a pharmacist. 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 additional 6 hours of continuing education on pharmacy law. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.

Case 20-0202 D. Registered pharmacy technician allegedly engaged in unprofessional or unethical conduct by failing to transfer a consumer phone call to a pharmacist upon request to speak with a pharmacist. 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.** Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.

Case 20-0203 A. Pharmacy permit holder allegedly dispensed a misbranded prescription due to a medication error. Patient allegedly received ferrous sulfate instead of bupropion HCL XL on two separate occasions. Alleged Violation of Law: KRS 217.065 (1) – Misbranded for false or misleading labeling. **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 \$1000 administrative fine, completion by PIC of the ISMP Self-Assessment for Community/Ambulatory Care and submission of Board approved corrective action plan by renewal of pharmacy permit or June 30, 2021.** Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.

Case 20-0203 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 by committing a medication error. Patient allegedly received ferrous sulfate instead of bupropion HCL XL on two separate occasions. Alleged Violation of Law: KRS 315.121 (2)(d) – Unprofessional or unethical conduct for conduct likely to harm 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 \$500 administrative fine, additional 6 hours of continuing education on medication errors and their prevention.** Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.

Case 20-0211A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct. 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.** Jill Rhodes moved to submit the

recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.

Case 20-0211B. Pharmacist in charge allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public or conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; failed to provide appropriate patient counseling; and failed in provision of pharmacy services. Alleged Violations of Law: KRS 315.121 (2)(d) – unprofessional or unethical conduct for conduct likely to deceive, defraud, or harm the public or departs from accepted standards of practice with or without proof of actual injury; 201 KAR 2:210 Section 2 (4) – elements of patient counseling including dosage form, dose, route of administration and special directions and precautions; and 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for provision of pharmacy services. **CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on medication errors and their prevention. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0211 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public or conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; and failed to perform proper prospective drug use review. Alleged Violations of Law: KRS 315.121 (2)(d) – unprofessional or unethical conduct for conduct likely to deceive, defraud, or harm the public or departs from accepted standards of practice with or without proof of actual injury; and 201 KAR 2:210 Section 4 (2) – prospective drug use shall include assessment of a patient’s drug therapy and the prescription 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 \$500 administrative fine, additional 6 hours of continuing education on medication errors and their prevention. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0213 A. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by failing to sell a prescription for the full quantity of a medication and failing to sell a prescription in a timely manner. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0213 B. Pharmacist in charge (PIC) allegedly engaged in unprofessional or unethical conduct by making false, misleading, or deceptive statements concerning the practice of pharmacy; and failed in the appropriate provision of pharmacy services. Alleged Violations of Law: KRS 315.121 (2)(a) – unprofessional or unethical to circulate false, misleading, or deceptive statements concerning the practice of pharmacy; and 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0213 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by making false, misleading, or deceptive statements concerning the practice of pharmacy. Alleged Violation of Law: KRS 315.121 (2)(a) – unprofessional or unethical to circulate false, misleading, or deceptive statements concerning the practice of pharmacy. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0216 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by not selling prescriptions in a timely manner; sold a misbranded prescription; and auxiliary directions for titrated dose dispensed with prescription included misspelling of the word days. Alleged Violations of Law: KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and KRS 217.065(1)(a) – misbranded if labeling is false or misleading in any particular. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0216 B. Pharmacist in charge (PIC) allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury. Auxiliary directions for titrated dose dispensed with prescription included misspelling of the word days; failed to conduct an appropriate prospective drug use review; and failed in the proper provision of pharmacy services. Alleged Violations of Law: KRS 315.121 (2)(d) – unprofessional or unethical conduct to engage in conduct likely to deceive public with or without established proof of actual injury; 201 KAR 2:210 Section 4 – pharmacist required to conduct a prospective drug use review prior to dispensing; and 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0216 C. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; and

failed to conduct an appropriate prospective drug use review. Alleged Violations of Law: KRS 315.121 (2)(d) – unprofessional or unethical conduct to engage in conduct that substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; and 201 KAR 2:210 Section 4 – pharmacist required to conduct a prospective drug use review prior to dispensing. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0216 D. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of actual injury. Auxiliary directions for titrated dose dispensed with prescription included misspelling of the word days; and failed to conduct an appropriate prospective drug use review. Alleged Violations of Law: KRS 315.121 (2)(d) – unprofessional or unethical conduct to engage in conduct likely to deceive public with or without established proof of actual injury; and 201 KAR 2:210 Section 4 – pharmacist required to conduct a prospective drug use review prior to dispensing. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Case 20-0226. Permit holder allegedly failed to provide written notification to the Kentucky Board of Pharmacy (Board) 15 days prior to permanent closure. Alleged Violation of Law: 201 KAR 2:106 Section 2 (1)(c) – requirement to notify Board prior to closure. **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. Jill Rhodes moved to submit the recommendation to the Board for approval. Amanda Harding seconded and the motion passed unanimously.**

Paul Daniels cases – Voting members: Jill Rhodes, Larry Hadley and Paul Daniels

Paul Daniels moved for the Case Review Panel to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and individual adjudications to include Katie Busroe, Amanda Harding, Jessica Williams, Rhonda Hamilton, John Romines, Eden Davis and Darla Sayre. Jill Rhodes seconded, and the motion passed unanimously. Paul Daniels moved to come out of closed session. Jill Rhodes seconded, and the motion passed unanimously.

Case 19-0366 A/E Revisit. Pharmacy permit holder allegedly sold adulterated drugs by dispensing non-sterile preparations compounded with expired components; sold misbranded drugs by dispensing non-sterile compounded preparations with an assigned beyond use date (BUD) past the expiration of a component; and failed to compound non-sterile preparations pursuant to United States Pharmacopeia (USP) 795. Alleged Violations of Law: KRS 217.055

(1)(a)(2); KRS 217.065 (1) and 201 KAR 2:076 Section 2 (1). E. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by verifying 25 non-sterile compounded preparations with expired components, and 15 non-sterile compounded preparation that the BUD exceeded that of the components' expiration. Alleged Violation of Law: KRS 315.121 (2)(d). **No change from previous recommendation, 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 \$10,000 administrative fine, monthly compounding reconciliation reports for one year, an additional 6 hours of compounding continuing education. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one nay vote from Larry Hadley.**

Case 19-0366 B Revisit. Pharmacist in charge (PIC) allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by verifying 95 compounded preparations with expired components and 65 compounded preparations that the BUD exceeded that of the components; failed to implement a quality assurance program in compounding services; and failed to implement quality assurance program. Alleged Violations of Law: KRS 315.121 (2)(d); 201 KAR 2:076 Section 3 and 201 KAR 2:210 Section 2 (3)(a). **No change from previous recommendation, 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, additional 6 hours of continuing education on compounding. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one nay vote from Larry Hadley.**

Case 19-0366 C Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by verifying 56 non-sterile compounded preparations with expired components, and 16 non-sterile compounded preparation that the BUD exceeded that of the components' expiration. Alleged Violation of Law: KRS 315.121 (2)(d). **No change from previous recommendation, 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 \$3,500 administrative fine, additional 6 hours of continuing education on compounding. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one nay vote from Larry Hadley.**

Case 19-0366 D Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by verifying 23 non-sterile compounded preparations with expired components,

and 19 compounded preparation that the BUD exceeded that of the components' expiration. Alleged Violation of Law: KRS 315.121 (2)(d). **No change from previous recommendation, CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$2,500 administrative fine, additional 6 hours of continuing education on compounding. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one nay vote from Larry Hadley.**

Case 19-0366 F Revisit. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, with or without established proof of harm by verifying 23 non-sterile compounded preparations with expired components, and 23 non-sterile compounded preparation that the BUD exceeded that of the components' expiration. Alleged Violation of Law: KRS 315.121 (2)(d). **No change from previous recommendation, CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$2,500 administrative fine, additional 6 hours of continuing education on compounding. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one nay vote from Larry Hadley.**

Case 20-0198 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of controlled substances due to employee pilferage. The pharmacy reported a loss of 949 dosage units of alprazolam tablets and 7,443 dosage units of various schedule II controlled substances due to employee pilferage. Alleged Violation of Law: 201 KAR 2:100 Section 1 – a pharmacy shall provide adequate security of its controlled substances and prescription legend drugs. **CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$5000 administrative fine, 12 month probation, monthly reconciliation reports during probation with an audit conducted at six months. PIC to be involved with both audit and monthly reconciliation reports. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Case 20-0198 B. Pharmacist in charge (PIC) allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of controlled substances due to employee pilferage. The pharmacy reported a loss of 949 dosage units of alprazolam tablets and 7,443 dosage units of various schedule II of controlled substances 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 sufficient evidence of a violation to warrant disciplinary action and the Executive Director is**

directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional six hours of continuing education on quality assurance or drug diversion. Must be involved with six month audit and monthly reconciliation reports. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.

Case 20-0198 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 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Case 20-0199 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of controlled substances. Pharmacy reported a bottle of 30 tablets of buprenorphine/naloxone 8-2 mg missing from the pharmacy shelf. Alleged Violation of Law: 201 KAR 2:100 Section 1 – a pharmacy shall provide adequate security 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Case 20-0199 B. Pharmacist in charge (PIC) allegedly failed to provide adequate security and control of drugs. Pharmacy reported a loss of controlled substances. Pharmacy reported a bottle of 30 tablets of buprenorphine/naloxone 8-2 mg missing from the pharmacy shelf. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Case 20-0199 C. Pharmacy technician allegedly 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. 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 insufficient evidence of a violation to warrant disciplinary action and the case is**

closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.

Case 20-0208. Pharmacy technician allegedly has a mental or physical incapacity that prevents registrant from engaging in 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 preventing registrant from safely assisting in the practice of pharmacy. **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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Case 20-0215 A. Pharmacy permit holder allegedly sold a misbranded drug by dispensing an expired medication. Patient allegedly was dispensed Cefdinir for Suspension 125 mg/5 ml bottle that was expired. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one Paul Daniels abstaining.**

Case 20-0215 B. Pharmacist in charge (PIC) allegedly failed to implement quality assurance programs for pharmacy services designed to objectively and systematically monitor care, pursue opportunities for improvement, resolve identified problems as may exist; and failed in the proper disposition of drugs and the provision of pharmacy services. Alleged Violations of Law: 201 KAR 2:205 Section 2 (3)(a)- Quality assurance programs for pharmacy services designed to objectively and systematically monitor care, pursue opportunities for improvement, resolve identified problems as may exist; and 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 sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$500 administrative fine, additional 6 hours of continuing education on quality assurance, corrective action plan regarding out dated drug product submitted within three months. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one Paul Daniels abstaining.**

Case 20-0215 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 Cefdinir for Suspension 125 mg/ 5ml bottle that was expired. 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, additional 6 hours of continuing education on medication errors and their prevention. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed with one Paul Daniels abstaining.**

Case 20-0219 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by selling a prescription to unauthorized person. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Case 20-0219 B. Pharmacist in charge (PIC) allegedly failed in the appropriate provision of pharmacy services by selling a prescription to unauthorized person. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Paul Daniels seconded and the motion passed unanimously.**

Rhonda Hamilton cases – Voting members: Jill Rhodes, Larry Hadley and Rhonda Hamilton

Rhonda Hamilton moved for the Case Review Panel to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and individual adjudications to include Katie Busroe, Amanda Harding, Jessica Williams, Paul Daniels, John Romines, Eden Davis and Darla Sayre. Jill Rhodes seconded, and the motion passed unanimously. Rhonda Hamilton moved to come out of closed session. Larry Hadley seconded, and the motion passed unanimously.

Case 19-0364 D. Pharmacist allegedly engaged in unprofessional or unethical conduct by divulging or revealing to unauthorized persons patient information by dispensing a prescription for a patient with a different patient's monograph attached. Alleged Violations of Law: KRS 315.121(2)(b) and 201 KAR 2:210 Section 3(1). **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Rhonda Hamilton moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed unanimously.**

Case 20-0104 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person(s); and engaged in fraud in connection with the practice of pharmacy by billing one patient's insurance for another patient's prescriptions. Alleged Violations of Law: KRS 315.121(1)(a)—unprofessional or unethical conduct, and KRS 315.121(1)(f)—engaging in fraud in connection with the practice of pharmacy. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Rhonda Hamilton seconded and the motion passed unanimously.**

Case 20-0104 B. Pharmacist allegedly engaged in fraud in connection with the practice of pharmacy by billing one patient's insurance for another patient's prescriptions; engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person(s); demonstrated a willful or careless disregard for the health, welfare, or safety of a patient by dispensing one patient's prescriptions to another patient; and willfully or knowingly failed to maintain complete and accurate records of all drugs dispensed by maintaining one patient profile for two different patients after the patient asked pharmacy staff to separate. Alleged Violations of Law: KRS 315.121(1)(f)—engaging in fraud in connection with the practice of pharmacy; 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; 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; and KRS 315.121(2)(g)—willfully or knowingly failing to maintain complete and accurate records of all drugs dispensed in compliance with federal and state laws, rules, or administrative regulations. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Rhonda Hamilton seconded and the motion passed unanimously.**

Case 20-0105 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person(s); and engaged in fraud in connection with the practice of pharmacy by billing one patient's insurance for another patient's prescriptions. Alleged Violations of Law: KRS 315.121(1)(a)—unprofessional or unethical conduct; and KRS 315.121(1)(f)—engaging in fraud in connection with the practice of pharmacy. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Rhonda Hamilton seconded and the motion passed unanimously.**

Case 20-0105 B. Pharmacist allegedly engaged in fraud in connection with the practice of pharmacy by billing one patient's insurance for another patient's prescriptions; engaged in unprofessional or unethical conduct by divulging or revealing patient information to an unauthorized person(s); demonstrated a willful or careless disregard for the health, welfare, or safety of a patient by dispensing one patient's prescriptions to another patient; and willfully or

knowingly failed to maintain complete and accurate records of all drugs dispensed by maintaining one patient profile for two different patients after the patient asked pharmacy staff to separate. Alleged Violations of Law: KRS 315.121(1)(f)—engaging in fraud in connection with the practice of pharmacy; 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; 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; and KRS 315.121(2)(g)—willfully or knowingly failing to maintain complete and accurate records of all drugs dispensed in compliance with federal and state laws, rules, or administrative regulations. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Rhonda Hamilton seconded and the motion passed unanimously.**

Case 20-0108 A. Pharmacy permit holder allegedly engaged in unprofessional or unethical conduct by refusing to fill a patient's prescription, thus delaying care. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Rhonda Hamilton seconded and the motion passed unanimously.**

Case 20-0108 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by refusing to fill a patient's prescription, thus delaying care. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Rhonda Hamilton seconded and the motion passed unanimously.**

John Romines cases – Voting members: Jill Rhodes, Larry Hadley and John Romines

John Romines moved for the Case Review Panel to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and individual adjudications to include Katie Busroe, Amanda Harding, Jessica Williams, Paul Daniels, Rhonda Hamilton, Eden Davis and Darla Sayre. Larry Hadley seconded, and the motion passed unanimously. John Romines moved to come out of closed session. Larry Hadley seconded, and the motion passed unanimously.

Case 20-0206 A. Pharmacy permit holder allegedly sold a misbranded drug due to medication error. Patient allegedly was dispensed a prescription for Hydrocodone/Acetaminophen 10/325

mg that contained Hydrocodone/Acetaminophen 5/325 mg tablets. Alleged Violation of Law: KRS 217.065 (1) - If its labeling is false or misleading in any particular. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Case 20-0206 B. Pharmacist allegedly engaged in unprofessional or unethical conduct by engaging in conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Patient allegedly was dispensed a prescription for Hydrocodone/Acetaminophen 10/325 mg that contained Hydrocodone/Acetaminophen 5/325 mg tablets. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Case 20-0232 A. Pharmacy permit holder allegedly closed Pharmacy for more than 5 consecutive days without notifying the Board of Pharmacy. Pharmacy was closed from December 14, 2020 to December 31, 2020. Alleged Violation of Law: 201 KAR 2:106 Section 2 (2) (a) – Failure to immediately notify the Board of Pharmacy of a deviation of business hours of 5 consecutive business days or greater. **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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Case 20-0232 B. Pharmacist in charge allegedly failed to immediately notify the Board of Pharmacy of a deviation of business hours of 5 consecutive business days or greater. Alleged Violation of Law: 201 KAR 2:205 Section 2 (3) (d) – Pharmacist in Charge is required to report to the Board of Pharmacy within 14 calendar days any change in the operating hours of the Pharmacy. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Jessica Williams cases – Voting members: Jill Rhodes, Larry Hadley and Jessica Williams

Jessica Williams moved for the Case Review Panel to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss proposed or pending litigation and individual adjudications to include Katie Busroe, Amanda Harding, John Romines, Paul Daniels, Rhonda Hamilton, Eden Davis and Darla Sayre. Jill Rhodes seconded, and the motion passed unanimously. Jessica Williams moved to come out of closed session. Larry Hadley seconded, and the motion passed unanimously.

Case 19-0299 A. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by failing to compound sterile preparations pursuant to United States Pharmacopeia (USP) Chapter 797. Pharmacy failed to put in place a program of sterility testing required for extending beyond use dates (BUDs) of ophthalmic preparations and inhalation solutions. Pharmacy failed to maintain complete and accurate compounding records of sterile preparations. Misbranded prescriptions from approximately 128 lots were dispensed with extended BUDs between 5/1/19 and 10/14/19. Alleged Violations of Law: KRS 315.121 (1)(a); 201 KAR 2:076 Section 2 (2); and KRS 217.065 (1). **No change from previous recommendation: 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, administrative fine of \$50,000 and probation for 5 years under the following terms: quarterly inspections with inspection fee not to exceed \$1,000 per inspection to be paid within 30 days of invoicing[if no sterile compounding, semi-annual inspections]; compliance with USP 797 incorporated by reference in 201 KAR 2:076, to include testing when extending beyond use date; monthly reconciliation of compounding records conducted by PIC during probation period; use of compounding sheets that are validated as accurate by PIC; specified items/vials in compounding record; documentation of ongoing quality control program and quality assurance procedures to be made available upon request. Terms do not apply if permit is closed. [Provision: if owners open or purchase another pharmacy all fines and terms in this Agreed Order must be followed.]** Jill Rhodes moved to submit the recommendation to the Board for approval. Jessica Williams seconded and the motion passed unanimously.

Case 19-0299 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 failing to compound sterile preparations pursuant to United States Pharmacopeia (USP) Chapter 797. Pharmacist verified 37 lots of misbranded ophthalmic preparations and 5 lots of misbranded inhalation solutions with beyond use dates exceeding limits for compounded sterile preparations not subject to sterility testing. Alleged Violation of Law: KRS 315.121 2(d). **No change from previous recommendation: CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$2,500 administrative fine, probation for 5 years; live CE training approved by the Board for sterile compounding completed within 6 months if working at sterile compounding facility; 5 hours of additional compounding CE per year of**

probation. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.

Case 19-0299 D. Pharmacist verified 57 lots of misbranded ophthalmic preparations and 9 lots of misbranded inhalation solutions with beyond use dates exceeding limits for compounded sterile preparations not subject to sterility testing. Alleged Violation of Law: KRS 315.121 2(d). **No change from previous recommendation: CRP Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and/or, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing. Standard terms and \$2,500 administrative fine, probation for 5 years; live CE training approved by the Board for sterile compounding completed within 6 months if working at sterile compounding facility; 5 hours of additional compounding CE per year of probation.** Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.

Case 20-0094 A. Pharmacy permit holder allegedly engaged in unethical or unprofessional conduct by failing to notify patient of a consumer level medication recall. Alleged Violation of Law: KRS 315.121 (1)(a) – unprofessional and 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, approved corrective action plan to establish procedures for drug recall submitted for Board approval prior to renewal or June 30, 2021.** Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.

Case 20-0094 B. Pharmacist in charge (PIC) allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by failing to notify patient of a consumer level medication recall. Alleged Violations of Law: KRS 315.121 (2)(d) - engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury; and 201 KAR 2:205 Section 2 (3)(a) – PIC of a pharmacy is responsible for resolving identified problems related to quality assurance.

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.

20-0094 C. Pharmacist allegedly engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by failing to notify patient of a consumer level medication recall. Alleged Violation of Law: KRS 315.121 (2)(d) - engaging in

conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily exercised by a pharmacist, with or without established proof of actual injury. **CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Case 20-0126 A. Pharmacy permit holder allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of 4 buprenorphine-naloxone 8-2mg films and 4 buprenorphine-naloxone 4-1mg films due to employee pilferage from 8/4/20 to 9/8/20. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Case 20-0126 B. Pharmacist-in-charge (PIC) allegedly failed to provide adequate security and control of drugs. The pharmacy reported the loss of 4 buprenorphine-naloxone 8-2mg films and 4 buprenorphine-naloxone 4-1mg films due to employee pilferage from 8/4/20 to 9/8/20. 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Case 20-0126 C. Pharmacist allegedly 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 Violation of Law: KRS 315.121 (1)(b) - 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 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 six month revocation with a KYPRN monitoring agreement. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed unanimously.**

Katie Busroe moved to table Case 19-0365 until the next meeting due to a conflict of interest. Larry Hadley seconded, and the motion passed unanimously.

Katie Busroe moved to adjourn. Amanda Harding seconded, and the motion passed unanimously. Jill Rhodes adjourned the meeting at 4:36 p.m.