

KENTUCKY BOARD OF PHARMACY
via teleconference

<https://us02web.zoom.us/j/89655826433?pwd=NGpyRFI1L1VVeC9ydGlyQ0VxVklRQT09>

Meeting ID: 896 5582 6433 Passcode: 0Bx4Ca

Dial by your location

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

Meeting ID: 896 5582 6433 Passcode: 724288

Case Review Panel

July 20, 2021

9:00 a.m.

Agenda

I. Call to Order

II. Minutes

III. Cases:

- 18-0364
- 19-0105 B Revisit
- 20-0075 A and B
- 20-0101 Revisit
- 20-0112 B and E Revisit
- 20-0116 A and B Revisit
- 20-0124 A, B and C
- 20-0125 A and B
- 20-0127 A and B
- 20-0207 A and B
- 20-0214 A, B and C
- 20-0218 A, B and C
- 20-0231 A, B, C, D, E, F and G
- 21-0011 A, B, C, D and E
- 21-0036 A, B and C
- 21-0050 A and B
- 21-0051 A and B
- 21-0065 A and B
- 21-0074 A, B and C
- 21-0077 A and B
- 21-0081 A, B and C
- 21-0083 A and B
- 21-0087 A and B
- 21-0108 A and B
- 21-0113 A and B
- 21-0117 A, B and C Revisit
- 21-0123 A and B
- 21-0128 A and B
- 21-0129 A and B
- 21-0130 A, B and C
- 21-0132 A, B and C
- 21-0133 A, B, C and D
- 21-0136 A and B
- 21-0139 A, B and C
- 21-0140 A, B and C
- 21-0150
- 21-0156

IV. Adjourn

ATTENTION: A portion of the meeting may be held in closed/executive session for the purpose of 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 (under Agenda Items III). 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)(k). Following discussion and deliberation, any and all action will be taken in open/public session.

KENTUCKY BOARD OF PHARMACY
via Zoom teleconference

CASE REVIEW PANEL
MINUTES

July 20, 2021

Jill Rhodes, President of the Board, called the meeting to order at 9:02 a.m. Present were: Jill Rhodes, 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; Jessica Williams, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector; Darla Sayre, Executive Staff Advisor and Kaci Christopher, Law Clerk.

Larry Hadley moved to approve the minutes of the June 10, 2021 meeting. Jill Rhodes seconded, and the motion passed unanimously.

Larry Hadley moved for the Case Review Panel to go into closed session to include investigating inspectors, Eden Davis, Darla Sayre and Kaci Christopher for the purpose of reviewing, discussing and deliberating upon open investigations[18-0364, 19-0105, 20-0075, 20-0101, 20-0112, 20-0116, 20-0124, 20-0125, 20-0127, 20-0207, 20-0214, 20-0218, 20-0231, 21-0011, 21-0036, 21-0050, 21-0051, 21-0065, 21-0074, 21-0077, 21-0081, 21-0083, 21-0087, 21-0108, 21-0113, 21-0117, 21-0123, 21-0128, 21-0129, 21-0130 , 21-0132 , 21-0133, 21-0136, 21-0139, 21-0140, 21-0150 and 21-0156] all of which are matters that may result in litigation being filed on behalf of the Board and/or require the review of information deemed confidential in accordance with state and federal law. The deliberations require the panel members to review and discuss information compiled in the course of the Board's work to detect and investigate statutory and regulatory violations (the premature release of which may harm the Board's ability to carry out its administrative adjudication or prospective law enforcement functions, if an investigation remains open and final action is not taken in this meeting) and to determine whether to initiate litigation on behalf of the Board against individual licensees, permit holders or registrants. The statutory sections providing authorizing executive session are KRS 61.810(c)(j) and (k) and KRS 61.878(1)(a) and (1)(h). Jill Rhodes seconded, and the motion passed unanimously. Larry Hadley moved to come out of closed session. Jill Rhodes seconded, and the motion passed unanimously.

CASE 18-0364 Revisit. 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. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded, and the motion passed unanimously with the Katie Busroe abstaining from the vote to limit their role to that of a factfinder.

19-105 B Revisit CASE ORIGINALLY PRESENTED: September of 2019 and Revisited December of 2019.

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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams abstaining from the vote to limit their role to that of a factfinder.

CASE 20-0101 Revisit CASE ORIGINALLY PRESENTED: October 22, 2020

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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams abstaining from the vote to limit their role to that of a factfinder.

CASE 20-0112 B Revisit CASE ORIGINALLY PRESENTED: October 22, 2020

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. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded, and the motion passed unanimously with Amanda Harding abstaining from the vote to limit their role to that of a factfinder.

CASE 20-0112 E Revisit CASE ORIGINALLY PRESENTED: October 22, 2020

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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the

recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation

to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the

recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the

recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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 3rd 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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 3rd 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with John Romines 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. Jill Rhodes moved to submit the

recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with John Romines 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with John Romines 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with John Romines 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed

unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Jessica Williams 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Rhonda Hamilton 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Amanda Harding 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded, and the motion passed unanimously with Katie Busroe abstaining from the vote to limit their role to that of a factfinder.

Larry Hadley moved to adjourn. Jill Rhodes seconded, and the motion passed unanimously. Jill Rhodes adjourned the meeting at 2:05 p.m.