

KENTUCKY BOARD OF PHARMACY
via teleconference

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Meeting ID: 844 8085 3557 Passcode: 0LnGrZ

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Meeting ID: 844 8085 3557 Passcode: 410443

Case Review Panel

March 23, 2021

9:00 a.m.

Agenda

- I. Call to Order
- II. Minutes
- III. Review cases
 - (a) Katie Busroe
 - (b) Amanda Harding
 - (c) Paul Daniels
 - (d) Jessica Williams
 - (e) Rhonda Hamilton
- 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

March 23, 2021

Jill Rhodes, President of the Board, called the meeting to order at 9:01 a.m. Present were: Jill Rhodes, President of the Board; Peter Cohron, 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 and Darla Sayre, Executive Staff Advisor.

Larry Hadley moved to approve the minutes of the February 16, 2021 meeting. Jill Rhodes seconded, and the motion passed unanimously.

Katie Busroe cases – Voting members: Jill Rhodes, Larry Hadley and Katie Busroe

Larry Hadley 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 Amanda Harding, Paul Daniels, Jessica Williams, Rhonda Hamilton, Eden Davis and Darla Sayre. 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 21-0076. Non-resident wholesale distributor:

- Entered into a Settlement Agreement of \$325,000 and a Memorandum of Agreement with the Drug Enforcement Administration (DEA) for failure to adequately maintain controlled substance records.

Alleged Violation of Law:

- KRS 315.121(1)(c)2 – being convicted of a violation of drug laws of the federal government.

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 probation while under MOU and settlement agreement with DEA for period of three years unless DEA agrees in writing to terminate the agreement earlier. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0205 E Revisit. Non-resident PIC on a pending non-resident pharmacy permit application, allegedly:

- Engaged in unprofessional or unethical conduct by engaging in the wholesale distribution of prescription drugs.
- PIC of pharmacy permit holder applicant allegedly sold prescription drugs to a wholesale distributor located in Kentucky 10 times in 2020.

Alleged Violations of Law:

- KRS 315.121(1)(a) – unprofessional or unethical conduct by engaging in the wholesale distribution of drugs as a pharmacy
- 201 KAR 2:205 Section 2(3)(b) – the pharmacist-in-charge (PIC) 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. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

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

Larry Hadley 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, Eden Davis and Darla Sayre. 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 19-0326 B Revisit New information received by General Counsel from Brian Good and Yogesh Salvi.

Case 19-0326 B.

CASE PRESENTED: MARCH 3, 2020

VIOLATION OF LAW: KRS 315.121(1)(H) AND (2)(D), KRS 217.065(11)(B)-MISBRANDING

DISCIPLINE: 6 CE HOURS (3 ON PHARMACY LAW AND 3 ON MEDICATION ERRORS)

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. No change in previously recommendation of standard terms and additional 3 hours of continuing education on medication errors and their prevention, additional 3 hours of continuing education on pharmacy law. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0116 A. 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 developed and the investigator is directed to conduct further investigation.

- **Information about company policy on training of technicians on how to handle inbound calls to technicians and escalation to pharmacists based on acuity.**
- **Policy on handling problematic prescriptions/exceptions to queue.**

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

Case 20-0116 B. 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 Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for the provision of pharmacy services.

CRP Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

- **Information about company policy on training of technicians on how to handle inbound calls to technicians and escalation to pharmacists based on acuity.**
- **Policy on handling problematic prescriptions/exceptions to queue.**

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

Case 20-0220 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by not contacting a patient's prescriber for refill requests as stated in the automated telephone refill request system.
- Engaged in unprofessional or unethical conduct by not providing a patient with an emergency refill of insulin therapy.

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

Case 20-0220 B. Pharmacist in charge allegedly:

- Failed in the proper provision of pharmacy services. Patient's prescriber was allegedly not contacted for a refill request in a timely manner after patient requested refill in the pharmacy's automated telephone system.
- Failed in the proper provision of pharmacy services. Patient was not dispensed an emergency refill of insulin therapy.
- Engaged in unprofessional or unethical conduct by engaging in conduct that substantially departs from accepted standards of pharmacy practice with or without established proof of actual injury. Patient was not dispensed an emergency supply of insulin.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and
- 201 KAR 2:205 Section 2 (3)(b) – pharmacist in charge 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 pharmacy law. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0228 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to sell prescriptions as a 30-day supply as requested by patient and for failing to sell prescriptions with a non-child safety cap as requested by the patient.

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

Case 20-0228 B. Pharmacist in charge (PIC) allegedly:

- Failed in the proper provision of pharmacy services. Patient was dispensed 90-day supplies of prescriptions when 30-day supplies were requested. Patient was dispensed prescriptions in child safety caps when non-child safety caps were requested.

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

Case 20-0228 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or harm the public, or engaging in conduct which substantially departs from accepted standards of pharmacy practice with or without established proof of actual injury. Pharmacist dispensed 90-day supplies of prescriptions in child safety caps when patient requested 30-day supplies and non-child safety caps.
- 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 deceive, defraud, or harm the public, or engaging in conduct which substantially departs from accepted standards of pharmacy practice with or without established proof of actual injury; and
- 201 KAR 2:210 Section 4 – Requirement for a prospective drug use review.

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

Case 21-0003 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by failing to maintain sanitary conditions for the storage and dispensing of drugs.

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

Case 21-0003 B. Pharmacist in charge (PIC) allegedly:

- Failed in the responsibility for the proper provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(d) – 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 21-0003 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by engaging in conduct likely to 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. Pharmacist allegedly poured the complainant's prescription medication into bare hand as part of verification process.

Alleged Violation of Law:

- KRS 315.121 (2)(d) - Unprofessional or unethical conduct for conduct likely to harm public or substantially departs from standard practice 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. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 21-0013 A. Pharmacy permit holder allegedly:

- Failed to have proper recordkeeping of prescriptions dropped off by a patient. Pharmacy allegedly had no record of a hydroxychloroquine prescription dropped off in November 2020 and requested to be put on hold.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and
- 201 KAR 2:210 Section 1 – Requirement for patient record system.

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

Case 21-0013 B. Pharmacist in charge (PIC) allegedly:

- Failed to maintain proper records. Pharmacy allegedly had no record of a hydroxychloroquine prescription dropped off in November 2020 and requested to be put on hold.

Alleged Violation of Law:

- 201 KAR 2:210 Section 1 (1)(b) – pharmacist responsibility to establish procedure for obtaining, recording, and maintaining information required for a patient record.

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

Case 21-0014 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by not selling filled prescriptions to the patient.

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

Case 21-0014 B. Pharmacist in charge allegedly:

- Engaged in unprofessional or unethical conduct by refusing to sell prescriptions to the patient.

Alleged Violations of Law:

- KRS 315.121 (1)(a) – general unprofessional or unethical conduct; and
- KRS 315.121 (2)(d) – unprofessional or unethical conduct by engaging in conduct likely to deceive, defraud, or 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

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

Larry Hadley 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, Eden Davis and Darla Sayre. 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 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 Violations 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. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0222 A. Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of controlled substances due to possible employee pilferage. Pharmacy reported a loss of 274 ml of promethazine-codeine cough syrup and 31 tablets of alprazolam 2 mg.

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. Vote was unanimous with the investigator abstaining from the vote to limit their role to that of a factfinder. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0222 B. Pharmacist in charge allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported a loss of controlled substances due to possible employee pilferage. Pharmacy reported a loss of 274 ml of Promethazine with Codeine cough syrup and 31 tablets of alprazolam 2 mg.

Alleged Violation of Law:

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

CRP Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Vote was unanimous with the investigator

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

Case 20-0222 C. Unregistered 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 insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. A letter of warning to be issued with dismissal letter. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0224 A. Pharmacy permit holder employed a pharmacist that allegedly:

- Engaged in unprofessional or unethical conduct by violating patient confidentiality.

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

Case 20-0224 B. Pharmacy-in-charge (PIC) allegedly:

- Engaged in unprofessional or unethical conduct by violating patient confidentiality.

Alleged Violation of Law:

- KRS 315.121 (2) (b) – revealing to unauthorized persons patient information.

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

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

Larry Hadley 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, Eden Davis and Darla Sayre. Jill Rhodes seconded, and the motion passed unanimously. Jill Rhodes moved to come out of closed session. Larry Hadley seconded, and the motion passed unanimously.

Case 20-0120 A. Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 2 acetaminophen-codeine (apap-cod) #3 tabs, 2 dextroamphetamine-amphetamine 30mg tabs, 59 carisoprodol 350mg tabs, 5 lorazepam 1mg tabs, 41 lorazepam 2mg tabs, 5 oxycodone 15mg tabs, 6 oxycodone 20mg tabs, 30 oxycodone 30mg tabs, 6 oxycodone 5mg tabs, 4 phentermine 37.5mg caps, and 3 phentermine 37.5mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 B. Pharmacist-in-charge (PIC) allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 2 acetaminophen-codeine (apap-cod) #3 tabs, 2 dextroamphetamine-amphetamine 30mg tabs, 59 carisoprodol 350mg tabs, 5 lorazepam 1mg tabs, 41 lorazepam 2mg tabs, 5 oxycodone 15mg tabs, 6 oxycodone 20mg tabs, 30 oxycodone 30mg tabs, 6 oxycodone 5mg tabs, 4 phentermine 37.5mg caps, and 3 phentermine 37.5mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 C. Pharmacy permit holder allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 12 carisoprodol 350mg tabs, 38 oxycodone 15mg tabs, 18 oxycodone 30mg tabs, 10 oxycodone 10mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 D. PIC allegedly:

- Failed to provide adequate security and control of drugs. Pharmacy reported the loss of 12 carisoprodol 350mg tabs, 38 oxycodone 15mg tabs, 18 oxycodone 30mg tabs, 10 oxycodone 10mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 E. Pharmacy permit holder allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 77 lorazepam 1mg tabs, 9 oxycodone 10mg tabs, 26 oxycodone 30mg tabs, 10 oxycodone 20mg tabs, and 31 oxycodone-acetaminophen (oxy-apap) 10-325mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 F. PIC allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 77 lorazepam 1mg tabs, 9 oxycodone 10mg tabs, 26 oxycodone 30mg tabs, 10 oxycodone 20mg tabs, and 31 oxycodone-acetaminophen (oxy-apap) 10-325mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 G. Pharmacy permit holder allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 14 oxycodone 20mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 H. PIC allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 14 oxycodone 20mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 I. Pharmacy permit holder allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 6 oxy-apap 10-325mg tabs, 8 apap-cod #3 tabs, 21 lorazepam 2mg tabs, 15 oxycodone 20mg tabs, 15 oxycodone 5mg tabs, 20 oxycodone 10mg tabs, 1 oxycodone 15mg tabs, 10 oxycodone 30mg tabs, 1 phentermine 37.5mg caps, and 2 phentermine 37.5mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 J. PIC allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 6 oxy-apap 10-325mg tabs, 8 apap-cod #3 tabs, 21 lorazepam 2mg tabs, 15 oxycodone 20mg tabs, 15 oxycodone 5mg tabs, 20 oxycodone 10mg tabs, 1 oxycodone 15mg tabs, 10 oxycodone 30mg tabs, 1 phentermine 37.5mg caps, and 2 phentermine 37.5mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 K. Pharmacy permit holder allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 10 oxy-apap 10-325mg tabs, 1 apap-cod #3 tabs, 1 lorazepam 2mg tabs, 1 oxycodone 5mg tabs, 16 oxycodone 15mg tabs, 15 oxycodone 20mg tabs, 20 oxycodone 30mg tabs, and 1 phentermine 37.5mg caps due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 L. PIC allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 10 oxy-apap 10-325mg tabs, 1 apap-cod #3 tabs, 1 lorazepam 2mg tabs, 1 oxycodone 5mg tabs, 16 oxycodone 15mg tabs, 15 oxycodone 20mg tabs, 20 oxycodone 30mg tabs,

and 1 phentermine 37.5mg caps due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 M. Pharmacy permit holder allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 13 oxy-apap 10-325mg tabs, 655 apap-cod #3 tabs, 7 dextroamphetamine-amphetamine 30mg tabs, 106 carisoprodol 350mg tabs, 58 lorazepam 2mg tabs, 29 oxycodone 15mg tabs, 16 oxycodone 20mg tabs, 24 phentermine 37.5mg caps, 55 expired oxycodone 30mg tabs, 9 expired oxycodone 10mg tabs, 3 expired OxyContin 30mg tabs, and 14 expired OxyContin 40mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 N. PIC allegedly:

- Failed to provide adequate security of drugs. Pharmacy reported the loss of 13 oxy-apap 10-325mg tabs, 655 apap-cod #3 tabs, 7 dextroamphetamine-amphetamine 30mg tabs, 106 carisoprodol 350mg tabs, 58 lorazepam 2mg tabs, 29 oxycodone 15mg tabs, 16 oxycodone 20mg tabs, 24 phentermine 37.5mg caps, 55 expired oxycodone 30mg tabs, 9 expired oxycodone 10mg tabs, 3 expired OxyContin 30mg tabs, and 14 expired OxyContin 40mg tabs due to suspected employee pilferage over the course of approximately 2.5 months.

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 sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0120 O. 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.
- 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 Violations 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.
- 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. Temporary suspension of license per KRS 315.131(6) and to send complaint to Attorney General's office to set for hearing with resolution of revocation for five years and a day. If licensee is willing to enter into settlement of an agreed order of suspension for impaired pharmacist which includes signed KYPRN agreement, six months of documented sobriety/90 days of NA/AA, and standard terms for reinstatement. Jill Rhodes moved to submit the recommendation to the Board for approval. Larry Hadley seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0209 A. Pharmacy permit holder allegedly:

- Sold a misbranded drug due to a medication error. Patient allegedly received 90 oxycodone tablets instead of the labeled quantity of 120 tablets.

Alleged Violation of Law:

- KRS 217.065 (1) – a drug is deemed misbranded when 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0209 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Patient allegedly received 90 oxycodone tablets instead of the labeled quantity of 120 tablets.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b) – PIC shall be 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. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0209 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacist allegedly dispensed a prescription vial containing 90 oxycodone tablets instead of the labeled quantity of 120 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, with or without established proof of actual injury.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Larry Hadley moved to submit the recommendation to the Board for approval. Jill Rhodes seconded and the motion passed with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0210 A. Pharmacy permit holder allegedly:

- Sold a misbranded drug due to a medication error. Patient allegedly received 30 alprazolam 2mg tablets instead of the labeled quantity of 60 tablets.

Alleged Violation of Law:

- KRS 217.065 (1) – a drug is deemed misbranded when 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0210 B. Pharmacist-in-charge (PIC) allegedly:

- Failed in the provision of pharmacy services. Patient allegedly received 30 alprazolam 2mg tablets instead of the labeled quantity of 60 tablets.

Alleged Violation of Law:

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

Case 20-0210 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct likely to harm the public with or without established proof of actual injury by committing a medication error. Pharmacist allegedly dispensed a prescription vial containing 30 alprazolam 2mg tablets instead of the labeled quantity of 60 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, 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 21-0007 A. Pharmacy permit holder allegedly:

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

Alleged Violations of Law:

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

CRP Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

- Gather policy and procedures as they relate to 201 KAR 2:100 for maintaining appropriate security and access controls and any changes that have been made.

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

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

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

Alleged Violations of Law:

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

CRP Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

- **Gather policy and procedures as they relate to 201 KAR 2:100 for maintaining appropriate security and access controls and any changes that have been made.**

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

Case 21-0007 C. Pharmacist allegedly:

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

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 developed and the investigator is directed to conduct further investigation.

- **Gather policy and procedures as they relate to 201 KAR 2:100 for maintaining appropriate security and access controls and any changes that have been made.**

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

Case 21-0007 D. Pharmacy technician allegedly:

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

Alleged Violation of Law:

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

CRP Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

- **Gather policy and procedures as they relate to 201 KAR 2:100 for maintaining appropriate security and access controls and any changes that have been made.**

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

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

Case 20-0229 A. Pharmacy permit holder allegedly:

- Sold a misbranded drug due to a medication error.
- Sold a prescription for tramadol with the label reflecting no refills when the prescriber had authorized three refills.
- Sold a prescription for acetaminophen with codeine 300mg/30mg with the label reflecting no refills when the prescriber had authorized three refills.

Alleged Violation of Law:

- KRS 217.065 (1)—drug misbranded if 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0229 B. Pharmacist in charge allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b)— the pharmacist in charge shall be 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0229 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.
- Dispensed a prescription for acetaminophen with codeine 300mg/30mg with the label reflecting no refills when the prescriber had authorized three refills.

- Transferred both prescriptions incorrectly.

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 of a violation, however, the penalty 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0229 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.
- Dispensed a prescription for tramadol with the label reflecting no refills when the prescriber had authorized three refills.

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 of a violation, however, the penalty 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 20-0230 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by selling a prescription to unauthorized person.
- Delivered a controlled substance prescription to the wrong motel room.

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

Case 20-0230 B. Pharmacist allegedly:

- Failed in the appropriate provision of pharmacy services by selling a prescription to unauthorized person.
- Had a controlled substance prescription delivered to the wrong motel room.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b)—the pharmacist in charge shall be 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 21-0053 A. Pharmacy permit holder allegedly:

- Engaged in unprofessional or unethical conduct by telling a patient that a prescription had not been received from a prescriber's office when it had.
- Sold a prescription with a "do not fill until" date earlier than the prescriber allowed.

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

Case 21-0053 B. Pharmacist in charge allegedly:

- Failed in the provision of pharmacy services.

Alleged Violation of Law:

- 201 KAR 2:205 Section 2 (3)(b)—the pharmacist in charge shall be 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 with the investigator abstaining from the vote to limit their role to that of a factfinder.

Case 21-0053 C. Pharmacist allegedly:

- Engaged in unprofessional or unethical conduct by telling a patient that a prescription had not been received from a prescriber's office when it had.
- Dispensed a prescription with a "do not fill until" date earlier than the prescriber allowed.

Alleged Violations of Law:

- 21 CFR 1306.14 (e)—where a prescription that has been prepared in accordance with section [1306.12](#) (b) contains instructions from the prescribing practitioner indicating that the prescription shall not be filled until a certain date, no pharmacist may fill the prescription before that date.
- KRS 315.121 (2)(d)—engaging in conduct likely to deceive, defraud, or harm the public and engaging in conduct which substantially departs from accepted standards of pharmacy practice ordinarily practiced by pharmacists, with or without established proof of actual injury.

- KRS 315.121 (2)(j)—failing to exercise appropriate professional judgement in determining whether a prescription drug order is lawful.

CRP Recommendation: There is sufficient evidence of a violation, however, the penalty 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 with the investigator 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 1:38 p.m.