

KENTUCKY BOARD OF PHARMACY

via teleconference

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Meeting ID: 853 4570 1419      Passcode: s9e78N

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Meeting ID: 853 4570 1419      Passcode: 766237

Case Review Panel

July 20, 2022

9:00 a.m.

**Agenda**

- I. Minutes – June 8, 2022
- II. Extension Requests: 21-0277, 21-0278, 22-0001, 22-0003, 22-0009, 22-0089, 22-0090, 22-0094, 22-0098, 22-0146
- III. Cases:
  - 21-0201 A and B
  - 21-0246 C
  - 21-0268 A, B and C
  - 22-0002
  - 22-0011 A and B
  - 22-0018 A, B and C
  - 22-0024
  - 22-0032
  - 22-0033
  - 22-0034
  - 22-0035
  - 22-0036
  - 22-0037
  - 22-0038 A, B and C
  - 22-0041 A, B and C
  - 22-0044 A and B
  - 22-0045
  - 22-0046
  - 22-0053 A and B
  - 22-0056 A, B, C, D, E, F, G and H
  - 22-0057 A, B and C
  - 22-0059 A, B, C, D, E, F and G
  - 22-0064 A and B
  - 22-0075 A, B and C
  - 22-0077 A and B
  - 22-0078 A and B
  - 22-0081 A and B
  - 22-0082 A and B
  - 22-0093 A and B
  - 22-0099 A and B
  - 22-0103 A, B, C and D
  - 22-0105 A and B
  - 22-0108 A, B and C
  - 22-0110
  - 22-0112 A and B
  - 22-0114 A, B and C
  - 22-0120 A and B
  - 22-0123 A and B
  - 22-0125
  - 22-0128
- 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, 2022**

Peter Cohron, Chairperson called the meeting to order at 9:01 a.m. Present were: Jonathan Van Lahr, Peter Cohron; Anthony Tagavi; Chris Harlow, Executive Director; Eden Davis, General Counsel; Amanda Montgomery, Law Clerk; Paula Hurst, Administrative Assistant; Amanda Harding, Pharmacy and Drug Inspector; Paul Daniels, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; John Romines, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; Ryan Montgomery, Pharmacist Intern and Darla Sayre, Executive Staff Advisor.

Jonathan Van Lahr moved to approve the minutes of June 8, 2022 as amended. Peter Cohron seconded, and the motion passed unanimously.

Jonathan Van Lahr moved for the Case Review Panel to go into closed session to include investigating inspectors, Eden Davis, Amanda Montgomery, Ryan Montgomery, Paula Hurst and Darla Sayre for the purpose of reviewing, discussing and deliberating upon open investigations [21-0277; 21-0278; 22-0001; 22-0003; 22-0009; 22-0089; 22-0090; 22-0094; 22-0098; 22-0146; 21-0201 A and B; 21-0246 C; 21-0268 A, B and C; 22-0002; 22-0011 A and B; 22-0018 A, B and C; 22-0024; 22-0032; 22-0033; 22-0034; 22-0035; 22-0036; 22-0037; 22-0038 A, B and C; 22-0041 A, B and C; 22-0044 A and B; 22-0045; 22-0046; 22-0053 A and B; 22-0056 A, B, C, D, E, F, G and H; 22-0057 A, B and C; 22-0059 A, B, C, D, E, F and G; 22-0064 A and B; 22-0075 A, B and C; 22-0077 A and B; 22-0078 A and B; 22-0081 A and B; 22-0082 A and B; 22-0093 A and B; 22-0099 A and B; 22-0103 A, B, C and D; 22-0105 A and B; 22-0108 A, B and C; 22-0110 A and B; 22-0112 A and B; 22-0114 A, B and C; 22-0120 A and B; 22-0123 A and B; 22-0125 and 22-0128] 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). Peter Cohron seconded, and the motion passed unanimously. Jonathan Van Lahr moved to come out of closed session. Peter Cohron seconded, and the motion passed unanimously.

Peter Cohron moved to extend the resolution of the following cases for up to 120 days: 21-0277; 21-0278; 22-0001; 22-0003; 22-0009; 22-0089; 22-0090; 22-0094; 22-0098 and 22-0146. Anthony Tagavi seconded, and the motion passed unanimously.

#### **21-0201 A**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.
- 201 KAR 2:076 Section 2 (1) – All nonsterile compounded preparations shall be compounded pursuant to United States Pharmacopeia (USP) 795, unless specified portions submitted by a pharmacist have been waived by the board.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **21-0201 B**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 201 KAR 2:076 Section 2 (1) – All nonsterile compounded preparations shall be compounded pursuant to United States Pharmacopeia (USP) 795, unless specified portions submitted by a pharmacist have been waived by the board.
- 201 KAR 2:076 Section 3 (2) – The PIC shall be responsible for the: purchasing, storage, compounding, repackaging, dispensing, distribution of all drugs and preparations, development and continuing review of all policies and procedures, training manuals, quality assurance programs, and participation in those aspects of the facility's patient care evaluation program relating to pharmaceutical material utilization and effectiveness.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **21-0246 C**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (2)(f): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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;

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

#### **21-0268 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.
- 201 KAR 2:210 Section 3 – Confidentiality
  - 1) A patient record shall be held in confidence.
  - 2) It shall be communicated or released: (a) To the patient; (b) As the patient directs; or (c) As prudent, professional discretion dictates.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation to obtain information on the staffing and prescription volume on the date of occurrence. Anthony Tagavi seconded, and the motion passed unanimously.

#### **21-0268 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** 201 KAR 2:205 Section 2 (3)(b) – The pharmacist-in-charge shall be responsible for: The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation to obtain information on the staffing and prescription volume on the date of occurrence. Anthony Tagavi seconded, and the motion passed unanimously.

#### **21-0268 C**

**Violation(s) of Law Imputed from Factual Allegation(s):** • KRS 315.121 (2)(b) – Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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. In addition to members, inspectors, or agents of the board, the following are considered authorized persons:

1. The patient, patient’s agent, or another pharmacist acting on behalf of the patient;
2. Certified or licensed health-care personnel who are responsible for care of the patient;

3. Designated agents of the Cabinet for Health and Family Services for the purposes of enforcing the provisions of KRS Chapter 218A;
4. Any federal, state, or municipal officer whose duty is to enforce the laws of this state or the United States relating to drugs and who is engaged in a specific investigation involving a designated person; or
5. An agency of government charged with the responsibility of providing medical care for the patient, upon written request by an authorized representative of the agency requesting such information.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence of a violation, however, the penalty shall be the issuance of a Letter of Reprimand. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0002**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.
  - KRS 217.075 (1)(a) - No person shall sell, deliver, offer for sale, hold for sale, or give away any new drug unless: (a) An application with respect thereto has become effective under the federal act.
  - 42 USC 262(a)(1)(A) – Regulation of biological products (a) Biologics license (1) No person shall introduce or deliver for introduction into interstate commerce any biological product unless (A) a biologics license under this subsection or subsection (k) is in effect for the biological product,
  - 21 USC 353a(b)(1)(A)(i)(I)(II) and (III) – Pharmacy Compounding. Compounded drug. Licensed pharmacist and licensed physician. A drug product may be compounded under subsection (a) if the licensed pharmacist or licensed physician-
    - (A) compounds the drug product using bulk drug substances, as defined in regulations of the Secretary published at section 207.3(a)(4) of title 21 of the Code of Federal Regulations-
    - (i) that-
    - (I) comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if a monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding;
    - (II) if such a monograph does not exist, are drug substances that are components of drugs approved by the Secretary; or
    - (III) if such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, that appear on a list developed by the Secretary through regulations issued by the Secretary under subsection (c).

**Proposed Resolution:** Peter Cohron moved 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 \$100,000 administrative fine with letter advising they stop the practices discovered during the investigation. Anthony Tagavi seconded, and the motion passed unanimously.

Peter Cohron moved to direct the Board Office to open a case on the pharmacist in charge. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0011 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** 201 KAR 2:105 Section 5(2)(c) – Security (c) Internal security policies shall be developed to provide reasonable protection against theft and diversion by limiting access to areas where prescription drugs and drug-related devices are held to authorized personnel. These policies shall provide protection against tampering with computers or electronic records.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0011 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** Non applicable

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0018 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0018 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0018 C**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0024**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily

suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

- (c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:
  - 2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

### **22-0032**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

- (c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:
  - 2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

### **22-0033**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

- (c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:



2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0034**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0035**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0036**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0037**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

- (c) 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, one (1) or more or the following, if in accordance with KRS Chapter 335B:
  - 2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0038 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

- (c) 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, one (1) or more or the following, if in accordance with KRS Chapter 335B:
  - 2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0038 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0038 C**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0041 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0041 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any

combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0041 C**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

- (c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:
  2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0044 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.

- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0044 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0045**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any

combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0046**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(c)2 – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(c) 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, one (1) or more of the following, if in accordance with KRS Chapter 335B:

2. A violation of the pharmacy or drug laws, rules, or administrative regulations of this state, any other state, or the federal government.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0053 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0053 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.  
201 KAR 2:205 Section 2(3)(b) – The pharmacist-in-charge shall be responsible for: (b) The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0056 A**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0056 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0056 C**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;



- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0056 D**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0056 E**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0056 F**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not

necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;

- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0056 G**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## 22-0056 H

### Violation(s) of Law Imputed from Factual Allegation(s):

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## 22-0057 A

### Violation(s) of Law Imputed from Factual Allegation(s):

- KRS 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the

date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.

- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0057 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0057 C**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0059 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.

- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0059 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0059 C**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0059 D**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription,



the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.

- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0059 E**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0059 F**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

**22-0059 G**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not

necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;

- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0064 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0064 B**

**Violation(s) of Law Imputed from Factual Allegation(s):**

KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.  
KRS 315.121(2)(e): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician:  
(e)Engaging in grossly negligent professional conduct, with or without established proof of actual injury.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0075 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation with any additional violations of law discovered by the Board Office. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0075 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation with any additional violations of law discovered by the Board Office. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0075 C**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.
- 201 KAR 2:205 Section 2 (3)(b) – Duties and Responsibilities. The pharmacist-in-charge shall be responsible for: The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation with any additional violations of law discovered by the Board Office. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0077 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:
  - Unprofessional or unethical conduct.
  - KRS 315.121(1)(h) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:
    - (h) Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.
- KRS 218.180 (1) – Except when dispensed directly by a practitioner to an ultimate user, no controlled substance listed in Schedule II may be dispensed without the written, facsimile, electronic, or oral prescription of a practitioner. A prescription for a controlled substance listed in Schedule II may be dispensed by a facsimile prescription only as specified in administrative regulations promulgated by the cabinet. A prescription for a controlled substance listed in Schedule II may be dispensed by oral prescription only for immediate administration to a patient enrolled in a hospice program or a resident in a long-term care facility, as defined in KRS 216.535, excluding a family care home or personal care home, and the practitioner determines that immediate administration is necessary, no appropriate alternative treatment is available, and it is not reasonably possible for the prescriber to provide a written prescription. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.
- 902 KAR 55:095 Section 2(1)(a),(b), and (c) – Oral Prescription Only for Immediate Administration.
  - (1) A pharmacist may dispense a Schedule II controlled substance upon receiving oral authorization from a prescribing practitioner under the following conditions:
    - (a) Pursuant to KRS 218A.180(1), the prescription shall be needed for immediate administration to a patient enrolled in a hospice program or a resident of a long-term care facility;
    - (b) The quantity prescribed and dispensed shall be limited to the amount adequate to treat the patient or resident during the period in which immediate administration is necessary; and
    - (c) The prescribing practitioner personally communicates the oral prescription.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0077 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:
  - Unprofessional or unethical conduct.
- KRS 315.121(1)(h) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:
  - (h) Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.
- KRS 218.180 (1) – Except when dispensed directly by a practitioner to an ultimate user, no controlled substance listed in Schedule II may be dispensed without the written, facsimile, electronic, or oral prescription of a practitioner. A prescription for a controlled substance listed in Schedule II may be dispensed by a facsimile prescription only as specified in administrative regulations promulgated by the cabinet. A prescription for a controlled substance listed in Schedule II may be dispensed by oral prescription only for immediate administration to a patient enrolled in a hospice program or a resident in a long-term care facility, as defined in KRS 216.535, excluding a family care home or personal care home, and the practitioner determines that immediate administration is necessary, no appropriate alternative treatment is available, and it is not reasonably possible for the prescriber to provide a written prescription. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.
- 902 KAR 55:095 Section 2(1)(a),(b), and (c) – Oral Prescription Only for Immediate Administration.
  - (1) A pharmacist may dispense a Schedule II controlled substance upon receiving oral authorization from a prescribing practitioner under the following conditions:
    - (a) Pursuant to KRS 218A.180(1), the prescription shall be needed for immediate administration to a patient enrolled in a hospice program or a resident of a long-term care facility;

- (b) The quantity prescribed and dispensed shall be limited to the amount adequate to treat the patient or resident during the period in which immediate administration is necessary; and
- (c) The prescribing practitioner personally communicates the oral prescription.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0078 A**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law;
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0078 B**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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 217.065 (11)(b) – It is a drug or device and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a prescription of an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirement of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the secretary shall promulgate regulations exempting such drug or device from such requirement;
- KRS 218A.180 (8) – The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law;
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0081 A**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a)  
Unprofessional or unethical conduct.
- KRS 315.121(1)(h) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:
- (h) Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.
- KRS 218.180 (1) – Except when dispensed directly by a practitioner to an ultimate user, no controlled substance listed in Schedule II may be dispensed without the written, facsimile, electronic, or oral prescription of a practitioner. A prescription for a controlled substance listed in Schedule II may be dispensed by a facsimile prescription only as specified in administrative regulations promulgated by the cabinet. A prescription for a controlled substance listed in Schedule II may be dispensed by oral prescription only for



immediate administration to a patient enrolled in a hospice program or a resident in a long-term care facility, as defined in KRS 216.535, excluding a family care home or personal care home, and the practitioner determines that immediate administration is necessary, no appropriate alternative treatment is available, and it is not reasonably possible for the prescriber to provide a written prescription. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.

- 902 KAR 55:095 Section 2(1)(a),(b), and (c) – Oral Prescription Only for Immediate Administration.
  - (1) A pharmacist may dispense a Schedule II controlled substance upon receiving oral authorization from a prescribing practitioner under the following conditions:
    - (a) Pursuant to KRS 218A.180(1), the prescription shall be needed for immediate administration to a patient enrolled in a hospice program or a resident of a long-term care facility;
    - (b) The quantity prescribed and dispensed shall be limited to the amount adequate to treat the patient or resident during the period in which immediate administration is necessary; and
    - (c) The prescribing practitioner personally communicates the oral prescription.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0081 B**

### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.
- KRS 315.121(1)(h) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:
- (h) Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.
- KRS 218.180 (1) – Except when dispensed directly by a practitioner to an ultimate user, no controlled substance listed in Schedule II may be dispensed without the written, facsimile, electronic, or oral prescription of a practitioner. A prescription for a controlled

substance listed in Schedule II may be dispensed by a facsimile prescription only as specified in administrative regulations promulgated by the cabinet. A prescription for a controlled substance listed in Schedule II may be dispensed by oral prescription only for immediate administration to a patient enrolled in a hospice program or a resident in a long-term care facility, as defined in KRS 216.535, excluding a family care home or personal care home, and the practitioner determines that immediate administration is necessary, no appropriate alternative treatment is available, and it is not reasonably possible for the prescriber to provide a written prescription. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.

- 902 KAR 55:095 Section 2(1)(a),(b), and (c) – Oral Prescription Only for Immediate Administration.

(1) A pharmacist may dispense a Schedule II controlled substance upon receiving oral authorization from a prescribing practitioner under the following conditions:

- (d) Pursuant to KRS 218A.180(1), the prescription shall be needed for immediate administration to a patient enrolled in a hospice program or a resident of a long-term care facility;
- (e) The quantity prescribed and dispensed shall be limited to the amount adequate to treat the patient or resident during the period in which immediate administration is necessary; and
- (f) The prescribing practitioner personally communicates the oral prescription.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0082 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0082 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** 201 KAR 2:205 Section 2 (3)(b) – Duties and Responsibilities. The pharmacist-in-charge shall be responsible for: the procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0093 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0093 B**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (2)(b): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.
- KRS 315.121 (2)(d): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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;

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0099 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0099 B**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- 201 KAR 2:205 Section 2 (3)(b) – PIC responsible for provision of pharmacy services.
- KRS 315.121 (2)(b) – Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist: (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.
- KRS 315.121 (2)(e) – Engaging in grossly negligent professional conduct, with or without established proof of actual injury;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0103 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(a): The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct;
- 201 KAR 2:210 Section 3: Confidentiality. (1)A patient record shall be held in confidence. (2)It shall be communicated or released: (a)To the patient; (b)As the patient directs; or (c)As prudent, professional discretion dictates.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-00103 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** 201 KAR 2:205 Section 2 (3)(b): The pharmacist-in-charge shall be responsible for: The procurement, storage, security, and disposition of drugs and the provision of pharmacy services;

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0103 C**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (2)(d): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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 315.121 (2)(b): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.
- 201 KAR 2:210 Section 3: Confidentiality. (1)A patient record shall be held in confidence. (2)It shall be communicated or released: (a)To the patient; (b)As the patient directs; or (c)As prudent, professional discretion dictates.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation. Anthony Tagavi seconded, and the motion passed unanimously.

## **22-0103 D**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (2)(d): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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 315.121 (2)(b): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.
- 201 KAR 2:210 Section 3: Confidentiality. (1)A patient record shall be held in confidence. (2)It shall be communicated or released: (a)To the patient; (b)As the patient directs; or (c)As prudent, professional discretion dictates.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0105 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0105 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** 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;

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0108 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any

licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.

- KRS 315.121 (1)(g) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Engaging in or aiding and abetting an individual to engage or assist in the practice of pharmacy without a license or falsely using the title of “pharmacist,” “pharmacist intern,” “pharmacy technician,” or other term which might imply that the individual is a pharmacist, pharmacist intern, or pharmacy technician.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation with the addition of another pharmacy technician as a respondent. Anthony Tagavi seconded, and the motion passed with Jonathan Van Lahr abstaining.

#### **22-0108 B**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Unprofessional or unethical conduct.
- KRS 315.121 (1)(g) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Engaging in or aiding and abetting an individual to engage or assist in the practice of pharmacy without a license or falsely using the title of “pharmacist,” “pharmacist intern,” “pharmacy technician,” or other term which might imply that the individual is a pharmacist, pharmacist intern, or pharmacy technician.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation with the addition of another pharmacy technician as a respondent. Anthony Tagavi seconded, and the motion passed with Jonathan Van Lahr abstaining.

#### **22-0108 C**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (1)(g) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any

licensee, permit holder, or certificate holder for the following reasons: Engaging in or aiding and abetting an individual to engage or assist in the practice of pharmacy without a license or falsely using the title of “pharmacist,” “pharmacist intern,” “pharmacy technician,” or other term which might imply that the individual is a pharmacist, pharmacist intern, or pharmacy technician.

- KRS 315.121 (2)(d) – Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation with the addition of another pharmacy technician as a respondent. Anthony Tagavi seconded, and the motion passed with Jonathan Van Lahr abstaining.

#### **22-0110 A**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 217.065 (1) – If its labeling is false or misleading in any particular;
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0110 B**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- 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;
- 201 KAR 2:205 Section 2 (3)(b) – The pharmacist-in-charge shall be responsible for the procurement, storage, security, and disposition of drugs and the provision of pharmacy services;
- KRS 315.121 (1)(h) – Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.



**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0112 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:(a) Unprofessional or unethical conduct.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0112 B**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121(1)(a) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: (a) Unprofessional or unethical conduct.
- KRS 315.121(2)(e): Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician:
- (e)Engaging in grossly negligent professional conduct, with or without established proof of actual injury.
- 201 KAR 2:205 Section 2(3)(a) and (b) - Section 2. Duties and Responsibilities. (3) The pharmacist-in-charge shall be responsible for:
  - (a) Quality assurance programs for pharmacy services designed to objectively and systematically monitor care, pursue opportunities for improvement, resolve identified problems as may exist, and detect and prevent drug diversion;
  - (b) The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0114 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** 201 KAR 2:100 Section 1 (1)(a) – A pharmacy shall: Provide adequate security and control of its controlled substances and prescription legend drugs.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0114 B**

**Violation(s) of Law Imputed from Factual Allegation(s):** 201 KAR 2:205 Section 2 (3)(b) – Duties and Responsibilities. The pharmacist-in-charge shall be responsible for: The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved there is sufficient evidence developed and the investigator is directed to conduct further investigation. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0114 C**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (2)(f) – Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0120 A**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 217.065 (1) - Except for violations of KRS 218A.350, a drug or device shall be deemed to be misbranded: If its labeling is false or misleading in any particular.
- KRS 217.065 (2) (b) - Except for violations of KRS 218A.350, a drug or device shall be deemed to be misbranded: If in package form unless it bears a label containing: An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that reasonable variations shall be permitted, and

exemptions as to small packages shall be established, by regulations prescribed by the secretary.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0120 B**

##### **Violation(s) of Law Imputed from Factual Allegation(s):**

- KRS 315.121 (2)(d) – Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.
- 201 KAR 2:205 Section 2 (3) (b) – Duties and Responsibilities. The pharmacist-in-charge shall be responsible for: The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.

**Proposed Resolution:** Peter Cohron moved there is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0123 A**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(h) - The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters.

**Proposed Resolution:** Jonathan Van Lahr moved 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 regarding the two day refill policy in conjunction with weekend hours. Anthony Tagavi seconded, and the motion passed with Peter Cohron abstaining.

#### **22-0123 B**

**Violation(s) of Law Imputed from Factual Allegation(s):**

- 201 KAR 2:205 Section 2 (3)(b) – The pharmacist-in-charge shall be responsible for: The procurement, storage, security, and disposition of drugs and the provision of pharmacy services.
- KRS 315.121 (2)(d) – Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician: 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.

**Proposed Resolution:** Jonathan Van Lahr moved 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 regarding the two day refill policy in conjunction with weekend hours. Anthony Tagavi seconded, and the motion passed with Peter Cohron abstaining.

#### **22-0125**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.121 (1)(e) – The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons: Knowingly making or causing to be made any false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal of a license, permit, or certificate.

**Proposed Resolution:** Peter Cohron moved 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. Anthony Tagavi seconded, and the motion passed unanimously.

#### **22-0128**

**Violation(s) of Law Imputed from Factual Allegation(s):** KRS 315.0351(1)(g) – Except as provided in subsection (2) of this section: (g) Each out-of-state pharmacy shall have a pharmacist in charge who is licensed to engage in the practice of pharmacy by the Commonwealth that shall be responsible for compliance by the pharmacy with the provisions of this section and for the distribution and sale of dialysate solutions and devices pursuant to subsection (2) of this section.

**Proposed Resolution:** Peter Cohron moved 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 \$4,000 administrative fine. Anthony Tagavi seconded, and the motion passed unanimously.

**ADJOURNMENT** Jonathan Van Lahr moved to adjourn. Peter Cohron seconded, and the motion passed unanimously. Peter Cohron adjourned the meeting 12:45 p.m.