

# Kentucky Board of Pharmacy Advisory Council

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**September 19, 2023**

**9:00AM**

## **Agenda**

- I. CALL TO ORDER
- II. MINUTES
- III. POLICY RECOMMENDATION TOPICS
  - a. NON-RESIDENT PHARMACIST LICENSURE
  - b. WHITE, CLEAR, BROWN BAGGING
- IV. ADJOURNMENT

## KENTUCKY BOARD OF PHARMACY

via Zoom

### ADVISORY COUNCIL

September 19, 2023

10:00 a.m.

### MINUTES

Members present: Kimberly Crowley, Maragret Sidebottom, John Spencer, Tabitha Fischbeck, Robert Fink, Julie Anderson, Kelly Zaccarelli, Casey Humes. Jamie Biliter was present for a portion of the meeting. Staff: Executive Director Chris Harlow, General Counsel Eden Davis, Executive Assistant Nikki Holiday. Board Members: Board President John Fuller and Vice President Jonathan Van Lahr.

**CALL TO ORDER:** Chairwoman Kimberly Crowley called the meeting to order at 9:01 a.m.

**NON-RESIDENT PHARMACIST LICENSURE:** Executive Director Chris Harlow gave an overview of how the board ended up here today through the legislative process, draft regulations that were filed and then withdrawn. He also went over why this topic is important to the Board. The Board's mission is to protect the citizens of Kentucky, and having jurisdiction over any pharmacist who touches a Kentucky prescription helps achieve that. The controlled substances act also requires any pharmacist shipping controlled substances into Kentucky to be licensed in Kentucky.

**MINUTES:** After Dr. Harlow's overview, Kimberly Crowley told the committee that they needed to go back to the minutes item on the agenda and approve the minutes from the last meeting.

**ACTION:** Robert Fink motioned to approve the minutes from the August 24, 2023 meeting. Tabitha Fischbeck seconded, and the motion passed unanimously.

**NON-RESIDENT PHARMACIST LICENSURE:** At the request of the Advisory Council, General Counsel Eden Davis went over the overarching concerns that were in the comments submitted when the now withdrawn regulation was filed. Those concerns include but are not limited to: creates a financial burden, cost passed along to customers, cost for non-profits, infrastructure/business model issues, the argument that every pharmacist already takes the NAPLEX so they are already knowledgeable, licensure duplicates what is already being done in the home state, would reduce pharmacist availability creating longer wait times for patients, and the argument that we have jurisdiction over the PIC and the facility permit holder and that is sufficient. However, we cannot tailor any action to the individual and would be punishing the entire facility or the PIC for only one bad actor, potentially effecting many Kentucky patients.

Council members then had discussions about non-resident licensure in general. Bill Cover with NABP spoke about the NABP Verify program and explained how that program works and the

potential ways it could be incorporated into non-resident licensure rules. Eden explained that the Verify program alone does not give us jurisdiction, and there would still need to be some type of registration/licensure with the Board. Chris Harlow explained to the Council how the Board built out on the Verify program in last year's withdrawn draft rules to create jurisdiction and excluded the MPJE, CE requirements, etc. The development of non-licensure rules will help the Board move forward with other rules they are working on such as shared services, etc.

Discussion about notifying the home state when there is discipline on a non-resident pharmacist, or notifying the home state when there is a complaint against a non-resident pharmacist. Is this happening now? No, it is not happening now, and that does not guarantee that the home state board would take any action. They likely would not, as it is not in their mission to protect the citizens of other states.

Council members continued their discussion and each person voiced what their concerns are with this topic whether it be for or against non-resident licensure as there are people with both opinions in the group.

Chairwoman Kim Crowley gave any guests that wanted to speak the opportunity to do so. Cathy Hanna was the only guest who chose to speak, and she stated that as a past Board member she did encounter non-resident pharmacist issues, but the Board had no purview. She feels that this is a topic that needs to be addressed.

The meeting concluded with members asking for some additional data from Board staff if it is obtainable. As well as some additional information on other states and the NABP Verify presentation that Bill Cover has presented in the past to the Board.

**ADJOURNMENT:** Kimberly Crowley adjourned the meeting at 11:12 a.m.

**NEXT MEETING:** October 10, 2023 at 9:00 a.m.