

MINUTES

KENTUCKY BOARD OF PHARMACY

held at

Sullivan University College of Pharmacy & Health Sciences
2100 Gardiner Lane
Louisville, KY 40205
and via Zoom

BOARD MEETING

July 27, 2023

10:00 a.m.

CALL TO ORDER: President John Fuller called the meeting to order at 10:00 a.m.

Members present: Board President John Fuller, Board Vice President Jonathan Van Lahr, Peter Cohron, Meredith Figg, Anthony Tagavi, and Jason Belcher.

Staff present: Christopher Harlow, Executive Director; Eden Davis, General Counsel; Juliana Swiney, Deputy Executive Director; Amanda Harding, Pharmacy and Drug Inspector; Rhonda Hamilton, Pharmacy and Drug Inspector; Jessica Williams, Pharmacy and Drug Inspector; Hannah Rodgers, Staff Attorney; Nikki Holiday, Executive Assistant; and Grace Martini, Pharmacy Intern.

MINUTES: Peter Cohron motioned to approve the May 24, 2023 meeting minutes. Jonathan Van Lahr seconded, and the motion passed unanimously.

PROTOCOL REVIEW COMMITTEE APPOINTMENTS: The Board did the first round of voting for the Protocol Review Committee meeting by confidential paper ballot.

*We skipped over the appearances section and will come back to it when the person is able to rejoin the meeting.

BOARD REPORTS

Executive Director Report: Executive Director Chris Harlow gave his report to the Board. He requested agency amendments to 201 KAR 2:205 and 201 KAR 2:050.

201 KAR 2:205 – Dr. Harlow requested to include the language of 218A in the PIC regulation since we have discovered that the OIG is not always received the DEA 106 form.

Action: Peter Cohron motioned to amend the regulation. Meredith Figg seconded, and the motion carried unanimously.

201 KAR 2:050 – Dr. Harlow requested an amendment to update the language to require non-resident pharmacy applicants to register with the Kentucky Secretary of State or to have registered with their home state.

Action: Meredith Figg motioned to amend the regulation to update the language on the applications. Jonathan Van Lahr seconded, and the motion passed unanimously.

eMars Report: Executive Director Harlow gave an update on the budget process.

Staff update: Executive Director Harlow informed the Board that we have been advised that we should present all staffing updates to the Board for their information, but no action needs to be taken on them. It is more for informational purposes. He informed the Board of the resignation of the legal assistant. Katie Morgan resigned to pursue her master's degree and H Toncray was hired to replace her. Hannah Rodgers has

moved from part-time to full-time staff attorney, and Melissa Simpson was hired permanently as the licensing specialist to handle all pharmacist, technicians, and intern applications. He provided the Board members with the updated staff list, position descriptions for new hires, and updated position descriptions for Nikki Holiday and Lauren Halvorson.

General Counsel: Eden Davis gave a report on her attendance at the Quarles and Brady Pharmacy Law Symposium that she attended July 19th and 20th. She offered to send any of the materials she received to the Board members at their request.

Deputy Executive Director: Juliana Swiney gave a report on the Protocol Registry. Chris Harlow also gave the board an update about the Board Authorized Protocol. He requested that the Board delay enforcement until January 2024.

Action: Anthony Tagavi motioned to exercise enforcement discretion until January 1, 2024. Jonathan Van Lahr seconded, and the motion passed unanimously.

Board Member: Jonathan Van Lahr gave an overview of his attendance at the Substance Use Disorder Institute. He also thanked Brian Fingerson and the KYPRN for the important work they do.

COMMITTEE REPORTS

KYPRN, Brian Fingerson: The committee met on July 11, 2023. They reviewed the report and discussed some problem individuals. He explained the process/what happens when someone violates their order or has testing issues. There are 26 people currently being monitored, 21 are Board ordered, and 5 are self-reports). Next meeting is September 12, 2023.

APPEARNACES

Anna Saunders (PT00012668): Ms. Saunders is seeking to have her pharmacy technician registration reinstated. She was asked to explain by her registration was revoked. She indicated that she failed to renew her registration back in 2012, and a case was opened against her and the Walgreens where she was employed. She was mailed multiple documents, and nothing was ever signed and returned to the Board and her fine was not paid.

Action: Anthony Tagavi motioned to reinstate Ms. Saunders' pharmacy technician registration so long as she signs an agreed order of reinstatement and pays the \$25 fine. Jonathan Van Lahr seconded, and the motion passed unanimously.

***At this time, we announced the 1st round of the protocol review committee appointments.**

Four or more votes were needed to be appointed to the protocol review committee, with a total of four (4) people being appointment from the Board. Individuals who received four (4) or more votes in the first round were Cassandra Hobbs and Joel Thornberry. A second round of voting was needed to appoint two (2) more individuals to the committee. The ballots were distributed for the second round of voting.

REGULATIONS

Regulations Status Review: The Board members were provided with the regulation status tracking sheet in the Board book. Eden Davis informed the Board that the technician regulation must be addressed by mid-December 2023, or an extension will need to be filed with LRC.

201 KAR 2:040: Amendment was made per the Board's request at the May 2023 meeting. The amendment aligns the regulation language with the statute to include what qualifies as an intern.

Action: Peter Cohron motioned to approve the regulation as written. Anthony Tagavi seconded, and the motion passed unanimously.

APPLICATIONS

Actions:

Teresa Ceal (MPJE Request): Meredith Figg motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed.

Jennifer Dunham (MPJE Request): Peter Cohron motioned to approve the request. Jonathan Van Lahr seconded, and the motion passed.

***At this time, we gave the results of the 2nd round of the Protocol Review Committee voting.**

The following received at least one (1) vote and will move on to round three (3): Emily Blaiklock, Tina Claypool, Jessica Covington, Jim Hallahan, Mandy Jones, Clark Kebodeaux, Tera McIntosh, Pheli Roberts, Marissa Scent, Emily Wilkerson.

APPLICATIONS CON'T

Actions:

Thomas Felker (Pharmacy Technician registration request): Jonathan Van Lahr motioned to approve. Anthony Tagavi seconded, and the motion passed.

Stacey Halstead (Pharmacy Technician registration request): Peter Cohron motioned to approve. Anthony Tagavi seconded, and the motion passed.

Anthony Ross (Pharmacy Technician registration request): Jonathan Van Lahr motioned to approved with an agreed order stating that any employer be made aware of his criminal background. Peter Cohron seconded, and the motion passed with Jason Belcher voting NO.

Michael Summers (Pharmacy Technician registration request): Jonathan Van Lahr motioned to approve. Mr. Van Lahr withdrew his motion after Ms. Davis went through Mr. Summers entire criminal history. Meredith Figg motioned to deny the registration request. Anthony Tagavi seconded, and the motion passed.

RxQ Compounding, LLC (Outsourcer application revisit): Deputy Executive Director Juliana Swiney summarized the request to provide recent inspections to Board staff. After discussion between the Board members and Edward Zatta, CEO, and Ms. Swiney, the Board requested a copy of the Nevada inspection report. Anthony Tagavi directed Juliana to contact Nevada to get the inspection report. Will come back to this issue after lunch.

***At this time, we gave the results of the 3rd round of the Protocol Review Committee voting.**

The following moved on to the 4th round of voting: Tina Claypool, Clark Kebodeaux, Jim Hallahan, and Emily Wilkerson.

CORRESPONDENCE

Hanna Fluharty (PT00365078): Immunization training request per case 21-0149C.

Action: Jonathan Van Lahr motioned to approve the request. Peter Cohron seconded, and the motion passed.

Baptist Health Louisville Breckenridge ASC (P08286): Sink Waiver

Action: Jonathan Van Lahr motioned to approve the waiver request. Anthony Tagavi seconded, and the motion passed.

Costco Pharmacies (P07145, P07785, P07587, P7698): Offsite storage request.

Action: Jonathan Van Lahr motioned to approve the request. Meredith Figg seconded, and the motion passed.

Trevor Ray (012012): Dual PIC request for P06582 and P07681.

Action: No action was taken. Mr. Ray withdrew his request due to hiring a PIC.

Eric Norrington (013426): Dual PIC request for P08262 and P08286. This was a permanent request.

Action: Anthony Tagavi motioned to approve the permanent dual PIC request. Peter Cohron seconded, and the motion passed with Jonathan Van Lahr voting NO and Meredith Figg ABSTAINING.

Adam Coffman (015963): Dual PIC request for P08227 and P07518. This was an extension request.

Action: Anthony Tagavi motioned to approve the request for 6 months. Jonathan Van Lahr seconded, and the motion passed.

***At this time, the results of the 4th and final round of the voting for the Protocol Review Committee were announced.**

The final two (2) who received the most votes were Jim Hallahan and Emily Wilkerson. The four (4) people receiving the most votes were: Cassie Hobbs, Joel Thornbury, Jim Hallahan, and Emily Wilkerson.

Action: Jonathan Van Lahr motioned to appoint these four (4) pharmacists to the Protocol Review Committee. Meredith Figg seconded, and the motion passed.

NEW BUSINESS

Confirmation of Advisory Council nominations by roll call vote: President Fuller named the appointees to the Advisory Council. They are as follows: Margaret Sidebottom, Casey Humes, John Spender, Robert Fink, Kimberly Croley, Tabithia Fischbeck, Julie Anderson, Kelly Zaccarelli, and Jamie Biliter. Votes were as follows: Anthony Tagavi – Y, Jonathan Van Lahr – Y, Meredith Figg – Y, Peter Cohron – Y, and Jason Belcher – Y. Members were confirmed unanimously.

Executive Director Chris Harlow reviewed the 5 topics assigned to the Advisory Council in the order of importance:

- 1) Non-resident licensure
- 2) White, clear, brown bagging
- 3) Compliance packaging
- 4) Temperature tracking in mail order
- 5) Pharmacy kiosks

***At this time, the person with the most votes for the Controlled Substance Prescribing Council was announced.** Jill Lee received 5 votes.

Action: Anthony Tagavi motioned to appoint Jill Lee to the Controlled Substance Prescribing Council. Jonathan Van Lahr seconded, and the motion passed.

OLD BUSINESS

Prescription Verification Discussion: Board members, Board staff and guests engaged in discussion about product verification, automation, electronic verification, etc. Staff put together information from other states about product verification. The question is what does the Board want to see in a rule for product verification? Some things discussed included but was not limited to: propose a product verification definition/requirements in general that would also apply to central fill, definition of “verification,” traditional pharmacist visual verification vs. electronic verification, who is responsible for the verification. The discussion led to charging the Regulation Committee to work on this and give them guidance on what the Board wants.

Action: Anthony Tagavi motions to direct the Regulation Committee to examine/evaluate the Missouri rule regarding pharmacist verification of prescriptions to make it work with Kentucky law. Jonathan Van Lahr seconded, and the motion passed.

RxQ Compounding, LLC: Board staff was unable to contact the Nevada Board and get the inspection/information needed to approve this permit.

Action: Peter Cohron motioned that with a satisfactory inspection report from Nevada Board staff can move forward with approving the permit. Anthony Tagavi seconded, and the motion passed.

Closing: President John Fuller and Vice President Jonathan Van Lahr thanked Sullivan University College of Pharmacy and Health Sciences for hosting the Board retreat and meeting.

ADJOURNMENT: Jonathan Van Lahr motioned to adjourn. Meredith Figg seconded, and the meeting adjourned at 1:38 p.m.