

**315.038 Definitions for section -- Ambulatory pharmacies -- Reporting requirements -- Data to be shared with commissioner of insurance -- Contract with third-party to collect or process data.**

- (1) As used in this section:
  - (a) "Ambulatory pharmacy" has the same meaning as in KRS 304.17A-595; and
  - (b) "Commissioner" means the commissioner of the Department of Insurance.
- (2) An ambulatory pharmacy located in Kentucky and permitted under this chapter shall, by March 1, 2026, and by March 1 every other year thereafter, provide data to the board, in accordance with the requirements of KRS 304.17A-595 and subsection (3) of this section, relating to the pharmacy's dispensing costs for the previous calendar year.
- (3) The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A to implement and effectuate subsection (2) of this section, which shall include:
  - (a) Incorporating the data elements to be collected from each pharmacy, as determined by the commissioner under KRS 304.17A-595(2)(c)2.c.i.; and
  - (b) Establishing the reporting format, and the manner, of the data submission.
- (4) The data collected by the board under this section shall, within thirty (30) days of receipt, be shared with the commissioner for the purposes set forth in KRS 304.17A-595(2)(c)2.
- (5) In carrying out its duties under this section, the board shall cooperate and consult with the commissioner.
- (6) All information and data acquired by the board or the commissioner under this section or KRS 304.17A-595 shall:
  - (a) Be deemed, and protected as, confidential and proprietary; and
  - (b) Not be subject to disclosure under KRS 61.870 to 61.884.
- (7) The board or the commissioner may retain or contract with one (1) or more third-party vendors or contractors to collect or process the data required under this section, or provide any other expertise, service, or function necessary to carry out the board's or commissioner's duties under this section or KRS 304.17A-595, if the vendor or contractor:
  - (a) Agrees in a written or electronic record to maintain the confidential and proprietary status of the data and all information relating to the data; and
  - (b) Is not owned by or affiliated with a pharmacy benefit manager, as defined in KRS 304.9-020.

**Effective:** July 15, 2024

**History:** Created 2024 Ky. Acts ch. 104, sec. 16, effective July 15, 2024.

**Legislative Research Commission Note** (7/15/2024). 2024 Ky. Acts ch. 104, sec. 22, reads as follows:

"On or before January 1, 2025, the Kentucky Board of Pharmacy shall promulgate any emergency and ordinary administrative regulations required under Section 16 of this Act [this statute]."