

CHAPTER 153**(SB 166)**

AN ACT relating to residential hospice facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section and Section 2 of this Act:*
- (a) *"Automated pharmacy system" means a mechanical system that delivers prescribed over-the-counter and legend drugs, and controlled substances received from a pharmacy licensed in Kentucky that maintains transaction information; and*
- (b) *"Residential hospice facility" means a facility licensed under KRS Chapter 216B that provides residential skilled nursing care, pain management, and treatment for acute and chronic conditions for terminally ill patients.*
- (2) *A pharmacy may provide pharmacy services to a residential hospice facility through the use of an automated pharmacy system under the supervision of a licensed pharmacist pursuant to the policies, procedures, and protocol established by the Kentucky Board of Pharmacy. The supervising pharmacist shall not be required to be physically present at the location of the automated pharmacy system and supervision may be provided electronically.*
- (3) *Drugs stored in bulk or unit dose in an automated pharmacy system in a residential hospice facility shall be considered the inventory of the pharmacy providing services to the facility and drugs delivered through the automated pharmacy system shall be considered dispensed by the pharmacy.*
- (4) *The Kentucky Board of Pharmacy shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section that shall include, but not be limited to:*
- (a) *Accuracy of the automated pharmacy system;*
- (b) *Security of the system;*
- (c) *Recordkeeping, including but not limited to, electronic signatures of authorized users;*
- (d) *Inventory management;*
- (e) *Labeling or reporting requirements that include identification of the dispensing pharmacy, the prescription number, the name of the patient, and the name of the prescriber; and*
- (f) *Training for authorized users.*
- (5) *Nothing in this section shall be construed to limit or impede pharmacy practice in Kentucky.*

Section 2. KRS 315.300 is amended to read as follows:

- (1) A pharmacy shall be allowed to place drugs with a home health agency's authorized employees and with a hospice's authorized employees for the betterment of public health. The pharmacy shall remain the legal owner of the drugs.
- (2) A written agreement between the pharmacy and home health agency or hospice shall document the protocol for the handling and storage of the drugs by authorized employees and shall be approved by the pharmacist in charge.
- (3) The pharmacist in charge shall review the protocol to assure that safe, secure and accountable handling of controlled legend drugs is maintained under the protocol before giving approval.
- (4) The pharmacist in charge or a pharmacist designee shall physically inspect and review the drug storage and handling at the home health agency and the hospice not less than annually.
- (5) The home health agency and the hospice protocol shall include, but not be limited to, the following:
- (a) Safe and secure storage of drugs;
- (b) Access to drugs limited to authorized employees;

- (c) Records of drugs checked out to authorized employees and records of drugs, amounts, and to whom and by whom administered;
 - (d) Prompt notification of the pharmacy when a drug is used, including the prescriber, patient, drug, dosage form, directions for use and other pertinent information;
 - (e) Billing information;
 - (f) Procedures for handling drugs beyond their expiration date; and
 - (g) Inventory control.
- (6) The following legend drugs shall be allowed under these agreements:
- (a) Sterile water for injection or irrigation;
 - (b) Sterile saline solution for injection or irrigation;
 - (c) Heparin flush solution;
 - (d) Diphenhydramine injectable;
 - (e) Epinephrine injectable;
 - (f) Glucagon;
 - (g) Influenza vaccine; and
 - (h) Pneumonia vaccine.
- (7) As used in this section:
- (a) "Authorized employee" means any employee of a home health agency or hospice who, in the course of the employee's duties, is licensed by the employee's appropriate licensing agency to administer legend drugs;
 - (b) "Home health agency" means an entity required to be licensed under KRS Chapter 216; and
 - (c) "Hospice" means an entity authorized to hold itself out to the public as a hospice or as a licensed hospice pursuant to KRS Chapter 216.
- (8) The cabinet shall promulgate administrative regulations to implement the provisions of this section ~~to become effective by October 15, 1998~~.

- (9) ***Nothing in this section shall preclude or prevent a pharmacy from providing pharmacy services through an automated pharmacy system to a residential hospice facility in accordance with Section 1 of this Act.***

SECTION 3. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- (1) ***As used in this section:***
- (a) ***"Automated pharmacy system" means a mechanical system that delivers prescribed over-the-counter and legend drugs, and controlled substances received from a pharmacy licensed in Kentucky that maintains transaction information; and***
 - (b) ***"Residential hospice facility" means a facility licensed under KRS Chapter 216B that provides residential skilled nursing care, pain management, and treatment for acute and chronic conditions for terminally ill patients.***
- (2) ***A residential hospice facility shall be deemed in compliance with licensure requirements relating to pharmaceutical services if the facility obtains pharmacy services through an automated pharmacy system in accordance with Section 1 of this Act and related administrative regulations promulgated by the Kentucky Board of Pharmacy.***

SECTION 4. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO READ AS FOLLOWS:

- (1) ***As used in this section:***

- (a) *"Automated pharmacy system" means a mechanical system that delivers prescribed over-the-counter and legend drugs, and controlled substances received from a pharmacy licensed in Kentucky that maintains transaction information; and*
 - (b) *"Residential hospice facility" means a facility licensed under KRS Chapter 216B that provides residential skilled nursing care, pain management, and treatment for acute and chronic conditions for terminally ill patients.*
- (2) *Nothing in this chapter shall preclude a residential hospice facility from obtaining pharmacy services from a pharmacy though the use of an automated pharmacy system in accordance with Section 1 of this Act and related administrative regulations promulgated by the Kentucky Board of Pharmacy. A residential hospice facility and the pharmacy providing pharmacy services shall comply with the reporting requirements of this chapter.*

Approved April 5, 2006.