

CHAPTER 136**(SB 144)**

AN ACT relating to electronic prescribing.

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

➔SECTION 1. A NEW SECTION OF KRS 217.005 TO 217.215 IS CREATED TO READ AS FOLLOWS:

- (1) *Electronic prescribing of a drug or device under this chapter shall not interfere with a patient's freedom to select a pharmacy.*
- (2) *Electronic prescribing software used by a practitioner to prescribe a drug or device under this chapter may include clinical messaging and messages in pop-up windows directed to the practitioner regarding a particular drug or device that supports the practitioner's clinical decision making.*
- (3) *Drug information contained in electronic prescribing software to prescribe a drug or device under this chapter shall be consistent with Food and Drug Administration-approved information regarding a particular drug or device.*
- (4) *Electronic prescribing software used by a practitioner to prescribe a drug or device under this chapter may show information regarding a payor's formulary, copayments, or benefit plan, provided that nothing in the software is designed to preclude a practitioner from selecting any particular pharmacy or drug or device.*
- (5) *Within twenty-four (24) months of the National Council for Prescription Drug Programs developing and making available national standards for electronic prior authorization, each governmental unit of the Commonwealth promulgating administrative regulations relating to electronic prescribing shall consider such electronic prescribing and electronic prior authorization standards in its implementation of health information technology improvements as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and the Health Information Technology for Economic and Clinical Health Act, enacted as part of the American Recovery and Reinvestment Act of 2009.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO READ AS FOLLOWS:

- (1) *Electronic prescribing of a controlled substance under this chapter shall not interfere with a patient's freedom to select a pharmacy.*
- (2) *Electronic prescribing software used by a practitioner to prescribe a controlled substance under this chapter may include clinical messaging and messages in pop-up windows directed to the practitioner regarding a particular controlled substance that supports the practitioner's clinical decision making.*
- (3) *Drug information contained in electronic prescribing software to prescribe a controlled substance under this chapter shall be consistent with Food and Drug Administration-approved information regarding a particular controlled substance.*
- (4) *Electronic prescribing software used by a practitioner to prescribe a controlled substance under this chapter may show information regarding a payor's formulary, copayments, or benefit plan, provided that nothing in the software is designed to preclude a practitioner from selecting any particular pharmacy or controlled substance.*
- (5) *Within twenty-four (24) months of the National Council for Prescription Drug Programs developing and making available national standards for electronic prior authorization, each governmental unit of the Commonwealth promulgating administrative regulations relating to electronic prescribing shall consider such electronic prescribing and electronic prior authorization standards in its implementation of health information technology improvements as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and the Health Information Technology for Economic and Clinical Health Act, enacted as part of the American Recovery and Reinvestment Act of 2009.*

Signed by Governor April 11, 2012.