

201 KAR 2:330. Emergency pharmacy powers.

RELATES TO: KRS 39A.100, 315.500

STATUTORY AUTHORITY: KRS 315.191, 315.505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.500 establishes the conditions under which a pharmacy may operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor pursuant to KRS 39A.100. 315.191 authorizes the Board of Pharmacy to promulgate administrative regulations governing pharmacists and pharmacies. This administrative regulation sets out the conditions whereby a prescription may be refilled pursuant to an executive order issued by the Governor as authorized by KRS 315.500 when the prescriber is unavailable. This administrative regulation sets out the conditions whereby a pharmacy may operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor as authorized by KRS 315.500.

Section 1. If a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense an emergency refill of up to a thirty (30) day supply of the medication if:

- (1) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located;
- (2) The pharmacist obtains prescription information from:
 - (a) A prescription label;
 - (b) A prescription record within the pharmacy;
 - (c) A prescription record from another pharmacy;
 - (d) A common database;
 - (e) The patient; or
 - (f) Any other healthcare record;
- (3) The prescription refill is not for a controlled substance;
- (4) The prescription is for a maintenance medication;
- (5) In the pharmacist's professional judgment, the interruption of therapy may produce undesirable consequences or may be detrimental to the patient's welfare and cause physical or mental discomfort; and
- (6) The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.

Section 2. (1) A pharmacy may temporarily relocate to and operate at a new location if:

- (a) It is not safe or practicable to operate a pharmacy at the address listed on the permit; and
 - (b) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located.
- (2) The pharmacy owner shall:
- (a) Maintain confidentiality of patient records;
 - (b) Secure all drugs; and
 - (c) Notify the board of the temporary address as soon as practicable.
- (3) The following regulatory requirements shall not apply for this temporary location:
- (a) The requirement to maintain references as listed in 201 KAR 2:090, Section 1;
 - (b) The requirement to maintain equipment as listed in 201 KAR 2:090, Section 2; and

(c) The requirement that the pharmacy be enclosed by a floor to ceiling partition if it is located within a larger establishment which is open to the public for business when a pharmacist is not present. (37 Ky.R. 951; eff. 10-20-2010; Crt eff. 4-17-2019.)