

201 KAR 5:140. Dispensing.

RELATES TO: KRS 217.015(35), 217.182(3), 320.210(2)

STATUTORY AUTHORITY: KRS 320.240

NECESSITY, FUNCTION, and CONFORMITY: KRS 320.240(4) requires the Board of Optometric Examiners to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. The Kentucky Food, Drug and Cosmetic Act (KRS 217.005 to 217.218) authorizes optometrists to administer, dispense, or prescribe a legend drug for a legitimate medical purpose and in the course of professional practice, as authorized in KRS 320.240(12) to (14). This administrative regulation establishes the requirements for licensed optometrists to dispense pharmaceutical agents.

Section 1. An optometrist may dispense pharmaceutical agents as authorized in KRS 320.240(12) to (14), other than controlled substances.

Section 2. Dispensing of pharmaceutical agents to a patient shall be:

- (1) For a legitimate medical purpose;
- (2) In the course of the optometrist's professional practice; and
- (3) Limited based upon the authority conferred upon the optometrist by the board consistent with the educational qualifications of the optometrist provided in KRS 320.240.

Section 3. An optometrist shall be on the premises when a pharmaceutical agent is dispensed and the optometrist shall be actively involved in the dispensing process.

Section 4. When a pharmaceutical agent is dispensed by an optometrist, he or she shall:

- (1) Inform the patient on the appropriate use of the pharmaceutical agent; and
- (2) Document in the patient's record the name, strength, quantity, and appropriate use of the pharmaceutical agent provided to the patient.

Section 5. An optometrist shall maintain a readily retrievable record system by manual or electronic means of all pharmaceutical agents purchased for administration or dispensing in the course of professional practice.

Section 6. The pharmaceutical agent shall be purchased, possessed, labeled, and packaged in accordance with the Kentucky Food, Drug and Cosmetic Act and applicable federal law.

Section 7. Nothing in this section shall expand the administrative or prescriptive authority of an optometrist. (47 Ky.R. 606, 1370; eff. 4-6-2021.)