

BOARDS AND COMMISSIONS
Kentucky Board of Pharmacy
(Amendment)

201 KAR 2:050. Licenses and permits; fees.

RELATES TO: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.0351(1), 315.036(1), 315.050(5), 315.060, 315.110, 315.120, 315.191, 315.402

STATUTORY AUTHORITY: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.036(1), 315.050(5), 315.060, 315.110(1), 315.120(4), 315.191(1)(i), 315.402(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(i) authorizes the board to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is responsible.

Section 1. The following fees shall be paid in connection with pharmacist examinations and licenses, pharmacy permits, intern certificates, and the issuance and renewal of licenses and permits:

- (1) Application for a licensee for pharmacist examination - \$150;
- (2) Application and initial license for a pharmacist license by license transfer - \$250;
- (3) Annual renewal of a pharmacist license - ~~ninety-five[seventy]~~ (95[70]) dollars;
- (4) Delinquent renewal penalty for a pharmacist license - ~~ninety-five[seventy]~~ (95[70]) dollars;
- (5) Annual renewal of an inactive pharmacist license - ten (10) dollars;
- (6) Pharmacy intern certificate valid six (6) years - twenty-five (25) dollars;
- (7) Duplicate of original pharmacist license wall certificate - seventy-five (75) dollars;
- (8) Application for a permit to operate a pharmacy - \$125;
- (9) Renewal of a permit to operate a pharmacy - \$125;
- (10) Delinquent renewal penalty for a permit to operate a pharmacy - \$100 dollars;
- (11) Change of location or change of ownership of a pharmacy or manufacturer permit - seventy-five (75) dollars;
- (12) Application for a permit to operate as a manufacturer - \$125;
- (13) Renewal of a permit to operate as a manufacturer - \$125;
- (14) Delinquent renewal penalty for a permit to operate as a manufacturer - \$125;
- (15) Change of location or change of ownership of a wholesale distributor license - seventy-five (75) dollars;
- (16) Application for a license to operate as a wholesale distributor - \$125;
- (17) Renewal of a license to operate as a wholesale distributor - \$125;
- (18) Delinquent renewal penalty for a license to operate as a wholesale distributor - \$125;
- and
- (19) Query to the National Practitioner Data Bank of the United States Department of Health and Human Services - twenty-five (25) dollars.

(Rx-1; 1 Ky.R. 10; eff. 9-11-1974; Am. 4 Ky.R. 122; eff. 11-2-1977; 8 Ky.R. 254; eff. 10-7-1981; 9 Ky.R. 12; eff. 8-11-1982; 1027; eff. 4-6-1983; 19 Ky.R. 444; eff. 11-9-1992; 25 Ky.R. 2188; 2834; eff. 6-16-1999; 32 Ky.R. 1465; 1890; eff. 5-5-2006; 35 Ky.R. 1833; eff. 6-5-2009; 39 Ky.R. 504; eff. 2-1-2013; 43 Ky.R. 607, 953; eff. 12-14-2016; 46 Ky.R. 2682; eff. 2-4-2021; 48 Ky.R. 877; eff. 12-15-2021.)

LARRY HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: August 3, 2021
FILED WITH LRC: August 4, 2021 at 2:11 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 26, 2021 at 9:00 a.m. Eastern Time via zoom teleconference with the physical address of the meeting being at 125 Holmes Street, Suite 300, Frankfort, Kentucky 40601. A link to the public hearing shall be provided on the Board's website no fewer than (5) days before the hearing. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request is received. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Larry Hadley, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Larry.Hadley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Larry Hadley

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the fees associated with Board of Pharmacy licensure.

(b) The necessity of this administrative regulation:

KRS 315.191(1)(i) authorizes the Board of Pharmacy to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is responsible. (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is reasonable.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

No answer provided.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation amendment will increase fees for the renewal of pharmacist licenses and the delinquent renewal penalty for the renewal of pharmacist licenses by twenty-five (\$25) annually per authority in KRS 315.191.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This administrative regulation amendment increases the fee for pharmacist renewal licenses and the delinquent pharmacist license renewal by twenty-five (\$25) annually per authority in KRS 315.035(4); 315.036(1); 315.110(1).

(b) The necessity of the amendment to this administrative regulation:

This administrative regulation amendment will allow the Board of Pharmacy to be able to be fully and adequately staffed.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 315.191(1)(i) authorizes the Board of Pharmacy to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is responsible. How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by reasonable fees for the board to perform all the functions for which it is responsible.

(d) How the amendment will assist in the effective administration of the statutes:

No answer provided.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The board anticipates pharmacists will be affected minimally by this regulation amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

(a) Pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists and pharmacies in these changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is a twenty-five dollar fee increase for pharmacists when they renew their license. If a pharmacist does not do this in a timely manner, there will be another delinquent fee of twenty-five dollars.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Pharmacists will be better served by the Board of Pharmacy with more resources and more timely notice with the disciplinary process. (5) Provide an estimate of how much it will cost to implement this administrative regulation:

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No costs will be incurred.

(b) On a continuing basis:

No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There will be a twenty-five (\$25) increase to all pharmacist license renewals and delinquent renewal penalties. State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There will be a twenty-five (\$25) increase to all pharmacist license renewals and to the delinquent renewal penalty if a pharmacist renews their license late.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No answer provided.

(9) TIERING: Is tiering applied?

Tiering is not applied because the regulation is applicable to all pharmacist and sponsors that desire approval for continuing education credit.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

No answer provided.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 315.191(1)(i); 315.035(4); 315.036(1); 315.110(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

It is estimated that this regulation will provide an annual \$275,000 increase in revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

It is estimated that this regulation will provide an annual \$275,000 increase in revenue.

(c) How much will it cost to administer this program for the first year?

No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years?

No costs are required to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Regulation will provide an annual \$275,000 increase in revenue.

Expenditures (+/-): 0

Other Explanation: