

BOARD AND COMMISSIONS

Board of Pharmacy

(Amendment)

201 KAR 2:020. Examination.

RELATES TO: KRS 218A.205(7), 315.050

STATUTORY AUTHORITY: KRS 218A.205(7), 315.050(2), 315.191(1), (2), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.050(2) and 315.191(1)(c) authorize the board to promulgate administrative regulations to prescribe the time, place, method, manner, scope, and subjects of examinations. KRS 218A.205 (7) requires the board to establish requirements for background checks for licensees. This administrative regulation establishes the examination and application requirements for obtaining a license to practice pharmacy in Kentucky.

Section 1. The examination for licensure shall include:

- (1) The North American Pharmacist Licensure Examination (NAPLEX); and
- (2) The Multistate Pharmacy Jurisprudence Examination (MPJE).

Section 2. Both the NAPLEX and the MPJE examinations are graded as pass or fail. ~~[The passing score on the required examinations shall be:]~~

~~[(1)] [At least seventy five (75) on the basis of the NAPLEX and the MPJE grades shall not be used in computing the NAPLEX; and]~~

~~[(2)] [At least seventy five (75) on the basis of the MPJE.]~~

Section 3. If an applicant fails an examination ~~[to obtain the necessary scores in any of the tests]~~ described in Section 2 of this administrative regulation, the applicant may upon proper application retake the examination ~~[tests upon the payment of the fee set forth in 201 KAR 2:050 plus any direct costs for test materials and supplies]~~. An applicant is limited to three attempts for each examination without further board approval. An applicant is limited to a lifetime limit of five (5) attempts on each examination ~~[who has failed any test may retake that test within one (1) year of the date the applicant first failed the test without having to reapply]~~.

Section 4. If after three (3) examination attempts, the applicant has not passed, to qualify for two additional attempts, the applicant must:

(1) For the NAPLEX, complete a refresher course and submit to the Board of Pharmacy a certificate of completion; and

(2) For the MPJE, submit to the Board of Pharmacy:

(a) Proof of (5) five hours of ACPE or Board approved continuing education in the topic of pharmacy law, or

(b) A certificate of completion of a refresher course.

Section 5. All results of examinations shall be preserved according to the Board of Pharmacy Record Retention Schedule.

~~Section 6. [Section 5.] [Fees submitted with an application shall be nonrefundable.]~~

~~[Section 6.]~~ Prior to approval for examination, an applicant shall:

(1) Submit to a nation-wide criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation; and

(2) Submit to a query to the National Practitioner Data Bank of the United States Department of Health and Human Services.

(3) Submit an initial application for pharmacist licensure that reports:

- (a) Name, maiden, and other names used currently or previously;
- (b) Address and telephone number;
- (c) Date of birth;
- (d) Social Security number;
- (e) Citizenship;
- (f) Sex;
- (g) Name of pharmacy school;
- (h) Intern Registration Number;
- (i) Record of any conviction for any felony or misdemeanor offense;
- (j) Record of any state licensing agency refusal of licensure, failure of examination or refusal of examination; and
- (k) Certificate of moral standing.
- (4) Submit a certification of pharmacy school graduation;
- (5) Submit a certification of intern hours.

Section 7. ~~[License,] Fee.~~ An applicant shall submit~~[,]~~

- ~~[(1)] [An Initial Application for Pharmacist Licensure pursuant to KRS 315.050; and]~~
- ~~[(2)] [As appropriate,] the fee established by 201 KAR 2:050, Section 1(1).~~

Section 8. Incorporation by Reference.

- (1) "Initial Application for Pharmacist Licensure", Form 1, 3/2022~~[12/2019]~~, is incorporated by reference.
- (2) "Certification of College Graduation", Form 2, 03/2022 is incorporated by reference.
- (3) "Certification of Intern Hours", Form 3, 03/2022 is incorporated by reference.
- (4) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday 8:00 a.m. to 4:30p.m.

Christopher P. Harlow, Executive Director

APPROVED BY AGENCY: April 4, 2022

FILED WITH LRC: April 5, 2022 at 8:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2022 at 9:00 a.m. Eastern Time at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five 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 for a transcript is made. 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 June 30, 2022. 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: Christopher P. Harlow, 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 Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher P. Harlow

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the requirements for the examinations.

(b) The necessity of this administrative regulation:

KRS 315.050(2) and 315.191(1)(c) authorizes the Board of Pharmacy to promulgate administrative regulations to prescribe the time, place, method, manner, scope, and subjects of examinations. KRS 218(A)205(7) requires the board to establish requirements for background checks for licensees. This administrative regulation establishes the examination and application requirements for obtaining a license to practice pharmacy in Kentucky.

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

This administrative regulation establishes the examination and application requirements for obtaining a license to practice pharmacy in Kentucky.

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

Incorporate by reference new initial pharmacist application for licensure.

(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:

Retitle this regulation; Updates language on how scores are reported to the Board of Pharmacy. Establishes limits on the number of attempts a candidate may take the exams. Adds requirements for requesting multiple attempts to an examination.

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

The criteria needed to be updated based on score reporting by the agency that administers the examination. Adding limits to the examination protects the integrity of the examination and provides the Board of Pharmacy the ability to certify additional training for unsuccessful attempts.

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

KRS 315.050(2) and 315.191(1)(c) authorizes the Board of Pharmacy to promulgate administrative regulations to prescribe the time, place, method, manner, scope, and subjects of examinations.

(d) 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 by ensuring appropriate licensing standards.

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

The board anticipates pharmacies and 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:

Pharmacist applicants will have to familiarize themselves with amended language. The board will help to educate pharmacist applicants 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 are no new costs for the identities to comply with the amendment except multiple failed attempts would require additional training which may insure some cost.

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

This will provide better integrity of the examination process for all applicants.

(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:

No increase in fees or funding will be required because of this new regulation.

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

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied because the regulation is applicable to all applicants desiring to apply for Kentucky pharmacist licensure.

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?

The Kentucky Board of Pharmacy will be the only entity impacted by this administrative regulation.

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

KRS 315.050(2).

(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?

This administrative regulation will not generate revenue for the Board in the first year.

(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?

This administrative regulation will not generate revenue for the Board in subsequent years.

(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 (+/-):0

Expenditures (+/-):0

Other Explanation: