

BOARDS AND COMMISSIONS

Board of Pharmacy

(Amendment)

201 KAR 2:015. Continuing education.

RELATES TO: KRS 315.065, 315.120

STATUTORY AUTHORITY: KRS 315.065, 315.110(1), 315.191(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.065(2) and (3) ~~requires~~~~require~~ the Board of Pharmacy to establish continuing education requirements for pharmacists. This administrative regulation establishes requirements for the continuing pharmacy education of registered pharmacists and requires all registered pharmacists holding a license issued by the board to participate in continuing pharmacy education as a means of renewal of their licenses.

Section 1. Definitions.

- (1) "Continuing education unit" or "CEU" is defined by KRS 315.010(7)~~(8)~~.
- (2) "Sponsor" means a person, school, association, company, corporation, or group who wishes to develop a continuing education program.

Section 2.

- (1) Continuing education hours for credit shall be relevant to the practice of pharmacy and free of commercial bias.
- (2) Continuing education hours shall be approved if approved by:
 - (a) The Accreditation Council for Pharmacy Education (ACPE); or
 - (b) The board.

Section 3.

- (1) Continuing education sponsors shall submit an Application for Provider CE Approval to the board:
 - (a) At least sixty (60) days prior to the presentation date, if pre-approval is sought; or
 - (b) Between sixty (60) days prior and thirty (30) days after the presentation date, if pre-approval is not sought.
- (2) Program changes shall be submitted to and approved by the board, or the approval of the program shall be void.
- (3) Continuing education credit shall be given only once for each program per participant.
- (4) Sponsors shall retain a file of each participant's program completion for three (3) years.
- (5) Board approval of each program shall expire three (3) years after the date of approval.

Section 4.

- (1) Pharmacists requesting approval of individually obtained continuing pharmacy education shall submit an Application for Pharmacist CE Approval to the board within thirty (30) days of completion of the educational presentation.
- (2) The board shall notify the requesting pharmacist whether the application request has been approved or denied.
- (3) Continuing education that has not been approved by ACPE or the board shall not be used to meet continuing education requirements for renewal or issuance of a license.

Section 5.

- (1) A pharmacist shall:
 - (a) Complete a minimum of one and five-tenths (1.5) CEU (fifteen (15) contact hours) annually between January 1 and December 31; and

(b) For licensing years 2023 through 2028, one (1) contact hour of the fifteen (15) contact hours shall be on the opioid epidemic or opioid use disorder.

(c) Not transfer or apply excess hours or units for future years.

(2) A pharmacist may be granted a deferral on a year-to-year basis at the discretion of the board for illness, incapacity, or other extenuating circumstances.

(3) A pharmacist first licensed by the board within twelve (12) months immediately preceding the annual renewal date shall be exempt from the continuing pharmacy education provisions for that year.

(4) Pharmacists shall:

(a) Keep valid records, receipts, and certifications of continuing pharmacy education programs completed for three (3) years; and

(b) Submit that documentation to the board ~~on~~upon request.

(5) Submission of a fraudulent statement or certificate concerning continuing pharmacy education shall subject the pharmacist to discipline as provided in KRS 315.121.

Section 6. All pharmacists shall keep the board informed of their correct ~~address~~addresses.

Section 7. CEU may be transferred from another state to Kentucky if the transfer state recognizes Kentucky CEU.

Section 8. A licensee who failed to timely renew his or her license shall:

(1) Comply with the applicable provisions of KRS 315.120(2) or (3); and

(2) Complete fifteen (15) hours of continuing education for each year the applicant failed to renew his or her license, up to a maximum of seventy-five (75) hours.

Section 9. Incorporation by Reference.

(1) ~~The following material is incorporated by reference:~~

~~(a)~~ "Application for Provider CE Approval", June 2018, is incorporated by reference; ~~and~~.

~~(2)~~ ~~(b)~~ The "Application for Pharmacist CE Approval", June 2018, is incorporated by reference.

~~(3)~~ ~~(2)~~ This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER HARLOW, Pharm.D., 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 a.m. at the Board's office, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601 and via zoom teleconference. Individuals interested in attending this hearing shall notify this agency in writing five workdays prior to this hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2022.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, 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 Harlow

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes continuing education requirements.

(b) The necessity of this administrative regulation:

KRS 315.065(2) and (3) requires the board to promulgate a regulation that includes guidelines and criteria for reviewing and approving acceptable continuing education programs.

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

This regulation establishes guidelines and criteria for reviewing and approving acceptable continuing education programs as required by KRS 315.065(2) and (3).

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

Pharmacists will understand continuing education requirements necessary for renewal of licenses.

(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:

The amendment specifies that one hour of each licensing period's continuing education must be on the opioid epidemic or opioid use disorder.

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

Due to the increasing rates of opioid use disorder, pharmacists need to have this knowledge to adequately counsel patients and understand treatments.

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

KRS 315.065(2) and (3) requires the board to promulgate a regulation that includes guidelines and criteria for reviewing and approving acceptable continuing education programs; the amendments does create a new one hour guideline.

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

The amendments will help pharmacists to better understand the opioid epidemic and will prepare them to adequately counsel patients and understand possible treatment options.

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

Only pharmacists will be impacted by this regulation.

(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:

Pharmacists will need to ensure that one hour of each yearly continuing education licensing requirements be on the topic of the opioid epidemic or opioid use disorder.

(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 expected costs for the identities identified in question (3).

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

Pharmacists will receive continuing education credit required for renewal.

(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 pharmacists.

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 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 315.065(3) requires the board to establish continuing education requirements.

(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: