

BOARDS AND COMMISSIONS

Board of Pharmacy

(New Administrative Regulation)

201 KAR 2:450. Unprofessional conduct of a pharmacy permit holder.

RELATES TO: KRS 315.030, 315.025, 315.0351, 315.121, 315.131, 337.355, 337.365

STATUTORY AUTHORITY: KRS 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to ensure that permit holders are provided notice of what may be considered unprofessional conduct. This administrative regulation is required to ensure that the public is protected from pharmacy practices that lead to errors and patient harm, including practices that stem from demands a permit holder places on pharmacists that prevents them from responsibly practicing pharmacy.

Section 1. It shall be unprofessional conduct for a pharmacy permit holder to:

- (1) Introduce or enforce policies and procedures related to the provision of pharmacy services in a manner that results in deviation from safe practices;
- (2) Unreasonably prevent or restrict a patient's timely access to patient records or essential pharmacy services;
- (3) Fail to identify and resolve conditions that interfere with a pharmacist's ability to practice with competency and safety or create an environment that jeopardizes patient care, including by failing to provide appropriately requested rest and meal periods as permitted by KRS 337.355 and KRS 337.365; and
- (4) Repeatedly, habitually, or knowingly fail to provide resources appropriate for a pharmacist of reasonable diligence to safely complete professional duties and responsibilities, including, but not limited to:
 - (a) Drug utilization review;
 - (b) Immunization;
 - (c) Counseling;
 - (d) Verification of the accuracy of a prescription; and
 - (e) All other duties and responsibilities of a pharmacist under state and federal laws and regulations.

CHRISTOPHER P. HARLOW, Executive Director

APPROVED BY AGENCY: August 8, 2022

FILED WITH LRC: August 8, 2022 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 26, 2022 at 10:00 a.m. Eastern Time at the Kentucky Department of Transportation Auditorium, 200 Mero Street, Frankfort, Kentucky 40601 and via zoom teleconference. 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 October 31, 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 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.