

## **BOARDS AND COMMISSIONS**

### **Board of Pharmacy**

**(Amended at ARRS Committee)**

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

RELATES TO: KRS 315.030, 315.035, 315.0351, 315.121, 315.131, 337.355, 337.365

STATUTORY AUTHORITY: KRS 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations necessary to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists and pharmacies. This administrative regulation establishes the actions that constitute unprofessional conduct of a pharmacy permit holder.

#### Section 1. Definitions.

- (1) "Pharmacy permit holder" means any permit maintained by a resident or non-resident pharmacy.
- (2) "Provision of pharmacy services" means the services provided to a patient from a licensee, permit holder, or registrant.
- (3) "Safe practices" means practices that aim to prevent and reduce risks, errors, and harm, or threat of harm to the public.

#### Section 2. Unprofessional Conduct. Unprofessional conduct for a pharmacy permit holder includes conduct such as:

- (1) Introducing or enforcing policies and procedures related to the provision of pharmacy services in a manner that results in deviation from safe practices;
- (2) Unreasonably preventing or restricting a patient's timely access to patient records or pharmacy services;
- (3) Failing to identify and resolve conditions that interfere with a pharmacist's ability to practice competently and safely or creating an environment that jeopardizes patient care, including by failing to provide appropriate staffing, training, and appropriately requested rest and meal periods as permitted by KRS 337.355 and KRS 337.365;
- (4) Repeatedly or knowingly failing to provide resources appropriate for a pharmacist of reasonable diligence to safely complete professional duties and responsibilities under state and federal laws and regulations;
- (5) Requiring a pharmacist to operate a pharmacy with policies and procedures that deviate from safe practices; and
- (6) Taking disciplinary action or otherwise retaliating against a licensee or registrant that reports or refuses to operate a pharmacy that deviates from safe practices or a pharmacy that deviates from state and federal laws and regulations.

(49 Ky.R. 693, 1454, 1757; eff. 3-9-2023.)

FILED WITH LRC: February 14, 2023

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.