

**BOARD AND COMMISSIONS**  
**Kentucky Board of Pharmacy**  
**(Amendment)**

**201 KAR 2:020. Examination.**

RELATES TO: KRS 218A.205(~~7~~)(~~8~~), 315.050

STATUTORY AUTHORITY: KRS 218A.205(8), 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(8) 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.

Section 3. If an applicant fails an examination described in Section 2 of this administrative regulation, the applicant may upon proper application retake the examination. An applicant is limited to three (3) attempts for each examination without further board approval. An applicant is limited to a lifetime limit of five (5) attempts on each examination.

Section 4. If after three (3) examination attempts, the applicant has not passed, to qualify for two (2) additional attempts, the applicant shall:

- (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. 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;
- (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 College Graduation completed by the Dean of the College of Pharmacy where the applicant graduated pharmacy school; and
- (5) Submit a Certification of Intern Hours completed by the College of Pharmacy where the applicant graduated, or the State Board of Pharmacy if the hours are outside of Kentucky.

Section 7. Fee. An applicant shall submit the fee established by 201 KAR 2:050, Section 1(1).

Section 8. Incorporation by Reference.

- (1) The following material is incorporated by reference:
- (a) "Initial Application for Pharmacist Licensure", ~~Form 1, June 2023~~~~[3/2022]~~; and
  - (b) "Renewal Application for Pharmacist Licensure, June 2023" ~~["Certification of College Graduation", Form 2, 03/2022; and]~~
  - ~~[(c)] ["Certification of Intern Hours", Form 3, 03/2022].~~
- (2) 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 4:30 p.m. This material is also available on the board's Web site at <https://pharmacy.ky.gov/Forms/Pages/default.aspx>.

*CHRISTOPHER P. HARLOW, Executive Director*

APPROVED BY AGENCY: June 7, 2023

FILED WITH LRC: June 7, 2023 at 1:45 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 30, 2023, at 10:00 a.m. Eastern Time 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 August 31, 2023. 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](mailto: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 the requirements for pharmacist licensure.

**(b) The necessity of this administrative regulation:**

KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations with minimum requirements for pharmacist licensure.

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

This administrative regulation establishes the requirements for pharmacist licensure and renewal.

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

This administrative regulation establishes criteria for pharmacist licensure to ensure public protection.

**(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 amendment only changes the initial application incorporated by reference and adds a renewal application for pharmacists.

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

The forms need to be amended to ensure the provision regarding student loan default is removed because of a change in 2019 to state law.

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

KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

**(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 and pharmacies by ensuring the forms comply with the provisions in the law.

**(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:**

Pharmacies and 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):**

The only fee is for the application for the license and license renewal.

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

The ability to practice pharmacy for pharmacists with appropriate credentials.

**(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:**

This regulation does not increase fees.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation does not establish fees.

**(9) TIERING: Is tiering applied?**

NO. Tiering is not applied because the regulation is applicable to all applicants for a pharmacist license equally.

## FISCAL NOTE

**(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 315.191(1)(a).

**(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?**

The administration of the program is included in the administrative costs of the board.

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

The same as (c).

**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:**

This regulation does not impact fees.

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

None

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

None.

**(c) How much will it cost the regulated entities for the first year?**

\$150.

**(d) How much will it cost the regulated entities for subsequent years?**

\$125 annually.

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

**Cost Savings (+/-):0**

**Expenditures (+/-):-150**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This regulation does not have major economic impact. where new graduates plan on working.