

## **CABINET FOR HEALTH AND FAMILY SERVICES**

### **Office of the Secretary**

#### **(New Administrative Regulation)**

#### **915 KAR 2:030. Written certifications.**

RELATES TO: KRS 218A.202, Chapter 218B

STATUTORY AUTHORITY: KRS 218B.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218B.140 requires the Cabinet for Health and Family Services to promulgate administrative regulations creating a standardized written certification form for use by medicinal cannabis practitioners. This administrative regulation establishes the written certification form for the Kentucky Medical Cannabis Program.

#### Section 1. Medicinal Cannabis Practitioners.

- (1) The cabinet shall maintain a medicinal cannabis practitioner registry for the Kentucky Medical Cannabis Program as part of the state's designated electronic monitoring system.
- (2) Medicinal cannabis practitioners shall register with the state's medicinal cannabis practitioner registry in accordance with written instructions provided by the cabinet and properly enter written certifications and dosage recommendations for qualified patients into the registry.
- (3) Prior to providing a patient with a written certification, a medicinal cannabis practitioner shall comply with KRS 218B.050(4), including establishing a bona fide practitioner-patient relationship with the patient. A medicinal cannabis practitioner shall also comply with the respective administrative regulation promulgated by his or her state licensing board establishing professional standards for medicinal cannabis practitioners, 201 KAR 9:067 or 201 KAR 20:067, and be authorized to provide written certifications for use of medicinal cannabis to qualified patients by his or her state licensing board.

#### Section 2. Written Certification Form.

- (1) When issuing a written certification for the use of medicinal cannabis to a patient, the medicinal cannabis practitioner shall use the form prescribed by the cabinet and available in the medicinal cannabis practitioner registry. The written certification form shall include:
  - (a) The medicinal cannabis practitioner's full name, license type (such as MD or APRN), license number, office address, telephone number, and email address;
  - (b) The date of the medicinal cannabis practitioner's examination of the qualified patient;
  - (c) The qualified patient's full name, date of birth, Social Security number, and email address;
  - (d) If the qualified patient is a minor, the custodial parent or legal guardian's full name, date of birth, Social Security number, email address, and phone number;
  - (e) Identification of the diagnosed qualifying medical condition(s);
  - (f) Attestations that the medicinal cannabis practitioner has:
    1. Established a bona fide practitioner-patient relationship with the patient;
    2. Diagnosed the patient, or confirmed a diagnosis provided by another healthcare provider, with a qualifying medical condition for which the medicinal cannabis practitioner believes that the patient may receive therapeutic or palliative benefit from the use of medicinal cannabis;
    3. Reviewed a report of information from the electronic monitoring system established pursuant to KRS 218A.202 related to the patient for a period of time that covers at least the twelve (12) months immediately preceding the date of the report;

4. Consulted with the patient, or the patient's custodial parent or legal guardian responsible for providing consent to treatment if the patient is a minor, with respect to the possible risks and side effects associated with medicinal cannabis, including possible interactions between medicinal cannabis and any other drug or medication that the patient is taking at that time; and

5. Obtained the consent of the patient's custodial parent or legal guardian responsible for providing consent to treatment if the patient is a minor;

(g) The medicinal cannabis practitioner's signature and the date signed.

(2) An initial written certification shall be provided by the medicinal cannabis practitioner to the qualified patient during the course of an in-person examination. Subsequent written certifications for the purpose of renewing a registry identification card may be provided electronically or during the course of a telehealth consultation.

(3) Pursuant to KRS 218B.050(6)(d), within twenty-four (24) hours of providing a patient with a written certification for the use of medicinal cannabis, a medicinal cannabis practitioner shall record the issuance of the written certification in the state's designated medicinal cannabis practitioner registry.

(4) Pursuant to KRS 218B.050(6)(c), for the purpose of initially applying for a registry identification card, a written certification shall be valid for a period of not more than sixty (60) days. A medicinal cannabis practitioner may renew a written certification for not more than three (3) additional periods of not more than sixty (60) days each. Thereafter, the medicinal cannabis practitioner may issue another written certification to the patient for use in the registry identification card application process only after an in-person examination or an examination conducted via telehealth of the patient by the medicinal cannabis practitioner.

(5) Pursuant to KRS 218B.055(10), for the purpose of renewing a registry identification card, a written certification issued by a medicinal cannabis practitioner shall be valid if issued within ninety (90) days immediately preceding the date of a renewal application.

(6) When entering a written certification into the state's designated medicinal cannabis practitioner registry, a medicinal cannabis practitioner shall enter any recommendation or limitation as to the form and dosage of medicinal cannabis that can be dispensed to the registered qualified patient.

*SAM FLYNN, Executive Director*

*ERIC C. FRIEDLANDER, Secretary*

*APPROVED BY AGENCY March 6, 2024*

FILED WITH LRC: March 14, 2024 at 11:50 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on May 22, 2024, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by May 15, 2024, five (5) 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 attends virtually 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 this proposed administrative regulation until May 31, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration

and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; [CHFSregs@ky.gov](mailto:CHFSregs@ky.gov).