

BOARDS AND COMMISSIONS

Board of Pharmacy

(Amended at ARRS Committee)

201 KAR 2:250. Pharmacist Recovery Network Committee.

RELATES TO: KRS 315.121(1)(d)

STATUTORY AUTHORITY: KRS 61.810(k), 315.126(3), (6), (7), 315.191(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.126(1) requires the Board of Pharmacy to establish a pharmacy recovery network committee (PRNC). KRS 315.126(3) authorizes the board to promulgate administrative regulations to implement KRS 315.126. This administrative regulation establishes minimum requirements for the establishment and operation of the PRNC and specifies how the board's PRNC consultant works with the board in intervention, evaluating, and treating a pharmacist or pharmacist intern, and providing for continuing care and monitoring by the consultant through a treatment provider.

Section 1. The Board of Pharmacy's Pharmacist Recovery Network Committee (PRNC) consultant shall be a pharmacist licensee of the board. The consultant shall assist the Case Review Panel (CRP) and the PRNC in carrying out their respective responsibilities. This shall include working with the board's inspectors and investigators to determine if a pharmacist or pharmacist intern is in fact impaired.

Section 2. If a pharmacist or pharmacist intern self-reports impairment as a result of the misuse or abuse of alcohol or drugs, or both; or if the board receives a legally sufficient complaint alleging that a pharmacist or pharmacist intern is impaired as a result of the misuse or abuse of alcohol or drugs, or both, and if there is no other alleged violation of state pharmacy law against the pharmacist or pharmacist intern other than impairment exists, the reporting of any impairment information to the board shall be forwarded to the consultant and shall not constitute grounds for discipline, if the PRNC finds the pharmacist or pharmacist intern has:

- (1) Acknowledged the impairment problem;
- (2) Voluntarily enrolled in an appropriate, approved treatment program;
- (3) Voluntarily withdrawn from practice or limited the scope of practice as required by the consultant, in each case, until the PRNC is satisfied the licensee has successfully completed an approved treatment program; and
- (4) Executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall not make copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

Section 3.

(1) A treatment provider shall disclose to the consultant or board if applicable all information in its possession regarding the issue of a pharmacist's or pharmacist intern's impairment and participation in the treatment program. Failure of the treatment provider to provide information to the consultant shall be a basis for the withdrawal of the use of the program or provider.

(2) If in the opinion of the consultant or PRNC, an impaired pharmacist or pharmacist intern has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's or pharmacist intern's impairment and

participation in a treatment or recovery program in the consultant's possession shall be disclosed to the board. That disclosure shall constitute a complaint.

Section 4. All information concerning a pharmacist or pharmacist intern held by the consultant, PRNC, CRP, or board shall remain confidential.

Section 5.

(1) The PRNC shall be comprised of eleven (11) members. The members shall include:

- (a) The President of the Board of Pharmacy;
- (b) The Chair, who shall be the consultant of the PRNC;
- (c) The Executive Director of the Board of Pharmacy; and
- (d) Eight (8) other members, of which seven (7) shall be pharmacists and one (1) shall be a citizen member.

(2)

- (a) All members shall have the same rights, which include voting privileges.
- (b) A member of the PRNC shall not be on the board, except the President of the Board.
- (c) Any criminal conviction or disciplinary action by a licensure board against a proposed member shall be reported to the board prior to consideration for appointment.
- (d) There may be no more than four (4) members in successful recovery on the PRNC.
- (e) A pharmacist under a Pharmacist Recovery Network Agreement shall not serve on the PRNC.

(3)

- (a) A board-approved PRNC member may be appointed a maximum of three (3), four (4) year terms or a total of twelve (12) years.
- (b) A PRNC member shall not serve more than (2) terms consecutively.
- (c) After serving two (2) consecutive terms a PRNC member shall rotate off the PRNC for at least two (2) years.
- (d) The President of the Board, the PRNC Consultant, and the Executive Director of the Board shall be permanent members of the PRNC.
- (e) Membership of the PRNC shall be selected by the board from a list of qualified candidates submitted by an interested individual or entity.

(4) A member of the PRNC who becomes impaired, relapses, has any criminal conviction, or has any disciplinary action by a licensure board shall immediately resign from the PRNC.

(5) The board by majority vote, with the recusal of the President of the Board, may remove a member of the PRNC for any of the following reasons:

- (a) Refusal or inability of a committee member to perform duties as a member of the committee in an efficient, responsible, and professional manner;
- (b) Misuse of the committee by a member to obtain personal, pecuniary, or material gain or advantage for the member or others; and
- (c) Violation of any provision of KRS Chapter 315.

Section 6.

(1) PRNC meetings are confidential. All PRNC information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the PRNC, all communications to or from the committee, and all proceedings, findings, and conclusions of the committee, including those relating to intervention, treatment, or rehabilitation, that in any way pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential pursuant to KRS 315.126. In accordance with KRS 61.810(k), any meeting which is required by state (or federal) law to be conducted in private is an exception to the open meetings requirements. The PRNC shall

publish its meeting schedule and a redacted meeting agenda, but the meetings shall remain confidential and shall not be open to the public.

(2) Meeting records are confidential. Pursuant to KRS 315.126(7), all PRNC records and proceedings that pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential, used by the committee and its members only in the exercise of the proper function of the PRNC, shall not be considered public records and shall not be subject to court subpoena, discovery, or introduction as evidence in any civil, criminal, or administrative hearing, except as required by the KRS 315.126(8).

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