

BOARDS AND COMMISSIONS

Board of Pharmacy

(New Administrative Regulation)

201 KAR 2:063. Predetermination of License Eligibility for those convicted of a crime.

RELATES TO: KRS 13B, KRS 335B, KRS 315.121

STATUTORY AUTHORITY: KRS 315.020, KRS 315.030, KRS 315.035, KRS 315.0351, KRS 315.036, KRS 315.121, KRS 315.135, KRS 335B.030

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 335B.032 requires the Board of Pharmacy to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction will disqualify the individual from either public agency employment or professional licensure. KRS 315.121 provides that the board shall have the power to deny any license, permit, certificate, registration or renewal issued by the board or applied for in accordance with KRS Chapter 315 or to deny admission to the licensure examination, upon proof that the person has been convicted of any felony or a misdemeanor, in accordance with KRS Chapter 335B, and pursuant to an administrative hearing conducted in accordance with KRS Chapter 13B. This administrative regulation establishes procedures for the predetermination of employment or licensure/credential eligibility for prospective applicants with a criminal conviction.

Section 1. Application:

- (1) To be considered for predetermination, an applicant shall submit:
 - (a) A completed and signed predetermination application;
 - (b) A non-refundable application fee in accordance with 201 KAR 2:050.
- (2) The applicant may submit with the application evidence in accordance with KRS 335B.020(2).

Section 2. Notice of determination of eligibility and right to an administrative hearing.

- (1) A notice of determination of eligibility shall be issued via email and USPS regular mail to the last known mailing and email addresses of the applicant within sixty (60) days of the filing of the completed application for predetermination.
- (2) A notice of a determination of ineligibility shall inform the applicant of the specific reasons for the determination in accordance with KRS 335B.030(1).
- (3) The notice shall further state:
 - (a) The applicant may challenge the determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2);
 - (b) If a hearing is not requested in accordance with KRS 13B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year from (10) working days after service of the notice of determination. The applicant may not reapply during that period.
 - (c) A request for hearing shall include a statement regarding the basis of the appeal, and it shall be sent by email to the hearing officer and docket coordinator identified in the notice of denial;
 - (d) If the written request for hearing is timely submitted, the board shall issue a notice of hearing in accordance with KRS 13B.050(1);
 - (e) Any new or previously submitted evidence relied upon by the applicant shall be submitted upon reapplication; and

Section 3. Incorporation by Reference.

- (1) "Application for Predetermination", 07/2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://pharmacy.ky.gov/statutesandregulations/Pages/default.aspx>

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 15, 2026 at 8:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026 at 10:00 a.m. EST via Zoom Meetings. 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 cancelled. 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 November 30, 2026. 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.