

1 AN ACT relating to electronic prescribing of controlled substances.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Notwithstanding KRS 218A.180 or any other state law to the contrary, beginning*
6 *January 1, 2021, no practitioner shall issue any prescription for a controlled*
7 *substance unless the prescription is made by electronic prescription from the*
8 *practitioner issuing the prescription to a pharmacy, except for prescriptions*
9 *issued:*

10 *(a) By veterinarians;*

11 *(b) In circumstances where electronic prescribing is not available due to*
12 *temporary technological or electrical failure;*

13 *(c) By a practitioner to be dispensed by a pharmacy located outside the state;*

14 *(d) When the prescriber and dispenser are the same entity;*

15 *(e) That include elements that are not supported by the most recently*
16 *implemented version of the National Council for Prescription Drug*
17 *Programs Prescriber/Pharmacist Interface SCRIPT Standard;*

18 *(f) By a practitioner for a drug that contains certain elements that cannot be*
19 *incorporated as required by the United States Food and Drug*
20 *Administration with electronic prescribing;*

21 *(g) By a practitioner allowing for the dispensing of a nonpatient specific*
22 *prescription under a standing order, approved protocol for drug therapy,*
23 *collaborative drug management or comprehensive medication management,*
24 *in response to a public health emergency, or other circumstances where the*
25 *practitioner may issue a nonpatient specific prescription;*

26 *(h) By a practitioner prescribing a drug under a research protocol;*

27 *(i) By practitioners who have received a waiver or a renewal thereof for a*

1 specified period determined by the secretary of the Cabinet for Health and
2 Family Services, not to exceed one (1) year, from the requirement to use
3 electronic prescribing, pursuant to a process established in administrative
4 regulation by the cabinet, due to economic hardship, technological
5 limitations that are not reasonably within the control of the practitioner, or
6 other exceptional circumstance demonstrated by the practitioner;

7 (j) By a practitioner under circumstances where, notwithstanding the
8 practitioner's present ability to make an electronic prescription as required
9 by this subsection, the practitioner reasonably determines that it would be
10 impractical for the patient to obtain substances prescribed by electronic
11 prescription in a timely manner, and delay would adversely impact the
12 patient's medical condition;

13 (k) By a practitioner for an individual who receives hospice care; and

14 (l) By a practitioner for an individual who is a resident of a nursing facility.

15 (2) A pharmacist who receives a written, oral, or faxed prescription for a controlled
16 substance shall not be required to verify that the prescription properly falls under
17 one (1) of the exceptions from the requirement to electronically prescribe.
18 Pharmacists may continue to dispense medications from otherwise valid written,
19 oral, or fax prescriptions that are consistent with current laws and administrative
20 regulations.

21 (3) The cabinet shall promulgate administrative regulations to implement this
22 section including enforcement mechanisms, waivers of requirements, and
23 appropriate penalties for violations.

24 ➔Section 2. This Act takes effect January 1, 2021.