

1 AN ACT relating to the Kentucky Board of Pharmacy.

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

3 ➔Section 1. KRS 315.150 is amended to read as follows:

4 (1) The board shall consist of ***the following eleven (11)***~~*six (6)*~~ members appointed by
5 the Governor;

6 ***(a) Ten (10) members shall be licensed or registered in Kentucky as follows:***

7 ***1. Two (2) pharmacists nominated by the Kentucky Pharmacists***
8 ***Association;***

9 ***2. Two (2) pharmacists nominated by the Kentucky Independent***
10 ***Pharmacy Alliance;***

11 ***3. One (1) pharmacist who practices or specializes primarily in a mail-***
12 ***order pharmacy nominated by the Kentucky Pharmacists Association;***

13 ***4. One (1) pharmacy technician nominated by the Kentucky Pharmacists***
14 ***Association;***

15 ***5. One (1) pharmacist who practices or specializes primarily in a long-***
16 ***term care pharmacy nominated by Kentucky Association of Health***
17 ***Care Facilities/Kentucky Center for Assisted Living;***

18 ***6. One (1) pharmacist who practices or specializes primarily in a***
19 ***veterinary pharmacy nominated by the Kentucky Pharmacists***
20 ***Association;***

21 ***7. One (1) pharmacist who practices or specializes primarily in a hospital***
22 ***pharmacy nominated by the Kentucky Society of Health-System***
23 ***Pharmacists; and***

24 ***8. One (1) pharmacist who practices in a specialized pharmacy that***
25 ***solely or mostly provides medication to persons living with serious***
26 ***health conditions requiring complex therapies, nominated by the***
27 ***Kentucky Pharmacists Association; and***

1 (b) One (1) shall be a citizen at large who is not associated with or financially
 2 interested in the practice of pharmacy]. Five (5) members shall be
 3 pharmacists licensed in this state. One (1) member shall be a citizen at large,
 4 who is not associated with or financially interested in the practice of
 5 pharmacy].

6 (2) All board members who are pharmacists shall:

7 (a) Have five (5) or more years of experience as a licensed pharmacist in
 8 Kentucky;

9 (b) Be employed in Kentucky as a pharmacist;

10 (c) Be employed for at least two (2) consecutive years in the specialty area they
 11 represent, if representing a specialty area;

12 (d) Be a resident of Kentucky; and

13 (e) Be currently licensed in good standing with the board]. In any calendar year
 14 scheduled to be the last full calendar year of a member's regular term in
 15 office, the association shall select and submit to the Governor a list of five (5)
 16 pharmacists, each of whom has had at least five (5) years' experience in the
 17 practice of pharmacy, is a resident of the state and in good standing with the
 18 board. On or before March 1 of the same year, the society, other state
 19 pharmacy organizations, or individuals may submit recommendations to the
 20 association for its consideration in selecting the list to be submitted. The
 21 Governor shall, before October 1 of the same year, appoint no more than two
 22 (2) persons from each list so submitted, to take office on January 1 following.
 23 The citizen member shall be appointed by the Governor. No two (2)
 24 pharmacist members of the board shall be residents of the same county].

25 (3) [Beginning January 1, 2005, the term of each board member shall be four (4) years.
 26 Each member shall serve until his or her successor is appointed and qualified,
 27 unless removed for cause. No member shall be appointed to serve for more than

1 two (2) full terms.

2 ~~(4)~~ Each appointment to the board shall be subject to confirmation by the Senate and
3 shall be for a term of four (4) years expiring on June 30 of the fourth year.
4 Unless removed for cause, a member shall serve until his or her successor is
5 appointed and qualified. A board member shall not serve for more than two (2)
6 consecutive terms.

7 (4) On making appointments to the board, the Governor shall ensure that at all
8 times:

9 (a) At least one (1) member is from each of the six (6) congressional districts of
10 the Commonwealth;

11 (b) There is equal representation of the two (2) sexes, inasmuch as possible. In
12 filling vacancies to the board, the Governor shall act so as to provide,
13 inasmuch as possible, equal representation of the two (2) sexes by
14 appointing a member of the sex that is the lesser represented at the time of
15 the appointment. If the remaining membership already has an equal
16 number of males and females, the Governor may appoint a member of
17 either sex; and

18 (c) There is no less than proportional representation of the two (2) leading
19 political parties of the Commonwealth based on the state's voter registration
20 and the political affiliation of each appointee as of December 31 of the year
21 preceding the date of his or her appointment. A particular political
22 affiliation shall not be a prerequisite to appointment to the board generally;
23 however, if any person is appointed to the board that does not represent
24 either of the two (2) leading political parties of the Commonwealth, the
25 proportional representation by political affiliation requirement shall be
26 determined and satisfied based on the total number of members on the
27 board less any members not affiliated with either of the two (2) leading

1 *political parties.*

2 (5) The Governor shall fill any vacancy of a pharmacist member from the names last
3 submitted within sixty (60) days after such a vacancy occurs. Any member so
4 appointed shall commence service at the next regularly-scheduled board meeting
5 and shall serve for the remainder of the term vacated.

6 ~~(6)~~~~(5)~~ Each member shall take and subscribe to an oath before a competent officer to
7 perform the duties of the office faithfully and impartially. The oath shall be
8 inscribed upon the member's commission.

9 ~~(7)~~~~(6)~~ Six (6)~~Four (4)~~ members of the board shall constitute a quorum.

10 ➔Section 2. KRS 315.160 is amended to read as follows:

11 (1) The board shall elect annually from its membership a president and such other
12 officers as it deems necessary. These officers shall serve for a term of one (1) year
13 and perform the duties prescribed by the board. ~~An~~~~No~~ officer shall not serve more
14 than two (2) consecutive full terms in each office to which he or she is elected.

15 (2) The board shall employ ~~an~~~~a pharmacist to serve as a full-time employee of the~~
16 ~~board in the position of~~ executive director *who may or may not be a pharmacist,*
17 *but a pharmacist may only be employed as the executive director if his or her*
18 *license is inactive and he or she is not affiliated with any organization that*
19 *nominates board members to the Governor in accordance with Section 1 of this*
20 *Act.*

21 (3) The executive director shall be responsible for the performance of the
22 administrative functions of the board and such other duties as the board may direct.
23 The board may employ, upon recommendation of the executive director, such
24 additional assistance as necessary for the proper conduct of board business and in
25 accordance with administrative~~the rules and~~ regulations promulgated by ~~of~~ the
26 Kentucky Personnel Cabinet.

27 ~~(4)~~~~(3)~~ The board shall meet at least four (4) times a year to transact business, at such

1 place as it may determine. The board may also meet at the call of the president or a
2 majority of the board members. Each board member shall be given adequate prior
3 notice of any board meeting.

4 ➔Section 3. (1) Notwithstanding subsection (3) of Section 1 of this Act, the
5 initial terms of office of members appointed to the Kentucky Board of Pharmacy under
6 subsection (1)(a) of Section 1 of this Act shall be as follows:

7 (a) Three members shall be appointed for one year, two members shall be
8 appointed for two years, three members shall be appointed for three years, and two
9 members shall be appointed for four years; and

10 (b) The respective term of each member shall be designated by the Governor at
11 the time of his or her appointment.

12 (2) The initial term of the citizen-at-large member appointed under subsection
13 (1)(b) of Section 1 of this Act shall be for four years.

14 (3) Upon the expiration of the respective terms of the members first appointed,
15 the term of each successor shall be for four years and until his or her successor is
16 appointed.

17 ➔Section 4. Any person serving on the Kentucky Board of Pharmacy in a
18 position eliminated on the effective date of this Act whose term has not expired prior to
19 the effective date of this Act may continue to serve in a nonvoting ex officio capacity
20 until the expiration of his or her term.