

1 AN ACT relating to veterinarians and declaring an emergency.

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

3 ➔Section 1. KRS 218A.025 is amended to read as follows:

- 4 (1) The Controlled Substances Prescribing Council is hereby established under the  
5 Office of the Inspector General. The council shall consist of the following fifteen  
6 (15) members:
- 7 (a) The Inspector General of the Cabinet for Health and Family Services, who  
8 shall serve as chair of the council;
  - 9 (b) The executive director of the Office of Drug Control Policy;
  - 10 (c) Two (2) currently licensed prescribers of scheduled drugs selected by the  
11 Kentucky Board of Dentistry, one (1) of whom shall be a dentist and one (1)  
12 of whom shall be an oral surgeon;
  - 13 (d) **Three (3)**~~Four (4)~~ licensed physicians who currently prescribe scheduled  
14 drugs selected by the Kentucky Board of Medical Licensure, one (1) of whom  
15 shall have a specialty in primary care,~~one (1) of whom shall have a specialty~~  
16 ~~in emergency medicine,~~ one (1) of whom shall have a specialty in psychiatry  
17 or addiction medicine, and one (1) of whom shall have a specialty in pain  
18 management;
  - 19 (e) **Three (3)**~~Four (4)~~ licensed advanced practice registered nurses who  
20 currently prescribe scheduled drugs selected by the Kentucky Board of  
21 Nursing, one (1) of whom shall have a specialty in primary care,~~one (1) of~~  
22 ~~whom shall have a specialty in acute care,~~ one (1) of whom shall have a  
23 specialty in psychiatric mental health or addiction, and one (1) of whom shall  
24 have a specialty in pain management;
  - 25 (f) One (1) licensed prescriber of scheduled drugs selected by the Kentucky  
26 Board of Optometric Examiners;
  - 27 (g) One (1) licensed prescriber of scheduled drugs selected by the Kentucky

1 Board of Podiatry;~~[-and]~~

2 (h) One (1) licensed pharmacist selected by the Kentucky Board of Pharmacy;

3 and

4 (i) Two (2) licensed veterinarians who currently prescribe and dispense

5 scheduled drugs selected by the Kentucky Board of Veterinary Examiners,

6 one (1) of whom shall have a specialty in livestock as defined in KRS

7 257.010, and one (1) of whom shall have a specialty in equine medicine.

8 (2) The council shall meet at least quarterly to discuss matters relating to the safe and  
9 appropriate prescribing and dispensing of controlled substances, including:

10 (a) The review of quarterly reports issued by the Office of the Inspector General  
11 pursuant to KRS 218A.202(9) to identify potential improper, inappropriate, or  
12 illegal prescribing or dispensing of controlled substances by examining  
13 aggregate patterns of prescribing by profession of the prescriber and county  
14 where the medication was prescribed and dispensed;

15 (b) Recommendations for improvements in data collection and reporting by the  
16 electronic system for monitoring controlled substances pursuant to KRS  
17 218A.202;

18 (c) Recommendations for best prescribing practices based on up-to-date research;

19 (d) Recommendations to the professional licensing boards for actions to aid in  
20 enforcing current law, reviewing prescribing and dispensing data, and  
21 correcting improper, inappropriate, or illegal prescribing or dispensing of a  
22 controlled substance; and

23 (e) Development and communication of any recommendations, based on review  
24 of data or research, to each licensure board. The licensure boards shall  
25 respond in writing to the panel within ninety (90) days of receiving the  
26 recommendations with an explanation of their response to the  
27 recommendations.

- 1 (3) The council may request information from the licensure boards regarding their  
2 procedures for conducting investigations and taking actions regarding the possible  
3 improper, inappropriate, or illegal prescribing or dispensing of controlled  
4 substances.
- 5 (4) On or before ~~December 31, 2024, and each~~ December 31 of each year~~[thereafter]~~,  
6 the council shall submit an annual report to the Governor and the Legislative  
7 Research Commission for referral to the Interim Joint Committee on Health  
8 Services. The annual report shall:
- 9 (a) List the council's meeting dates and topics for the preceding year;
- 10 (b) Provide relevant statistical information, including a summary of the aggregate  
11 patterns by profession of prescriber and by county, of potential improper,  
12 inappropriate, or illegal prescribing or dispensing of a controlled substance;
- 13 (c) Describe the efforts made by the council to share information among the  
14 licensure boards related to improving the safe and appropriate prescribing and  
15 dispensing of controlled substances;
- 16 (d) Summarize responses received from the licensure boards to the panel's  
17 recommendations; and
- 18 (e) Provide any policy recommendations, including recommendations for  
19 statutory or administrative regulation changes intended to improve prescribing  
20 and dispensing practices and prevent improper, inappropriate, or illegal  
21 prescribing or dispensing of controlled substances.
- 22 (5) The council shall not make any recommendations related to the scope of practice of  
23 any prescribing or dispensing professionals.
- 24 (6) The council shall be attached to the Office of the Inspector General for  
25 administrative purposes.
- 26 (7) Members shall not receive any additional compensation for their service on the  
27 council but shall be reimbursed for all necessary expenses.

1        ➔Section 2. KRS 218A.202 is amended to read as follows:

2        (1) As used in this section:

3            (a) "Cabinet" means the Cabinet for Health and Family Services;

4            (b) "Cannabis business" has the same meaning as in KRS 218B.010;

5            (c) "Controlled substance" means any Schedule II, III, IV, or V controlled  
6            substance and does not include medicinal cannabis;

7            (d) "Dispensary" has the same meaning as in KRS 218B.010;

8            (e) "Dispensary agent" has the same meaning as in KRS 218B.010;

9            (f) "Disqualifying felony offense" has the same meaning as in KRS 218B.010;

10          (g) "Medicinal cannabis" has the same meaning as in KRS 218B.010;

11          (h) "Medicinal cannabis practitioner" has the same meaning as in KRS 218B.010;

12          (i) "Registry identification card" has the same meaning as in KRS 218B.010;

13          (j) "State licensing board" has the same meaning as in KRS 218B.010;

14          (k) "Use of medicinal cannabis" has the same meaning as in KRS 218B.010; and

15          (l) "Written certification" has the same meaning as in KRS 218B.010.

16        (2) The cabinet shall establish and maintain an electronic system for monitoring  
17        Schedules II, III, IV, and V controlled substances and medicinal cannabis. The  
18        cabinet may contract for the design, upgrade, or operation of this system if the  
19        contract preserves all of the rights, privileges, and protections guaranteed to  
20        Kentucky citizens under this chapter and the contract requires that all other aspects  
21        of the system be operated in conformity with the requirements of this or any other  
22        applicable state or federal law.

23        (3) For the purpose of monitoring the prescribing and dispensing of Schedule II, III, IV,  
24        or V controlled substances:

25            (a) A practitioner or a pharmacist authorized to prescribe or dispense controlled  
26            substances to humans shall register with the cabinet to use the system  
27            provided for in this section and shall maintain such registration continuously

1 during the practitioner's or pharmacist's term of licensure and shall not have to  
2 pay a fee or tax specifically dedicated to the operation of the system;

3 (b) Every practitioner or pharmacy which dispenses a controlled substance to a  
4 person in Kentucky, or to a person at an address in Kentucky, shall report to  
5 the cabinet the data required by this section, which includes the reporting of  
6 any Schedule II controlled substance dispensed at a facility licensed by the  
7 cabinet and a Schedule II through Schedule V controlled substance regardless  
8 of dosage when dispensed by the emergency department of a hospital to an  
9 emergency department patient. Reporting shall not be required for:

10 1. A drug administered directly to a patient in a hospital, a resident of a  
11 health care facility licensed under KRS Chapter 216B, a resident of a  
12 child-caring facility as defined by KRS 199.011, or an individual in a  
13 jail, correctional facility, or juvenile detention facility;

14 2. A Schedule III through Schedule V controlled substance dispensed by a  
15 facility licensed by the cabinet provided that the quantity dispensed is  
16 limited to an amount adequate to treat the patient for a maximum of  
17 forty-eight (48) hours and is not dispensed by the emergency department  
18 of a hospital; or

19 3. A drug administered or dispensed to a research subject enrolled in a  
20 research protocol approved by an institutional review board that has an  
21 active federalwide assurance number from the United States Department  
22 of Health and Human Services, Office for Human Research Protections,  
23 where the research involves single, double, or triple blind drug  
24 administration or is additionally covered by a certificate of  
25 confidentiality from the National Institutes of Health;

26 (c) In addition to the data required by paragraph (d) of this subsection, a  
27 Kentucky-licensed acute care hospital or critical access hospital shall report to

1 the cabinet all positive toxicology screens that were performed by the  
2 hospital's emergency department to evaluate the patient's suspected drug  
3 overdose;

4 (d) Data for each controlled substance that is reported shall include but not be  
5 limited to the following:

- 6 1. Patient identifier;
- 7 2. National drug code of the drug dispensed;
- 8 3. Date of dispensing;
- 9 4. Quantity dispensed;
- 10 5. Prescriber; and
- 11 6. Dispenser;

12 (e) The data shall be provided in the electronic format specified by the cabinet  
13 unless a waiver has been granted by the cabinet to an individual dispenser.  
14 The cabinet shall establish acceptable error tolerance rates for data.  
15 Dispensers shall ensure that reports fall within these tolerances. Incomplete or  
16 inaccurate data shall be corrected upon notification by the cabinet if the  
17 dispenser exceeds these error tolerance rates;

18 (f) The cabinet shall only disclose data to persons and entities authorized to  
19 receive that data under this subsection. Disclosure to any other person or  
20 entity, including disclosure in the context of a civil action where the  
21 disclosure is sought either for the purpose of discovery or for evidence, is  
22 prohibited unless specifically authorized by this section. The cabinet shall be  
23 authorized to provide data to:

- 24 1. A designated representative of a board responsible for the licensure,  
25 regulation, or discipline of practitioners, pharmacists, or other person  
26 who is authorized to prescribe, administer, or dispense controlled  
27 substances and who is involved in a bona fide specific investigation

- 1 involving a designated person;
- 2 2. Employees of the Office of the Inspector General of the cabinet who
- 3 have successfully completed training for the electronic system and who
- 4 have been approved to use the system, federal prosecutors, Kentucky
- 5 Commonwealth's attorneys and assistant Commonwealth's attorneys,
- 6 county attorneys and assistant county attorneys, a peace officer certified
- 7 pursuant to KRS 15.380 to 15.404, a certified or full-time peace officer
- 8 of another state, or a federal agent whose duty is to enforce the laws of
- 9 this Commonwealth, of another state, or of the United States relating to
- 10 drugs and who is engaged in a bona fide specific investigation involving
- 11 a designated person;
- 12 3. A state-operated Medicaid program in conformity with paragraph (g) of
- 13 this subsection;
- 14 4. A properly convened grand jury pursuant to a subpoena properly issued
- 15 for the records;
- 16 5. A practitioner or pharmacist, or employee of the practitioner's or
- 17 pharmacist's practice acting under the specific direction of the
- 18 practitioner or pharmacist, who certifies that the requested information
- 19 is for the purpose of:
- 20 a. Providing medical or pharmaceutical treatment to a bona fide
- 21 current or prospective patient;
- 22 b. Reviewing data on controlled substances that have been reported
- 23 for the birth mother of an infant who is currently being treated by
- 24 the practitioner for neonatal abstinence syndrome, or has
- 25 symptoms that suggest prenatal drug exposure; or
- 26 c. Reviewing and assessing the individual prescribing or dispensing
- 27 patterns of the practitioner or pharmacist or to determine the

1 accuracy and completeness of information contained in the  
2 monitoring system;

3 6. The chief medical officer of a hospital or long-term-care facility, an  
4 employee of the hospital or long-term-care facility as designated by the  
5 chief medical officer and who is working under his or her specific  
6 direction, or a physician designee if the hospital or facility has no chief  
7 medical officer, if the officer, employee, or designee certifies that the  
8 requested information is for the purpose of providing medical or  
9 pharmaceutical treatment to a bona fide current or prospective patient or  
10 resident in the hospital or facility;

11 7. In addition to the purposes authorized under subparagraph 1. of this  
12 paragraph, the Kentucky Board of Medical Licensure, for any physician  
13 who is:

14 a. Associated in a partnership or other business entity with a  
15 physician who is already under investigation by the Board of  
16 Medical Licensure for improper prescribing or dispensing  
17 practices;

18 b. In a designated geographic area for which a trend report indicates  
19 a substantial likelihood that inappropriate prescribing or  
20 dispensing may be occurring; or

21 c. In a designated geographic area for which a report on another  
22 physician in that area indicates a substantial likelihood that  
23 inappropriate prescribing or dispensing may be occurring in that  
24 area;

25 8. In addition to the purposes authorized under subparagraph 1. of this  
26 paragraph, the Kentucky Board of Nursing, for any advanced practice  
27 registered nurse who is:



- 1                   a.   Associated in a partnership or other business entity with a  
2                   physician who is already under investigation by the Kentucky  
3                   Board of Medical Licensure for improper prescribing or  
4                   dispensing practices;
- 5                   b.   Associated in a partnership or other business entity with an  
6                   advanced practice registered nurse who is already under  
7                   investigation by the Board of Nursing for improper prescribing  
8                   practices;
- 9                   c.   In a designated geographic area for which a trend report indicates  
10                  a substantial likelihood that inappropriate prescribing or  
11                  dispensing may be occurring; or
- 12                  d.   In a designated geographic area for which a report on a physician  
13                  or another advanced practice registered nurse in that area indicates  
14                  a substantial likelihood that inappropriate prescribing or  
15                  dispensing may be occurring in that area;
- 16           9.   A judge or a probation or parole officer administering a diversion or  
17           probation program of a criminal defendant arising out of a violation of  
18           this chapter or of a criminal defendant who is documented by the court  
19           as a substance abuser who is eligible to participate in a court-ordered  
20           drug diversion or probation program; or
- 21           10.   A medical examiner engaged in a death investigation pursuant to KRS  
22           72.026;
- 23   (g)   The Department for Medicaid Services shall use any data or reports from the  
24           system for the purpose of identifying Medicaid providers or recipients whose  
25           prescribing, dispensing, or usage of controlled substances may be:
  - 26           1.   Appropriately managed by a single outpatient pharmacy or primary care  
27           physician; or

1           2. Indicative of improper, inappropriate, or illegal prescribing or  
2           dispensing practices by a practitioner or drug seeking by a Medicaid  
3           recipient;

4           (h) A person who receives data or any report of the system from the cabinet shall  
5           not provide it to any other person or entity except as provided in this  
6           subsection, in another statute, or by order of a court of competent jurisdiction  
7           and only to a person or entity authorized to receive the data or the report  
8           under this section, except that:

9           1. A person specified in paragraph (f)2. of this subsection who is  
10          authorized to receive data or a report may share that information with  
11          any other persons specified in paragraph (f)2. of this subsection  
12          authorized to receive data or a report if the persons specified in  
13          paragraph (f)2. of this subsection are working on a bona fide specific  
14          investigation involving a designated person. Both the person providing  
15          and the person receiving the data or report under this subparagraph shall  
16          document in writing each person to whom the data or report has been  
17          given or received and the day, month, and year that the data or report  
18          has been given or received. This document shall be maintained in a file  
19          by each agency engaged in the investigation;

20          2. A representative of the Department for Medicaid Services may share  
21          data or reports regarding overutilization by Medicaid recipients with a  
22          board designated in paragraph (f)1. of this subsection, or with a law  
23          enforcement officer designated in paragraph (f)2. of this subsection;

24          3. The Department for Medicaid Services may submit the data as evidence  
25          in an administrative hearing held in accordance with KRS Chapter 13B;

26          4. If a state licensing board as defined in KRS 218A.205 initiates formal  
27          disciplinary proceedings against a licensee, and data obtained by the

1 board is relevant to the charges, the board may provide the data to the  
2 licensee and his or her counsel, as part of the notice process required by  
3 KRS 13B.050, and admit the data as evidence in an administrative  
4 hearing conducted pursuant to KRS Chapter 13B, with the board and  
5 licensee taking all necessary steps to prevent further disclosure of the  
6 data; and

7 5. A practitioner, pharmacist, or employee who obtains data under  
8 paragraph (f)5. of this subsection may share the report with the patient  
9 or person authorized to act on the patient's behalf. Any practitioner,  
10 pharmacist, or employee who obtains data under paragraph (f)5. of this  
11 subsection may place the report in the patient's medical record, in which  
12 case the individual report shall then be deemed a medical record subject  
13 to disclosure on the same terms and conditions as an ordinary medical  
14 record in lieu of the disclosure restrictions otherwise imposed by this  
15 section;

16 (i) The cabinet, all peace officers specified in paragraph (f)2. of this subsection,  
17 all officers of the court, and all regulatory agencies and officers, in using the  
18 data for investigative or prosecution purposes, shall consider the nature of the  
19 prescriber's and dispenser's practice and the condition for which the patient is  
20 being treated;

21 (j) Intentional failure to comply with the reporting requirements of this  
22 subsection shall be a Class B misdemeanor for the first offense and a Class A  
23 misdemeanor for each subsequent offense;~~and~~

24 (k) If the cabinet becomes aware of a prescriber's or dispenser's failure to comply  
25 with this section, the cabinet shall notify the licensing board or agency  
26 responsible for licensing the prescriber or dispenser. The licensing board shall  
27 treat the notification as a complaint against the license; and

(l) A veterinarian licensed in Kentucky prescribing, administering, or dispensing controlled substances to animals shall not be required by administrative regulation or any other means to report the prescribing, administering, or dispensing of controlled substances to:

1. The Controlled Substances Prescribing Council;
2. The cabinet; or
3. Any other governmental entity except the Kentucky Board of Veterinary Examiners.

(4) For the purpose of monitoring the cultivation, processing, production, recommending, and dispensing of medicinal cannabis:

(a) Every medicinal cannabis practitioner who is authorized pursuant to KRS 218B.050 to provide written certifications for the use of medicinal cannabis and every cannabis business licensed under KRS 218B.080, 218B.085, and 218B.090 shall register with the cabinet to use the system provided for in this section and shall maintain such registration continuously during the medicinal cannabis practitioner's authorization to provide written certifications or a cannabis business's term of licensure and shall not have to pay a fee or tax specifically dedicated to the operation of the system;

(b) No later than July 1, 2024, the cabinet shall ensure that the system provided for in this section allows:

1. Medicinal cannabis practitioners to record the issuance of written certifications to a patient as required by KRS 218B.050;
2. The cabinet, law enforcement personnel, and dispensary agents to verify the validity of registry identification cards issued by the cabinet. When verifying the validity of an identification card, the system shall only disclose whether the identification card is valid and whether the cardholder is a registered qualified patient, visiting qualified patient, or

- 1 designated caregiver;
- 2 3. Dispensary agents to record the amount of medicinal cannabis that is
- 3 dispensed to a cardholder during each transaction, as required by KRS
- 4 218B.110;
- 5 4. Law enforcement personnel and dispensary agents to access medicinal
- 6 cannabis sales data recorded by dispensary agents pursuant to KRS
- 7 218B.110;
- 8 5. The sharing of dispensing data recorded by dispensary agents, pursuant
- 9 to KRS 218B.110, with all licensed dispensaries in real time;
- 10 6. Licensed cannabis businesses to record data required by administrative
- 11 regulations promulgated pursuant to KRS 218B.140 to facilitate the
- 12 tracking of medicinal cannabis from the point of cultivation to the point
- 13 of sale to cardholders; and
- 14 7. The cabinet to track all medicinal cannabis in the state from the point of
- 15 cultivation to the point of sale to a cardholder;
- 16 (c) The cabinet shall only disclose data related to the cultivation, production,
- 17 recommending, and dispensing of medicinal cannabis to persons and entities
- 18 authorized to receive that data under this subsection. Disclosure to any other
- 19 person or entity, including disclosure in the context of a civil action where the
- 20 disclosure is sought either for the purpose of discovery or for evidence, is
- 21 prohibited unless specifically authorized by this subsection. The cabinet shall
- 22 be authorized to provide data to:
- 23 1. Any person or entity authorized to receive data pursuant to paragraph
- 24 (b) of this subsection;
- 25 2. A designated representative of a state licensing board responsible for the
- 26 licensure, regulation, or discipline of medicinal cannabis practitioners
- 27 and who is involved in a bona fide specific investigation involving a

1 designated person;

2 3. Employees of the Office of the Inspector General of the cabinet who  
3 have successfully completed training for the electronic system and who  
4 have been approved to use the system, Kentucky Commonwealth's  
5 attorneys and assistant Commonwealth's attorneys, and county attorneys  
6 and assistant county attorneys who are engaged in a bona fide specific  
7 investigation involving a designated person;

8 4. A properly convened grand jury pursuant to a subpoena properly issued  
9 for the records;

10 5. A medicinal cannabis practitioner or an employee of a medicinal  
11 cannabis practitioner's practice acting under the specific direction of the  
12 medicinal cannabis practitioner, who certifies that the request for  
13 information is for the purpose of complying with KRS 218B.050(4)(c);

14 6. The chief medical officer of a hospital or long-term-care facility, an  
15 employee of the hospital or long-term-care facility as designated by the  
16 chief medical officer and who is working under his or her specific  
17 direction, or a physician designee if the hospital or facility has no chief  
18 medical officer, if the officer, employee, or designee certifies that the  
19 requested information is for the purpose of providing medical or  
20 pharmaceutical treatment to a bona fide current or prospective patient or  
21 resident in the hospital or facility;

22 7. In addition to the purposes authorized under subparagraph 2. of this  
23 paragraph, the Kentucky Board of Medical Licensure, for any physician  
24 who is:

25 a. Associated in a partnership, other business entity, or supervision  
26 agreement established pursuant to KRS 311.854 with a physician  
27 who is already under investigation by the Board of Medical

- 1                   Licensure for improper issuance of written certifications;
- 2                   b.   Associated in a partnership or other business entity with an
- 3                   advanced practice registered nurse who is already under
- 4                   investigation by the Board of Nursing for improper issuance of
- 5                   written certifications;
- 6                   c.   In a designated geographic area for which a trend report indicates
- 7                   a substantial likelihood that inappropriate issuance of written
- 8                   certifications may be occurring; or
- 9                   d.   In a designated geographic area for which a report on another
- 10                  physician in that area indicates a substantial likelihood that
- 11                  inappropriate issuance of written certifications may be occurring in
- 12                  that area;
- 13                  8.   In addition to the purposes authorized under subparagraph 2. of this
- 14                  paragraph, the Kentucky Board of Nursing, for any advanced practice
- 15                  registered nurse who is:
- 16                  a.   Associated in a partnership or other business entity with a
- 17                  physician who is already under investigation by the Kentucky
- 18                  Board of Medical Licensure for improper issuance of written
- 19                  certifications;
- 20                  b.   Associated in a partnership or other business entity with an
- 21                  advanced practice registered nurse who is already under
- 22                  investigation by the Board of Nursing for improper issuance of
- 23                  written certifications;
- 24                  c.   In a designated geographic area for which a trend report indicates
- 25                  a substantial likelihood that inappropriate issuance of written
- 26                  certifications may be occurring; or
- 27                  d.   In a designated geographic area for which a report on another

1 advanced practice registered nurse in that area indicates a  
2 substantial likelihood that inappropriate issuance of written  
3 certifications may be occurring in that area;

4 9. A judge or a probation or parole officer administering a diversion or  
5 probation program of a criminal defendant arising out of a violation of  
6 this chapter or of a criminal defendant who is documented by the court  
7 as a substance abuser who is eligible to participate in a court-ordered  
8 drug diversion or probation program;

9 10. A medical examiner engaged in a death investigation pursuant to KRS  
10 72.026; or

11 11. The Legislative Research Commission, the University of Kentucky  
12 College of Medicine, or the Kentucky Center for Cannabis established  
13 in KRS 164.983 if the cabinet determines that disclosing data related to  
14 the cultivation, production, recommending, and dispensing of medicinal  
15 cannabis to the Legislative Research Commission, the University of  
16 Kentucky College of Medicine, or the Kentucky Center for Cannabis is  
17 necessary to comply with the reporting requirements established in KRS  
18 218B.020(8); and

19 (d) A person who receives data or any report of the system from the cabinet shall  
20 not provide it to any other person or entity except as provided in this section,  
21 in another statute, or by order of a court of competent jurisdiction and only to  
22 a person or entity authorized to receive the data or the report under this  
23 section, except that:

24 1. A person specified in paragraph (c)3. of this subsection who is  
25 authorized to receive data or a report may share that information with  
26 any other persons specified in paragraph (c)3. of this subsection  
27 authorized to receive data or a report if the persons specified in



- 1 paragraph (c)3. of this subsection are working on a bona fide specific  
2 investigation involving a designated person. Both the person providing  
3 and the person receiving the data or report under this subparagraph shall  
4 document in writing each person to whom the data or report has been  
5 given or received and the day, month, and year that the data or report  
6 has been given or received. This document shall be maintained in a file  
7 by each agency engaged in the investigation;
- 8 2. If a state licensing board initiates formal disciplinary proceedings  
9 against a licensee, and data obtained by the board is relevant to the  
10 charges, the board may provide the data to the licensee and his or her  
11 counsel, as part of the notice process required by KRS 13B.050, and  
12 admit the data as evidence in an administrative hearing conducted  
13 pursuant to KRS Chapter 13B, with the board and licensee taking all  
14 necessary steps to prevent further disclosure of the data; and
- 15 3. A medicinal cannabis practitioner or an employee of a medicinal  
16 cannabis practitioner's practice acting under the specific direction of the  
17 medicinal cannabis practitioner who obtains data under paragraph (c)5.  
18 of this subsection may share the report with the patient or person  
19 authorized to act on the patient's behalf. Any medicinal cannabis  
20 practitioner or employee who obtains data under paragraph (c)5. of this  
21 subsection may place the report in the patient's medical record, in which  
22 case the individual report shall then be deemed a medical record subject  
23 to disclosure on the same terms and conditions as an ordinary medical  
24 record in lieu of the disclosure restrictions otherwise imposed by this  
25 section.
- 26 (5) The data contained in, and any report obtained from, the electronic system for  
27 monitoring established pursuant to this section shall not be a public record, except

1       that the Department for Medicaid Services may submit the data as evidence in an  
2       administrative hearing held in accordance with KRS Chapter 13B.

3       (6) Intentional disclosure of transmitted data to a person not authorized by subsection  
4       (3)(f) to (h) or (4)(c) and (d) of this section or authorized by KRS 315.121, or  
5       obtaining information under this section not relating to a bona fide current or  
6       prospective patient or a bona fide specific investigation, shall be a Class B  
7       misdemeanor for the first offense and a Class A misdemeanor for each subsequent  
8       offense.

9       (7) The cabinet may, by promulgating an administrative regulation, limit the length of  
10      time that data remain in the electronic system. Any data removed from the system  
11      shall be archived and subject to retrieval within a reasonable time after a request  
12      from a person authorized to review data under this section.

13     (8) (a) The Cabinet for Health and Family Services shall work with each board  
14          responsible for the licensure, regulation, or discipline of practitioners,  
15          pharmacists, or other persons who are authorized to prescribe, administer, or  
16          dispense controlled substances for the development of a continuing education  
17          program about the purposes and uses of the electronic system for monitoring  
18          established in this section.

19          (b) The cabinet shall work with each board responsible for the licensure,  
20          regulation, or discipline of medicinal cannabis practitioners for the  
21          development of a continuing education program about the purposes and uses  
22          of the electronic system for monitoring established in this section.

23          (c) The cabinet shall work with the Kentucky Bar Association for the  
24          development of a continuing education program for attorneys about the  
25          purposes and uses of the electronic system for monitoring established in this  
26          section.

27          (d) The cabinet shall work with the Justice and Public Safety Cabinet for the

1 development of a continuing education program for law enforcement officers  
2 about the purposes and uses of the electronic system for monitoring  
3 established in this section.

4 (e) The cabinet shall develop a training program for cannabis business agents  
5 about the purposes and uses of the electronic system for monitoring  
6 established in this section.

7 (9) The cabinet, Office of Inspector General, shall conduct quarterly reviews to identify  
8 patterns of potential improper, inappropriate, or illegal prescribing or dispensing of  
9 a controlled substance, issuance of written certifications, or cultivation, processing,  
10 or dispensing of medicinal cannabis. The Office of Inspector General may  
11 independently investigate and submit findings and recommendations to the  
12 appropriate boards of licensure or other reporting agencies.

13 (10) The cabinet shall promulgate administrative regulations to implement the  
14 provisions of this section. Included in these administrative regulations shall be:

15 (a) An error resolution process allowing a patient to whom a report had been  
16 disclosed under subsections (3) and (4) of this section to request the correction  
17 of inaccurate information contained in the system relating to that patient; and

18 (b) A requirement that data be reported to the system under subsection (3)(b) of  
19 this section within one (1) day of dispensing.

20 (11) (a) Before July 1, 2018, the Administrative Office of the Courts shall forward  
21 data regarding any felony or Class A misdemeanor conviction that involves  
22 the trafficking or possession of a controlled substance or other prohibited acts  
23 under KRS Chapter 218A for the previous five (5) calendar years to the  
24 cabinet for inclusion in the electronic monitoring system established under  
25 this section. On or after July 1, 2018, such data shall be forwarded by the  
26 Administrative Office of the Courts to the cabinet on a continuing basis. The  
27 cabinet shall incorporate the data received into the system so that a query by

1 patient name indicates any prior drug conviction.

2 (b) Before July 1, 2024, the Administrative Office of the Courts shall forward all  
3 available data regarding any disqualifying felony offense for the previous five  
4 (5) calendar years to the cabinet for inclusion in the electronic monitoring  
5 system established under this section. On or after July 1, 2024, such data shall  
6 be forwarded by the Administrative Office of the Courts to the cabinet on a  
7 continuing basis. The cabinet shall incorporate the data received into the  
8 system so that a query by patient name indicates any prior disqualifying  
9 felony conviction.

10 ➔Section 3. Whereas it is imperative to bring Kentucky's regulatory policies in  
11 line with the requirements set forth by the General Assembly, an emergency is declared  
12 to exist, and this Act takes effect upon its passage and approval by the Governor or upon  
13 its otherwise becoming a law.