

1 AN ACT relating to the supervision of pharmacy technicians.

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

3 ➔Section 1. KRS 315.020 is amended to read as follows:

- 4 (1) ~~An~~~~No~~ owner of a pharmacy who is not a pharmacist shall ~~fail to~~ place a
5 pharmacist in charge of his or her pharmacy ~~and~~~~or~~ shall ***not*** permit any person to
6 compound or dispense prescription drugs, medicines, or pharmaceuticals in his or
7 her place of business except in the presence and under the immediate supervision of
8 a pharmacist.
- 9 (2) ~~A~~~~No~~ manufacturer of pharmaceuticals who is not a pharmacist shall ~~fail to~~ place
10 a pharmacist in charge of his or her place of business ~~and~~~~or~~ shall ***not*** permit any
11 person to compound prescription drugs, medicines, or pharmaceuticals in his or her
12 place of business, except as provided by the board through the promulgation of
13 administrative regulations pursuant to KRS Chapter 13A.
- 14 (3) Except as provided in subsection (4) of this section, ~~a~~~~no~~ person shall ***not*** engage
15 in the practice of pharmacy unless licensed to practice under the provisions of KRS
16 Chapter 315.
- 17 (4) The provisions of subsection (3) of this section shall not apply to:
- 18 (a) Pharmacist interns performing professional practice activities under the
19 immediate supervision of a licensed pharmacist. The nature and scope of the
20 activities referred to in this paragraph shall be determined by the board
21 through administrative regulation promulgated pursuant to KRS Chapter 13A;
- 22 (b) Pharmacist interns and pharmacy technicians performing specifically
23 identified pharmacy practice activities while under the supervision of a
24 pharmacist. The nature and scope of the activities referred to in this paragraph
25 shall be determined by the board through administrative regulation
26 promulgated pursuant to KRS Chapter 13A;
- 27 (c) Other licensed health care professionals practicing within the statutory scope

1 of their professional practices; or

2 (d) Volunteer health practitioners providing services under KRS 39A.350 to
3 39A.366.

4 (5) (a) As used in this subsection:

5 1. "Order entry" means the process by which pharmacy personnel validate
6 prescription data and enter that data into a pharmacy's dispensing or
7 medication management system. Prescription data includes but is not
8 limited to patient demographics, prescriber demographics, drug name,
9 strength, dosage form, quantity, the directions for use, refill
10 authorization, or any clarifications of the same; and

11 2. "Order entry verification" means the process by which a pharmacist
12 verifies prescription data entered in a pharmacy's dispensing or
13 medication management system after order entry has been completed.

14 (b) Nothing in this chapter shall prohibit a pharmacist licensed in Kentucky, or a
15 pharmacy technician registered in Kentucky or a pharmacy intern certified in
16 Kentucky who is working under the supervision of the pharmacist, from
17 accessing the electronic database of the pharmacy, from inside or outside of
18 the pharmacy, to perform order entry, order entry verification, or drug
19 regimen review as defined in KRS 315.010, if:

20 1. The pharmacy has established controls to protect the confidentiality and
21 integrity of protected health information;

22 2. No part of the pharmacy's database is duplicated, downloaded, or
23 removed from the electronic database; and

24 3. The pharmacy is located in Kentucky and is permitted by the board.

25 (c) Supervision required by paragraph (b) of this subsection may include
26 electronic supervision.

27 (d) This subsection shall only apply to:

- 1 1. Pharmacies that are not open to the public and do not dispense to walk-
2 in patients in a retail setting; or
3 2. Hospitals licensed under KRS Chapter 216B.
- 4 (e) Nothing in this subsection shall be construed to authorize final product
5 verification and dispensing of a prescription from a location outside of or
6 other than a pharmacy.
- 7 (f) Nothing in this subsection permits pharmacists, pharmacy technicians, or
8 pharmacy interns to receive hard copy prescriptions outside of the premises of
9 a permitted pharmacy.
- 10 (g) *The board shall not require the immediate supervision by a pharmacist of a*
11 *pharmacist technician engaging in the stocking, retrieving, or returning of*
12 *product to or from the pharmacy inventory, including the stocking and*
13 *loading of an automated filling or dispensing system with the use of barcode*
14 *technology, under this subsection.*
- 15 (6) Effective April 1, 2009, an owner of a pharmacy shall not employ a person to assist
16 in the practice of pharmacy unless the person is registered as a pharmacy technician
17 by the board or exempt under KRS 315.135.