201 KAR 2:450. Unprofessional conduct of a pharmacy permit holder.

RELATES TO: KRS 315.030, 315.025, 315.0351, 315.121, 315.131, 337.355, 337.365

STATUTORY AUTHORITY: KRS 315.191(1)(a)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to ensure that permit holders are provided notice of what may be considered unprofessional conduct. This administrative regulation is required to ensure that the public is protected from pharmacy practices that lead to errors and patient harm, including practices that stem from demands a permit holder places on pharmacists that prevents them from responsibly practicing pharmacy.

Section 1. It shall be unprofessional conduct for a pharmacy permit holder to:

(1) Introduce or enforce policies and procedures related to the provision of pharmacy services in a manner that results in deviation from safe practices;

(2) Unreasonably prevent or restrict a patient's timely access to patient records or essential pharmacy services;

(3) Fail to identify and resolve conditions that interfere with a pharmacist's ability to practice with competency and safety or create an environment that jeopardizes patient care, including by failing to provide appropriately requested rest and meal periods as permitted by KRS 337.355 and KRS 337.365; and

(4) Repeatedly, habitually, or knowingly fail to provide resources appropriate for a pharmacist of reasonable diligence to safely complete professional duties and responsibilities, including, but not limited to:

(a) Drug utilization review;

(b) Immunization;

(c) Counseling;

(d) Verification of the accuracy of a prescription; and

(e) All other duties and responsibilities of a pharmacist under state and federal laws and regulations.