

201 KAR 2:175. Emergency prescription refills of up to a seventy-two (72) hour supply or greater than a seventy-two (72) hour supply.

RELATES TO: KRS Chapters 217, 315

STATUTORY AUTHORITY: KRS 217.215(3), 315.191

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.215(3) requires the Board of Pharmacy to promulgate administrative regulations to carry out the provisions for emergency refills by a pharmacist in emergency situations when authorization may not be readily or easily obtained from the prescribing practitioner. KRS 315.191 authorizes the board to promulgate administrative regulations necessary to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists. This administrative regulation establishes the conditions for when a prescription may be refilled in an emergency situation and the prescriber is unavailable.

Section 1. If a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may:

- (1) Dispense a one (1) time emergency refill of up to a seventy-two (72) hour supply of the maintenance medication when:
 - (a) The prescription refill is not for a controlled substance;
 - (b) The medication is essential to the maintenance of life or to the continuation of therapy in chronic conditions;
 - (c) In the pharmacist's professional judgment, the interruption of therapy may reasonably produce undesirable health consequences or may be detrimental to the patient's welfare and cause physical or mental discomfort;
 - (d) The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials; and
 - (e) In all situations an emergency refill shall be followed by authorization from the prescriber for continued therapy.
- (2) Dispense greater than a seventy-two (72) hour supply of maintenance medication if in addition to the requirements in subsection (1) of this section:
 - (a) The standard unit of dispensing for the drug exceeds a seventy-two (72) hour supply;
 - (b) The pharmacist dispenses a supply of the drug that is equal to the standard unit of dispensing for the drug; and
 - (c) The drug is used for insulin therapy or the treatment of chronic respiratory diseases.

Section 2. Violation of any provision of this administrative regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

(9 Ky.R. 1265; 10 Ky.R. 5; eff. 6-1-1983; 16 Ky.R. 798; eff. 1-12-1990; 46 Ky.R. 2683; 47 Ky.R. 41; eff. 7-29-2020.)