

201 KAR 2:250. Pharmacist Recovery Network Committee.

RELATES TO: KRS 315.121(1)(d), 315.126

STATUTORY AUTHORITY: KRS 315.126(3), 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.126(1) requires the Board of Pharmacy to establish a pharmacy recovery network committee (PRNC). This administrative regulation establishes minimum requirements for the establishment and operation of the PRNC. This administrative regulation specifies the manner by which the board's PRNC consultant works with the board in intervention, evaluating and treating a pharmacist or intern, and providing for continuing care and monitoring by the consultant through a treatment provider.

Section 1. The board's Pharmacist Recovery Network Committee (PRNC) consultant shall be a pharmacist licensee of the board. The consultant shall assist the Case Review Committee (CRC) and the PRNC in carrying out their respective responsibilities. This shall include working with the board's inspectors and investigators to determine whether a pharmacist or intern is in fact impaired.

Section 2. If a pharmacist or intern self reports impairment as a result of the misuse or abuse of alcohol or drugs, or both; or if the board receives a legally sufficient complaint alleging that a pharmacist or intern is impaired as a result of the misuse or abuse of alcohol or drugs, or both, and no complaint against the pharmacist or intern other than impairment exists, the reporting of any impairment information to the board shall be forwarded to the consultant and shall not constitute grounds for discipline, if the PRNC finds the pharmacist or intern has:

- (1) Acknowledged the impairment problem;
- (2) Voluntarily enrolled in an appropriate, approved treatment program;
- (3) Voluntarily withdrawn from practice or limited the scope of practice as required by the consultant, in each case, until the PRNC is satisfied the licensee has successfully completed an approved treatment program; and
- (4) Executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall not make copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

Section 3.

(1) A treatment provider shall disclose to the consultant or board if applicable all information in its possession regarding the issue of a pharmacist's or intern's impairment and participation in the treatment program. Failure of the treatment provider to provide information to the consultant shall be a basis for the withdrawal of the use of the program or provider.

(2) If in the opinion of the consultant or PRNC, an impaired pharmacist or intern has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's or intern's impairment and participation in a treatment or recovery program in the consultant's possession shall be disclosed to the board. That disclosure shall constitute a complaint.

Section 4. All information concerning a pharmacist or intern held by the consultant, PRNC, CRC, or board shall remain confidential.

Section 5.

- (1) The PRNC shall be comprised of eleven (11) members. The members shall include:
 - (a) The President of the Board of Pharmacy;

- (b) The Chair of the PRNC;
- (c) The Executive Director of the Board of Pharmacy; and
- (d) Eight (8) other members, of which seven (7) shall be pharmacists and one (1) shall be a citizen member.

(2)

- (a) All members shall have the same rights, which include voting privileges.
- (b) A member of the PRNC shall not be on the board, except the President of the Board.
- (c) Any criminal conviction or disciplinary action by a licensure board against a proposed member shall be reported to the board prior to consideration for appointment.
- (d) There may be no more than four (4) members in successful recovery on the PRNC.
- (e) A pharmacist under a Pharmacist Recovery Network Agreement shall not serve on the PRNC.

(3)

- (a) A PRNC member may be appointed by the board a maximum of three (3), four (4) year terms.
- (b) A PRNC member shall not serve more than (2) terms consecutively.
- (c) After serving two (2) consecutive terms a PRNC member shall rotate off the PRNC for at least two (2) years.
- (d) A committee member shall serve no more than twelve (12) years on the PRNC.
- (e) The President of the Board, the PRNC Consultant, and the Executive Director of the Board membership on the PRNC shall not constitute a twelve (12) year term.
- (f) Membership of the PRNC shall be selected by the board from a list of qualified candidates submitted by an interested individual or entity.

(4) A member of the PRNC who becomes impaired, relapses, has any criminal conviction, or has any disciplinary action by a licensure board shall immediately resign from the PRNC.

(5) The board by majority vote, with the recusal of the President of the Board, may remove a member of the PRNC for any of the following reasons:

- (a) Refusal or inability of a committee member to perform duties as a member of the committee in an efficient, responsible, and professional manner;
- (b) Misuse of the committee by a member to obtain personal, pecuniary, or material gain or advantage for the member or others; and
- (c) Violation of any provision of KRS Chapter 315.

(28 Ky.R. 1517; 1793; eff. 2-7-2002; 33 Ky.R. 4201; 34 Ky.R. 229; eff. 8-16-2007; Crt eff. 4-17-2019.)