

1 AN ACT relating to pharmacists.

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

3 ➔Section 1. KRS 315.191 is amended to read as follows:

- 4 (1) The board is authorized to:
- 5 (a) Promulgate administrative regulations pursuant to KRS Chapter 13A
6 necessary to regulate and control all matters set forth in this chapter relating
7 pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale
8 distributors, and manufacturers, to the extent that regulation and control of
9 same have not been delegated to some other agency of the Commonwealth,
10 but administrative regulations relating to drugs shall be limited to the
11 regulation and control of drugs sold pursuant to a prescription drug order.
12 However, nothing contained in this chapter shall be construed as authorizing
13 the board to promulgate any administrative regulations relating to prices or
14 fees or to advertising or the promotion of the sales or use of commodities or
15 services;
- 16 (b) Issue subpoenas, schedule and conduct hearings, or appoint hearing officers to
17 schedule and conduct hearings on behalf of the board on any matter under the
18 jurisdiction of the board;
- 19 (c) Prescribe the time, place, method, manner, scope, and subjects of
20 examinations, with at least two (2) examinations to be held annually;
- 21 (d) Issue and renew all licenses, certificates, and permits for all pharmacists,
22 pharmacist interns, pharmacies, pharmacy technicians, wholesale distributors,
23 and manufacturers engaged in the manufacture, distribution, or dispensation
24 of drugs;
- 25 (e) Investigate all complaints or violations of the state pharmacy laws and the
26 administrative regulations promulgated by the board, and bring all these cases
27 to the notice of the proper law enforcement authorities;

- 1 (f) Promulgate administrative regulations, pursuant to KRS Chapter 13A, that are
2 necessary and to control the storage, retrieval, dispensing, refilling, and
3 transfer of prescription drug orders within and between pharmacists and
4 pharmacies licensed or issued a permit by it;
- 5 (g) Perform all other functions necessary to carry out the provisions of law and
6 the administrative regulations promulgated by the board relating to
7 pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale
8 distributors, and manufacturers;
- 9 (h) Establish or approve programs for training, qualifications, and registration of
10 pharmacist interns;
- 11 (i) Assess reasonable fees, in addition to the fees specifically provided for in this
12 chapter and consistent with KRS 61.870 to 61.884, for services rendered to
13 perform its duties and responsibilities, including, but not limited to, the
14 following:
- 15 1. Issuance of duplicate certificates;
 - 16 2. Mailing lists or reports of data maintained by the board;
 - 17 3. Copies of documents; or
 - 18 4. Notices of meetings;
- 19 (j) Seize any drug or device found by the board to constitute an imminent danger
20 to public health and welfare;
- 21 (k) 1. Establish an advisory council to advise the board on statutes,
22 administrative regulations, and other matters, within the discretion of the
23 board, pertinent to the practice of pharmacy and regulation of
24 pharmacists, pharmacist interns, pharmacy technicians, pharmacies,
25 drug distribution, and drug manufacturing. The council shall provide
26 recommendations for updating policies and procedures, including
27 administrative regulations relating to the practice of pharmacy.

- 1 2. The council shall consist of nine (9) pharmacists broadly representative
2 of the profession of pharmacy. For purposes of this subparagraph,
3 "broadly representative" means the following:
- 4 a. Two (2) pharmacists appointed by the Kentucky Pharmacists
5 Association;
- 6 b. Two (2) pharmacists appointed by the Kentucky Independent
7 Pharmacy Alliance;
- 8 c. One (1) pharmacist who practices or specializes primarily in a
9 mail order pharmacy appointed by the Kentucky Pharmacists
10 Association;
- 11 d. One (1) pharmacist who practices or specializes primarily in a
12 long-term care pharmacy appointed by Kentucky Association of
13 Health Care Facilities;
- 14 e. One (1) pharmacist who practices or specializes primarily in a
15 veterinary pharmacy appointed by the Kentucky Pharmacists
16 Association;
- 17 f. One (1) pharmacist who practices or specializes primarily in a
18 hospital pharmacy appointed by the Kentucky Society of Health-
19 System Pharmacists; and
- 20 g. One (1) pharmacist who practices in a specialized pharmacy that
21 solely or mostly provides medication to persons living with
22 serious health conditions requiring complex therapies, appointed
23 by the Kentucky Pharmacists Association.
- 24 3. Each pharmacist member shall be licensed by the board, a resident of
25 Kentucky, and employed for at least two (2) consecutive years in the
26 practice area he or she represents.
- 27 4. Members shall serve terms of up to four (4) years and may serve two

1 *(2) consecutive terms, but shall not serve on the council for more than*
 2 *two (2) consecutive terms. Members may continue to serve until their*
 3 *successors are appointed.*

4 *5. Members shall be confirmed by roll call vote of the board at a meeting*
 5 *conducted in accordance with the Open Meetings Act, KRS 61.805 to*
 6 *61.850*~~[nine (9) members selected by the board for terms of up to four~~
 7 ~~(4) years. No member shall serve on the council for more than eight (8)~~
 8 ~~years. Membership of the council shall include nine (9) individuals~~
 9 ~~broadly representative of the profession of pharmacy and the general~~
 10 ~~public. Members shall be selected by the board from a list of qualified~~
 11 ~~candidates submitted by the association, society, or other interested~~
 12 ~~parties]; and~~

13 (1) Promulgate administrative regulations establishing the qualifications that
 14 pharmacy technicians are required to attain prior to engaging in pharmacy
 15 practice activities outside the immediate supervision of a pharmacist.

16 (2) The board shall have other authority as may be necessary to enforce pharmacy laws
 17 and administrative regulations of the board including, but not limited to:

18 (a) Joining or participating in professional organizations and associations
 19 organized exclusively to promote improvement of the standards of practice of
 20 pharmacy for the protection of public health and welfare or facilitate the
 21 activities of the board; and

22 (b) Receiving and expending funds, in addition to its biennial appropriation,
 23 received from parties other than the state, if:

24 1. The funds are awarded for the pursuit of a specific objective which the
 25 board is authorized to enforce through this chapter, or which the board is
 26 qualified to pursue by reason of its jurisdiction or professional expertise;

27 2. The funds are expended for the objective for which they were awarded;

- 1 3. The activities connected with or occasioned by the expenditure of the
2 funds do not interfere with the performance of the board's
3 responsibilities and do not conflict with the exercise of its statutory
4 powers;
- 5 4. The funds are kept in a separate account and not commingled with funds
6 received from the state; and
- 7 5. Periodic accountings of the funds are maintained at the board office for
8 inspection or review.
- 9 (3) In addition to the sanctions provided in KRS 315.121, the board or its hearing
10 officer may direct any licensee, permit holder, or certificate holder found guilty of a
11 charge involving pharmacy or drug laws, rules, or administrative regulations of the
12 state, any other state, or federal government, to pay to the board a sum not to
13 exceed the reasonable costs of investigation and prosecution of the case, not to
14 exceed twenty-five thousand dollars (\$25,000).
- 15 (4) In an action for recovery of costs, proof of the board's order shall be conclusive
16 proof of the validity of the order of payment and any terms for payment.