

CHAPTER 72**(HB 240)**

AN ACT relating to remote access to pharmacy databases.

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

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

- (1) No owner of a pharmacy who is not a pharmacist shall fail to place a pharmacist in charge of his or her pharmacy or shall permit any person to compound or dispense prescription drugs, medicines, or pharmaceuticals in his or her place of business except in the presence and under the immediate supervision of a pharmacist.
- (2) No manufacturer of pharmaceuticals who is not a pharmacist shall fail to place a pharmacist in charge of his or her place of business or shall permit any person to compound prescription drugs, medicines, or pharmaceuticals in his or her place of business, except as provided by the board through the promulgation of administrative regulations pursuant to KRS Chapter 13A.
- (3) Except as provided in subsection (4) of this section, no person shall engage in the practice of pharmacy unless licensed to practice under the provisions of KRS Chapter 315.
- (4) The provisions of subsection (3) of this section shall not apply to:
 - (a) Pharmacist interns performing professional practice activities under the immediate supervision of a licensed pharmacist. The nature and scope of the activities referred to in this paragraph shall be determined by the board through administrative regulation promulgated pursuant to KRS Chapter 13A;
 - (b) Pharmacist interns and pharmacy technicians performing specifically identified pharmacy practice activities while under the supervision of a pharmacist. The nature and scope of the activities referred to in this paragraph shall be determined by the board through administrative regulation promulgated pursuant to KRS Chapter 13A;
 - (c) Other licensed health care professionals practicing within the statutory scope of their professional practices; or
 - (d) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366.
- (5) (a) As used in this subsection:
 1. "Order entry" means the process by which pharmacy personnel validate prescription data and enter that data into a pharmacy's dispensing or medication management system. Prescription data includes but is not limited to patient demographics, prescriber demographics, drug name, strength, dosage form, quantity, the directions for use, refill authorization, or any clarifications of the same; and
 2. "Order entry verification" means the process by which a pharmacist verifies prescription data entered in a pharmacy's dispensing or medication management system after order entry has been completed.
- (b) Nothing in this chapter shall prohibit a pharmacist licensed in Kentucky, or a pharmacy technician registered in Kentucky or a pharmacy intern certified in Kentucky who is working under the supervision of the pharmacist, from accessing the electronic database of the pharmacy, from inside or outside of the pharmacy, to perform order entry, order entry verification, or drug regimen review as defined in KRS 315.010, if:
 1. The pharmacy has established controls to protect the confidentiality and integrity of protected health information;
 2. No part of the pharmacy's database is duplicated, downloaded, or removed from the electronic database; *and*
 3. The pharmacy is located in Kentucky and is permitted by the board~~;~~ *and*

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- ~~4. All personnel who access the pharmacy's electronic database from outside of the pharmacy reside in Kentucky or within one hundred (100) miles of the pharmacy].~~
- (c) Supervision required by paragraph (b) of this subsection may include electronic supervision.
 - (d) This subsection shall only apply to:
 - 1. Pharmacies that are not open to the public and do not dispense to walk-in patients in a retail setting; or*
 - 2. Hospitals licensed under KRS Chapter 216B.*
 - (e) Nothing in this subsection shall be construed to authorize final product verification and dispensing of a prescription from a location outside of or other than a pharmacy.
 - (f) Nothing in this subsection permits pharmacists, pharmacy technicians, or pharmacy interns to receive hard copy prescriptions outside of the premises of a permitted pharmacy.
- (6) Effective April 1, 2009, an owner of a pharmacy shall not employ a person to assist in the practice of pharmacy unless the person is registered as a pharmacy technician by the board or exempt under KRS 315.135.

Signed by Governor March 31, 2022.