

# **Kentucky Board of Pharmacy Advisory Council**

Kentucky Board of Pharmacy  
125 Holmes St. Suite 300  
Frankfort KY 40601

October 29, 2019  
9:00 am

## **Agenda**

- I. Call to Order
- II. Opening remarks by Chair Matt Martin
- III. Approval of Minutes from June 25, 2019
- IV. Discussion items:     Telehealth/telepharmacy  
                                  RX Adaptation
- V. Adjournment

**MINUTES**  
KENTUCKY BOARD OF PHARMACY  
ADVISORY COUNCIL  
125 Holmes St. Suite 300  
Frankfort KY 40601  
October 29, 2019

Present: Chair Matt Martin; Jason Poe; Michael Wyant, Sarah Lawrence, Chris Clifton and Shannon Stiglitz. Staff present were Executive Director Larry Hadley and Darla Sayre, Executive Staff Advisor. Absent: Elizabeth Lowell, Tyler Bright and Kelly Whitaker.

Guest Jessica Adams was on the phone.

The meeting was called to order by Chairman Martin at 9:04 am.

On motion by Shannon Stiglitz, seconded by Chris Clifton, and passed unanimously, the minutes from the June 25, 2019 meeting were approved.

**RX ADAPTATION**

Chairperson Martin informed the Council of a new item to be discussed. At the July 31, 2019 Board meeting, Rich Palumbo, Express Scripts appeared before the Board requesting consideration for regulations regarding RX Adaptation. These regulations would allow pharmacists to use their professional judgement to adapt prescriptions while still meeting the intent of the physician. Ron Poole moved to direct the Advisory Council to consider this issue. Jody Forgy seconded, and the motion passed unanimously.

After much discussion, Michael Wyant moved to direct Board staff to send letters of inquiry to the Kentucky Association of Health Plans and the Kentucky Board of Medical Licensure. Additionally, direct Anthony Gray to review all regulatory or statutory changes required. Inquiry letter to include the initial request from Express Scripts, Idaho law language on RX adaptation and;

- Kentucky Association of Health Plans - if this adaptation would be allowed for reimbursement,
- Kentucky Board of Medical Licensure to see if they would be in favor of this change as long as the adaptations meet the intent of the physician.

Chris Clifton seconded, and the motion passed unanimously.

**TELEPHARMACY**

After much discussion, Shannon Stiglitz moved to direct Anthony Gray to draft definitions for the proposed regulation to include; telepharmacy, remote dispensing site, kiosk, prescription record and medication therapy changes. Chris Clifton seconded, and the motion passed unanimously.

After a short recess, the Council began a draft of the proposed regulation working from the Illinois telepharmacy language. The proposed regulation language is attached. After some discussion, Chris Clifton moved to amend a previously made motion regarding Kentucky licensure of all pharmacists involved in the remote dispensing process allowing that only the PIC be required to have a Kentucky pharmacist license. Michael Wyant seconded, the motion did not carry. The previously made motion regarding Kentucky licensure of all pharmacists involved in the remote dispensing process will be allowed to stand as is.

Chairperson Martin polled the council for a preferred date of the next meeting. The next meeting will be December 5, 2019, 9:00 a.m. at the Board office.

The meeting was adjourned at 12:04 p.m. by motion of Chris Clifton and seconded by Jason Poe. The vote was unanimous.

Matt Martin, Chair

## **Telepharmacy**

- a) Telepharmacy shall be limited to the types of operations described in this Section. Each site where such operations occur shall be a separately permitted telepharmacy. Home pharmacies that are located outside of Kentucky must be permitted as a nonresident pharmacy. Nonresident pharmacies shall abide by all Kentucky laws and rules when filling prescriptions for Kentucky residents. All pharmacists involved in telepharmacy shall be Kentucky licensed pharmacists.
- b) Remote Dispensing Site
  - 1) Written prescriptions presented to the remote dispensing site shall be scanned into the electronic data processing equipment to ensure initial dispensing and each refill and the original prescription may be viewed on the monitor at both the remote dispensing site and home pharmacy site.
  - 2) A remote site is considered to be under the supervision of the pharmacist- in-charge of the home pharmacy.
  - 3) The remote site shall use its home pharmacy and pharmacy management system.
    - A) The system shall assign consecutive prescription numbers.
    - B) All records shall be maintained at the remote site.
    - C) Prescriptions dispensed at the remote site shall be distinguishable from those dispensed from the home pharmacy.

- D) Daily reports must be separated for the home and remote site.
- 4) A pharmacist at the home pharmacy must verify each prescription before it leaves the remote site.
- A) Pharmacist and pharmacy technician initials or unique identifiers must appear on the prescription record and the prescription label.
  - B) A pharmacist shall electronically compare via video link the stock bottle, drug dispensed, and the strength and expiration date. The entire label must be checked for accuracy on the video link.
  - C) The remote dispensing site shall utilize a barcode system that prints the barcode of the stock bottle on the label of the dispensed drug. If the stock bottle does not have a barcode, the pharmacy shall create one. The technician shall scan both the stock bottle and the label of the dispensed drug to verify that the drug dispensed is the same as the drug in the stock bottle for each prescription dispensed.
  - D) A pharmacy may utilize a different electronic verification system that accomplishes the same purpose after review and approval of the Board.
- 5) A pharmacist shall counsel on the initial prescription, and on refills if there are any medication therapy changes. An offer of counseling shall be required for all refills. Counseling must be done by a pharmacist via video link and audio link before the drug or medical device is released. The pharmacist providing counseling, pursuant to this subsection, must be employed or contracted by the home pharmacy or by a pharmacy contracted with the home pharmacy and have access to all relevant patient information maintained by the home pharmacy.
- 6) A pharmacist-in-charge or his or her designated pharmacist must complete monthly

inspections of the remote site. Inspection criteria must be included in the policies and procedures for the site. The inspection report must be available on site for pharmacy investigator inspection. A pharmacist employed or contracted by the home pharmacy shall be physically available at the remote site given a twelve hour notice.

- 7) Controlled substances excluding CII's shall be kept at the remote site with a perpetual inventory reviewed onsite monthly by a pharmacist. A reconciliation of the perpetual inventory shall be done at the monthly inspection.
  - A) There shall be a working computer link, video link and audio link to a pharmacist at a home pharmacy whenever the prescription area is open to the public. The communication link must be checked daily and the remote site pharmacy must be closed if the link malfunctions, unless a pharmacist is physically present at the remote site. The technology used for pharmacist supervision be both video and audio with the capability of recording. Recordings shall be stored a minimum of 45 days. The video/audio of any interaction with patient will not be recorded due to HIPAA.
  - B) The pharmacy technician located at the remote dispensing site shall have a minimum of 2000 hours of pharmacy work experience and be a nationally certified pharmacy technician.