

Kentucky Board of Pharmacy Advisory Council

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

December 5, 2019
9:00 am

Agenda

- I. Call to Order
- II. Opening remarks by Chair Matt Martin
- III. Approval of Minutes from October 29, 2019
- IV. Discussion items:
 - A. Telepharmacy
 1. *KPhA Position Statement
 2. *Telepharmacy working document
 - B. RX Adaptation
 1. *Kentucky Association of Health Plans letter
 2. *Kentucky Board of Medical Licensure letter
- V. Adjournment

MINUTES
KENTUCKY BOARD OF PHARMACY
ADVISORY COUNCIL
125 Holmes St. Suite 300
Frankfort KY 40601
December 5, 2019

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

Guests included: Mark Glasper, KPhA; Lavanya Peter, Park Duvalle; Cathy Hanna, APSC and Andrew Rudd, Anthem.

The meeting was called to order by Chairman Martin at 9:01 am.

On motion by Michael Wyant, seconded by Chris Clifton, and passed unanimously, the minutes from the October 29, 2019 meeting were approved.

TELEPHARMACY

The committee reviewed the KPhA statement on Telepharmacy. Mark Glasper addressed the questions of the committee members.

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.

The Council continued working on a draft of the proposed regulation working from the Illinois telepharmacy language. The proposed regulation language is attached.

Under the Remote Consultation Site, Shannon Stiglitz moved to adopt the same pharmacy technician restrictions previously approved March 21, 2019 for the Remote Dispensing Sites. Chris Clifton seconded, and the motion passed unanimously.

Telepharmacy

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. Approved 1/15/19**

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. Approved 1/15/19**

- 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, 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. **Approved 1/15/19** 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. Language approved 1/15/19**
- 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. Approved 1/15/19**
- 8) 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. Approved 1/15/19**
- a) **The pharmacy technician located at the remote dispensing site shall have a minimum of 2000 hours of pharmacy work experience as a nationally certified pharmacy technician. Approved 3/21/19**
 - b) **All pharmacy personnel at the remote dispensing site must wear a badge with their name and title. Approved 4/17/19**
 - c) **New prescriptions received at the remote dispensing site may be entered into the remote computer system with all verification, interaction, checking and profile review by the pharmacist at the home pharmacy.**
 - d) **Each pharmacist at the home pharmacy may electronically supervise no more than 1 remote site. Approved 2/19/19**
- 9) **The facility must have one or more signs, prominently posted in every prescription pick-up area and clearly visible to the public, shall inform the public that the location is a remote dispensing site supervised by a pharmacist at a remote location. Signage shall include the name, location, and telephone number of the managing pharmacy. The remote dispensing site shall also prominently post the days and times that**

the remote dispensing site is open for business. **Approved 4/17/19**

10) The facility shall have an area for patient consultation, exclusive of any waiting area that is private, secure and HIPAA compliant **Approved 5/22/19** with electronic equipment capable for audio and video live feed for patient counseling. **Approved 4/17/19**

11) The remote dispensing site shall not exceed an average of 150 prescriptions per business day over a one year period. If the site exceeds this average, they shall obtain a pharmacy permit. **Approved 3/21/19**

Remote Consultation Site

1) These sites have no prescription inventory.

2) Only filled prescriptions, filled at the home pharmacy, with final patient labeling attached are allowed at these sites.

3) These sites must be staffed with a certified pharmacy technician who shall have a minimum of 2000 hours of pharmacy work experience as a nationally certified pharmacy technician **Approved 12/5/19** with the knowledge necessary to use computer audio/video link for dispensing and consultation to occur. Pharmacist and pharmacy technician initials or unique identifiers must appear on the prescription record and the prescription label.

4) Written prescriptions may be received at a remote consultation site. All written prescriptions presented at a remote consultation site shall be delivered to the home pharmacy within 72 hours.

5) Records of prescription pickup and counseling must be documented.

7) The facility shall have an area for patient consultation, exclusive of any waiting area that is private, secure and HIPAA compliant with electronic equipment capable for audio and video live feed for patient counseling.

8) The facility must have one or more signs, prominently posted in every prescription pick-up area and clearly visible to the public, shall inform the public that the location is a remote dispensing site supervised by a pharmacist at a remote location. Signage shall include the name, location, and telephone number of the managing pharmacy. The remote dispensing site shall also prominently post the days and times that the remote dispensing site is open for business.

RX ADAPTATION

Larry Hadley presented a letter from Kentucky Association of Health Plans in response to an inquiry from the committee on RX Adaptation. There will be no response from the Kentucky Board of Medical Licensure until after their meeting on December 14, 2019. KBML has requested more information for presentation at their meeting. The committee direct Mr. Hadley to provide the additional information to both KBML and KAHP. Shannon Stiglitz advised that a statutory change of KRS 304.17.A may result from this adaptation change. She advised against moving forward without assurance that reimbursement will not be affected by this change.

Chairperson Martin polled the council for a preferred date of the next meeting. The next meeting will be January 30, 2020, 9:00 a.m. at the Board office.

The meeting was adjourned at 11:21 p.m. by motion of Chris Clifton and seconded by Shannon Stiglitz. The vote was unanimous.

Matt Martin, Chair