

# Kentucky Board of Pharmacy Advisory Council

Kentucky Board of Pharmacy  
via teleconference at

<https://us02web.zoom.us/j/84536721795?pwd=Mit2MkFTbDJaaGU2VkoYc2dNMWJvQT09>

Meeting ID: 845 3672 1795

Passcode: rqSHw2

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 845 3672 1795

Passcode: 440151

June 8, 2021

9:00 a.m.

## Agenda

- I. Call to Order
- II. Approval of Minutes from April 29, 2021
- III. Discussion items:
  - A. Charged February 23, 2021 - Related to Pandemics, Epidemics, Natural Disasters, Terroristic Disasters and Biologic Disasters:
    1. Evaluate pharmacy practice changes due to COVID-19 – short-term additions with long-term plans or implications, that include but are not limited to remote order entry.
    2. Review current law in KY to determine if they are sufficient to allow potential response and change in work practice to meet patient care needs immediately; evaluate other state laws to determine if other changes should be adopted to ensure pharmacists may practice legally.
    3. Evaluate and recommend permanent practice changes that are temporarily being done at this time to meet the demands of the pandemic.
    4. Evaluate the opioid epidemic and make recommendations to the board for any necessary regulatory changes that would improve the health of the Commonwealth / and reduce opioid OD and addiction.
    5. Simulate a recovery exercise for each type of emergency and outline the legal restraints and allowances that impact operations – provide a list of these and whether other changes should be invoked in an emergency pharmacy powers regulation.
    6. Determine the role that the KY Board of Pharmacy Executive Director, staff and inspection staff can serve in emergency/disaster response.

7. Determine if the KY Board of Pharmacy office and staff could/should serve as a command center or coordination center.
  8. Seek input and coordination with KPhA and KSHP.
- B. Charged February 23, 2021 - NABP Passport Program / Development of a State Pharmacist Database for response:
1. Create a readily usable and UTD robust pharmacy / pharmacist database to recognize the pharmacists who can be called upon to assist based on their capacity, i.e. certifications, job expertise and work location.
  2. Create a process to allow no-practicing retirees of the pharmacy practice to re-enter work to meet the patient care demands of various types of emergencies.
- C. Charged May 25, 2021 – Prescription integrity during transit:
1. Study the issue of shipped medications for temperature excursions/integrity during transit until received by the ultimate consumer.

#### IV. Adjournment

**KENTUCKY BOARD OF PHARMACY**

**via teleconference using Zoom**

**ADVISORY COUNCIL**

**June 8, 2021**

**9:00 a.m.**

**MINUTES**

Chairperson Matt Martin called the meeting to order at 9:02 a.m. Members present: Tony Tagavi; Chris Clifton; Donna Drury; Cindy Cummings and Laurel Smith. Absent: Tyler Bright; Jason Poe and Wes Rowe. Staff: Larry Hadley, Executive Director; Eden Davis, General Counsel and Darla Sayre, Executive Staff Advisor.

Chris Clifton moved to accept the minutes of the April 28, 2021 meeting. Donna Drury seconded, and the motion passed unanimously.

Chairperson Matt Martin informed the Council that he presented their recommendations on remote order entry/verification to the Board at the May 25<sup>th</sup> Board meeting. The Board will discuss these recommendations at their July 27<sup>th</sup> meeting.

**Evaluate pharmacy practice changes due to COVID-19 for long term implementation.** Working from a chart of pharmacy practice changes or suspensions during the state of emergency, the Council discussed the following:

- **201 KAR 2:020 Section 8(1)** The Board suspended the need for the Initial Application for Pharmacist Licensure to be notarized during the state of emergency. Chris Clifton moved to recommend amending this regulation to remove this requirement. Tony Tagavi seconded, and the motion passed unanimously
- **201 KAR 2:205 Section 2 (3)(d)(1), Section 3 (d)(2)(3)** The Board allowed for enforcement discretion for the notification of PIC changes, staff changes and change of hours during the state of emergency. Cindy Cummings moved to recommend the expiration of this allowance at the end of the current state of emergency. Donna Drury seconded, and the motion passed unanimously.
- **201 KAR 2:280 Section 1(1)(a)(b)(c), (2), Section 2** The Board allowed pharmacist to make therapeutic substitutions for those drugs on the FDA Shortage List during the state of emergency. The notification to the prescriber was extended to two business days or the next day the prescriber could be reached. Chairperson Martin requested the Council include the ASHP Drug Shortage list along with the FDA Drug Shortage list. During this discussion, Laurel Smith noted that the prescriber notification language is outdated with several modern methods of notification available in today's practice. Cindy Cummings moved to recommend to the Board amending this regulation to allow pharmacists to make therapeutic substitutions for medications on the FDA Drug Shortage list or the ASHP Drug Shortage list. Tony Tagavi seconded, and the motion passed unanimously. Laurel Smith moved amending this regulation to extend the 24 hour notice to the prescriber to two business days or the next day the prescriber could be reached and amending the notification language to remove 'original writing or by facsimile' to 'notification including method to prescriber must be documented on the prescription.' Cindy Cummings seconded, and the motion passed unanimously.
- **201 KAR 2:370 Section 2(4)(d)(2), (5)(f)(5)(g)(3), Section 4 (5)(a)(b)(c), (6)** Due to the closure of long term care facilities during the state of emergency, the Board suspended the requirement for

maintenance of automated dispensing systems be done by pharmacy staff and allow this maintenance be done by a registered nurse or licensed practical nurse. Chris Clifton moved to recommend the expiration of this allowance at the end of the current state of emergency. Laurel Smith seconded, and the motion passed unanimously.

- **201 KAR 2:106** The Board allowed for enforcement discretion for the pharmacy closure during the state of emergency. Chris Clifton moved to recommend the expiration of this allowance at the end of the current state of emergency. Tony Tagavi seconded, and the motion passed unanimously.
- **201 KAR 2:076** Due to the shortage of PPE during the state of emergency, the Board allowed the reuse of PPE in sterile compounding. Chris Clifton moved to recommend the allowance of the reuse of PPE in sterile compounding due to potential shortages during states of emergencies, under FDA guidance, or board of pharmacy waivers. Donna Drury seconded, and the motion passed unanimously.
- **201 KAR 2:380** Under Executive Order, a pharmacist may initiate COVID-19 test without an order from a practitioner during the state of emergency. Eden Davis advised that outside of the state of emergency testing without a prescriber's order would require a statutory change, KRS 315.010 Section 22. Tony Tagavi moved to recommend the addition of COVID testing to 201 KAR 2:380, Board authorized protocols. Chris Clifton seconded, and the motion passed unanimously. Tony Tagavi moved to recommend the Board take the stance to redefine the definition of the practice of pharmacy to allow a pharmacist to order a COVID test without a prescriber's order by statutory change. Chris Clifton seconded, and the motion passed unanimously.
- **KRS 315.010 "Supervision"** During the state of emergency, supervision was expanded to include remote supervision. After discussion, the Council would allow the Board to proceed with their previous recommendation on remote order entry/verification presented to the Board at the May meeting.

Chairperson Martin requested information be gathered from Executive Director, inspection staff, KPHA and KSHP on the following:

- Simulate a recovery exercise for each type of emergency
- Determine the role the Executive Director, staff and inspection staff can serve in emergency/disaster response
- Determine if the Board Office could/should serve as a command center or coordination center

**Evaluate the opioid epidemic** Chairperson Martin requested information on the opioid epidemic be gathered from the Office of Drug Control Policy; Trish Freeman, APPKC; Board staff and the pharmaceutical associations.

The next meeting will be held via teleconference on July 13, 2021 at 9:00 a.m.

On motion by Chris Clifton, seconded by Donna Drury and passed unanimously, Chairperson Martin adjourned the meeting at 11:15 a.m.