



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

Capitol Building, Suite 100
700 Capitol Avenue
Frankfort, KY 40601
(502) 564-2611
Fax: (502) 564-2517

ORDER

April 24, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a State of Emergency in the Commonwealth due to the outbreak of novel coronavirus (COVID-19), a public health emergency. Pursuant to the State of Emergency, the Governor issued multiple Orders to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency, including, but not limited to, Executive Orders 2020-243 and 2020-257.

On March 24, 2020, the Secretary of the United States Department of Health and Human Services directed that States may be able to modify scope of practice requirements through the Governor's emergency powers or in accordance with the state emergency management laws to temporarily suspend certain scope of practice requirements, including any requirements for written supervision or collaboration agreements.

Therefore, pursuant to the authority granted me under Executive Orders 2020-243 and 2020-257, as the Secretary of the Governor's Executive Cabinet under KRS 11.065, to prevent the spread of COVID-19 in the Commonwealth and to ensure the necessary healthcare professionals are available to treat Kentuckians, including by providing testing for COVID-19, I order as follows:

1. During the State of Emergency under Executive Order 2020-215, the "practice of pharmacy" shall also include the initiating, ordering, and administering of COVID-19 tests under the following conditions:
 - a. the pharmacist has received the appropriate education and training on COVID-19 testing;
 - b. the ordering and administering of COVID-19 tests are performed at a pharmacy which holds an active CLIA certificate of waiver, if such waiver is required by Centers for Medicare & Medicaid Services (CMS) and/or the Kentucky Cabinet for Health and Family Services (CHFS);
 - c. the ordering and administering of COVID-19 tests are performed according to testing priorities set forth by the Kentucky Department for Public Health;

- d. the pharmacist orders and administers COVID-19 tests, including serology tests, authorized by the US Food and Drug Administration; and
 - e. policies and procedures are in place to address collection, storage and transport of samples as appropriate to testing performed.
2. Any statute conflicting with the foregoing is hereby suspended during the pendency of the State of Emergency under Executive Order 2020-215.

This Order shall be in effect for the duration of the State of Emergency under Executive Order 2020-215, or until this Order is rescinded by further operation of law.



J. Michael Brown
Secretary
Governor's Executive Cabinet



KENTUCKY BOARD OF PHARMACY

Andy Beshear
Governor

State Office Building Annex, Suite 300
125 Holmes Street
Frankfort KY 40601
Phone (502) 564-7910
Fax (502) 696-3806
<http://pharmacy.ky.gov>

Board Members
Peter P. Cohron, R.Ph.
Jody Forgy, Consumer
John Fuller, R.Ph.
Craig Martin, Pharm D.
Ron Poole, R.Ph.
Jill Rhodes, Pharm.D.

Executive Director
Larry A. Hadley, R.Ph.

April 24, 2020

Dear Secretary Brown:

The Kentucky Board of Pharmacy would respectfully request the following amendments to KRS 315.010(22)- Practice of Pharmacy.

"Practice of pharmacy" means interpretation, evaluation, and implementation of medical orders and prescription drug orders; responsibility for dispensing prescription drug orders, including radioactive substances; participation in drug and drug-related device selection; administration of medications or biologics in the course of dispensing or maintaining a prescription drug order; the administration of adult immunizations pursuant to prescriber-approved protocols; the initiation, ordering and administering of COVID-19 tests under the following conditions:

- (a) The pharmacists has received the appropriate education and training on COVID-19 testing
- (b) The ordering and administering of COVID-19 tests are performed at a pharmacy which holds an active CLIA- certificate of waiver;
- (c) The ordering and administering of COVID-19 tests are performed according to testing priorities set forth by the Kentucky Department of Public Health;
- (d) The pharmacist orders and administers COVID-19 tests, including serology tests, authorized by the US Food and Drug Administration;
- (e) Policies and procedures are in place to address, collection, storage and transport of samples as appropriate to testing performed.

Infection control, including use of appropriate personal protection equipment and disinfection of areas used for sample collection and testing shall be utilized. the administration of immunizations to individuals nine (9) to seventeen (17) years of age pursuant to prescriber-approved protocols with the consent of a parent or guardian; the administration of immunizations to a child as defined in KRS 214.032, pursuant to protocols as authorized by KRS 315.500; drug evaluation, utilization, or regimen review; maintenance of patient pharmacy records; and provision of patient counseling and those professional acts, professional decisions, or professional services necessary to maintain and manage all areas of a patient's pharmacy-related care, including pharmacy-related primary care as defined in this section;

The Kentucky Board of Pharmacy respectfully requests that the highlighted amendments remain effective throughout the duration of the state of emergency.

Sincerely,

Larry Hadley

Executive Director

