

Guidance for electronic prescribing of controlled substances in Kentucky.

902 KAR 55:130. Electronic prescribing of controlled substances. [Section 1(a,b)]

RELATES TO: KRS 13B.050, 13B.080, 13B.090, 13B.110, 13B.120, 218A.182

STATUTORY AUTHORITY: KRS 218A.182

NECESSITY, FUNCTION, AND CONFORMITY: In accordance with KRS 218A.182, which takes effect on January 1, 2021, electronic prescribing for all schedule II-V controlled substances is required by each practitioner who issues the prescription to a pharmacy. KRS 218A.182(1) identifies certain prescriptions that are exempt from the electronic prescribing mandate, including a temporary waiver for entities that demonstrate economic hardship, technological limitations, or other exceptional circumstances. KRS 218A.182(3) requires the cabinet to promulgate administrative regulations to implement the electronic prescribing mandate, including enforcement mechanisms, waivers of requirements, and the appropriate penalties for violations. This administrative regulation establishes requirements related to the electronic prescribing of controlled substances (EPCS).

Section 1. Prescription Requirements. (1) Beginning January 1, 2021, a prescription for a controlled substance shall:

(a) Be transmitted electronically to a pharmacy, except as provided by KRS 218A.182(1)(a)-(l); and

(b) Contain the:

1. Full legal name, gender, address, and date of birth of the person for whom the controlled substance is intended;
2. Name, address, Drug Enforcement Administration (DEA) registration number, telephone number, and electronic signature of the prescribing practitioner;
3. Drug name, strength, dosage form, quantity prescribed, specific directions for use, and number of refills (if authorized); and
4. Date upon which the prescription was issued and signed electronically by the prescribing practitioner.

(2) In accordance with KRS 218A.182(2), a pharmacist who receives a written, oral, or faxed prescription for a controlled substance:

(a) Shall not be required to verify that the prescription is subject to an exception provided in KRS 218A.182(1)(a)-(l); and

(b) May dispense a controlled substance pursuant to an otherwise valid written, oral, or fax prescription.